

Statutes, which includes topics on the transmission, infection control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome, shall satisfy the requirements of Section 456.033, Florida Statutes, as part of biennial relicensure or recertification. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(1) through (3) No change.

(4) Each applicant and all licensees shall attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. The two-hour course shall count toward the total number of continuing education hours required for each license renewal. The course shall include medication errors, including missed treatments, documentation errors, equipment errors, patient errors and communication errors.

Specific Authority 456.033 FS. Law Implemented 456.033, 456.013(7) FS. History—New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended 4-27-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 17, 2002

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

##### Division of Elections

RULE NO.: 1S-2.034      RULE TITLE:  
Polling Place Procedures Manual

##### NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.034, F.A.C., published in the Florida Administrative Weekly, Pages 1767-1768, Vol. 28, No. 16, on April 19, 2002, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee. The following is a summary of the major changes made to the Polling Place Procedures Manual, incorporated by reference in Rule 1S-2.034, F.A.C.:

1. Under "The Polling Place" section, the language was clarified to make it mandatory for the poll workers to remove and discard any sample ballots or campaign materials left behind in the polling place.

2. The process for locating a voter's name under "The Voting Process" has been expanded to give examples.

3. Language has been added to require each supervisor of elections to provide each precinct with information to enable the poll worker to direct voters to the proper precinct.

4. In the "Provisional Ballots" section, language has been changed to require the voter, rather than the poll worker, to place the provisional ballot envelope in the ballot box.

5. Language is clarified relating to a voter who drops off an absentee ballot at the polling place to make it clear that the provision applies when a voter does not wish to vote at the polling place.

6. In the case of a voter who leaves the polling room without casting his or her ballot, the language is changed to require the poll workers to vote the ballot, rather than cancel it.

7. An additional form of identification for use at the polls has been added to the list of approved identification forms.

8. Numerous technical changes were made to make the language clearer, to delete unnecessary language, and to provide consistency.

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Securities and Finance

RULE NO.: 3D-30.041      RULE TITLE:  
Certificate of Authority Renewal

##### NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the proposed rule as published in the Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly. The change reflects comment received from the Joint Administrative Procedures Committee.

3D-30.041 Certificate of Authority Renewal.

(1) Each active certificate of authority shall be renewed for the annual period beginning July ~~June~~ 1 of each year upon approval by the Board of Funeral and Cemetery Services. The application for renewal will be presented to the Board upon receipt and review by the Department of a non-refundable renewal fee as established by Section 497.407(4), F.S., of \$250 ~~as set by the Board,~~ a financial statement as of the entity's most recent fiscal year end, and a completed Annual COA Renewal Statement. Certificate of Authority Renewal, Form DBF-COA-R1, effective 1-18-96, Annual COA Financial Statement, Form DBF-COA-R2, effective 1-18-96, and Annual COA Renewal Statement, Form DBF-COA-R3, revised 12-6-01 ~~effective 1-18-96~~, are hereby incorporated by

reference and available by mail or electronically from the Department of Banking and Finance, Division of Finance, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Failure to submit the statements as required in subsection (1) may result in the levy of a fine by the Board of Funeral and Cemetery Services in the amount of \$50 per day for each day the financial and renewal statements are not submitted as follows:

(a) Annual COA Financial Statement must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, within 3 months of the end of the certificateholder's fiscal year.

(b) Annual COA Renewal Statement and the required renewal fee must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553~~, Fletcher Building, Tallahassee, Florida 32399-0350, on or before April 1 of each year.

(3) No change.

(4) In the event the renewal application is denied by the Board, the renewal fee paid is not refundable. If a hearing is requested on the denial, the certificate shall remain in active status during the pendency of the hearing.

(5) Any Certificate of Authority not approved or denied by the Board prior to July ~~June~~ 1 of each year shall automatically expire on July ~~June~~ 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services. All preneed sales agent registrations associated with the certificate of authority will be terminated. New applications for certification/registration must be submitted to and approved by the Board in order to return the certificate and agent registrations to active status. The applicants shall be subject to all requirements of initial application.

Specific Authority 497.103(1), 497.105(1), (5), 497.407 FS. Law Implemented 497.105(1), 497.407 FS. History—New 6-24-96, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9898

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-85 Logo Sign Program

RULE NO.: RULE TITLE:

14-85.004 Logo Sign Program

#### NOTICE OF CHANGE

The notice of rulemaking was published in Vol. 28, No. 12, Florida Administrative Weekly, dated March 22, 2002. There were no requests for hearing and no hearing was conducted. However, the following changes are being made in response to

a review by the Joint Administrative Procedures Committee and an editorial review of the incorporated forms to ensure that the forms were consistent with the proposed rule amendment.

#### SUMMARY OF CHANGES:

1. In subparagraph 14-85.004(10)(h)4., F.A.C., add the qualifications for a "bona fide" tourist destination as follows:

4. Be publicly recognized as a bona fide tourist destination. A bona fide tourist destination will have and keep current all legally required permits and licenses and comply with laws concerning the provision of public accommodations pursuant to Section (10)(a)1. and 2. of the rule; will advertise to the general public additional ways other than the Logo Sign Program; and will comply with the conditions expressed in Section (10)(h) of this rule.

2. Subparagraph 14-85.004 (11)(e)1., F.A.C., is being revised to return the "may" back to "will" and the second sentence is reworded for clarification to read as follows:

"1. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure to receive the Notice will not excuse timely submission of the permit renewal application by the permit holder."

3. Forms FLI-163 and FLI-163-1: The incorporated forms are being revised as follows:

a. The word "affiant" is changed to "applicant."

b. In addition to this correction, a further review of Form FLI-163 indicated that there were some corrections to the Minimum Required Services on the form, which needed to be made for the form to agree with the language of the rule. These changes are summarized as follows:

4. Gas: A. Remove the phrase "Full Service Hours."

B. Remove "11:00 a.m. to 9:00 p.m., 7 days a week."

(Limited Service Hours): Add new qualification "B" to conform with Section (10)(d)4.a.III: "Continuous Operation 12 Hours/Day, 7 Days/Week."

5. Food: Add new qualification "B" to conform with Section (10)(e)4.c.:

"Continuous Operation: 6 Consecutive Hours between 6:00 a.m. and Midnight, 7 Days/Week."

#### DEPARTMENT OF TRANSPORTATION

##### Florida Seaport Transportation and Economic Development Council

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14B-1 Florida Seaport Transportation and Economic Development Council

#### NOTICE OF RULE WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 3, (January 21, 2000), Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-71	Manifests for Processed Products
RULE NOS.:	RULE TITLES:
20-71.005	Manifest Requirements and Statements for Inter-company and Intra-company Transports
20-71.006	Manifest Requirements and Statements for Transports of Processed Citrus Products

**NOTICE OF HEARING CONTINUANCE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly:

Published hearing date for the above rule has been changed from May 15, 2002 to June 19, 2002, as the hearing was continued until that time.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-72	Certificate of Grade Inspection – Processed Products
RULE NO.:	RULE TITLE:
20-72.009	Alternate Proof of Inspection

**NOTICE OF HEARING CONTINUANCE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly:

Published hearing date for the above rule has been changed from May 15, 2002 to June 19, 2002, as the hearing was continued until that time.

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 001574-EQ

RULE NO.:	RULE TITLE:
25-17.0832	Firm Capacity and Energy Contracts

**NOTICE OF CANCELLATION OF HEARING DATE**

The Public Service Commission notifies all interested persons that the rule hearing scheduled for May 23, 2002 has been cancelled. The hearing will be rescheduled and announced at a later date.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-602.210	Use of Force

**THIRD NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 5, February 1, 2002, Vol. 28, No. 17, April 26, 2002, and Vol. 28, No. 19, May 10, 2002 issues of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) through (16) No change.

(17) Medical Attention Following Use of Force.

Appropriate medical treatment shall be provided immediately or, in the case of a riot or other man-made or natural disaster, as soon as possible following resolution of the riot or disaster. Any treatment or follow-up action shall be documented in section III of Form DC6-230, Institutions Report of Force Used. A qualified health care provider shall examine any person physically involved in a use of force within one working day (Monday through Friday) to determine the extent of injury, if any, and shall prepare a report which shall include a statement of whether further examination by a physician is necessary. Any noticeable physical injury shall be examined by a physician and the physician shall prepare a report documenting the extent of the injury and the treatment prescribed. Such report shall be completed within 1 day of the incident and shall be submitted to the warden for initial review. The qualified health provider and physician shall use Form DC4-701C, Emergency Room Record, to document an examination following use of force. Form DC4-708, Diagram of Injury, shall be used along with Form DC4-701C to document obvious physical injuries. A copy of the report, along with the referenced forms, shall be attached to the Institutions Report of Force Used. The original reports shall be filed in the medical record.

(18) through (19) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION****Medicaid**

RULE NO.:	RULE TITLE:
59G-6.090	Payment Methodology of County Health Departments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Pages 1799 and 1800, Vol. 28, No. 16, on April 19, 2002. This change is made to address concerns expressed by the Joint Administrative Procedures Committee.

Rule Number 59G-6.090, F.A.C., has been changed to read:

If a County Health Department (CHD) provider submits a cost report late, after the 150-day period, and that cost report would have been used to set a lower reimbursement rate for a rate period had it been submitted within 5 months, then the CHD provider's rate for that rate period shall be retroactively calculated using the new cost report, and full payments at the recalculated rate shall be effective retroactively.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

## DEPARTMENT OF HEALTH

### Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-15.001	Definitions
64B9-15.002	Certified Nursing Assistant Authorized Duties
64B9-15.003	Application for Certification
64B9-15.004	Eligibility for Certification
64B9-15.005	Standards for Certified Nursing Assistant Training Programs
64B9-15.006	Standardized Curriculum
64B9-15.007	Approval of Certified Nursing Assistant Training Programs

### NOTICE OF PUBLIC HEARING

The Board of Nursing hereby gives notice of a public hearing on the above-referenced rules to be held on Wednesday, June 12, 2002 at 4:00 p.m. at Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Ft. Lauderdale, Florida 33309, (954)772-5400. The rules were originally published in Vol. 28, No. 15, of the April 12, 2002 issue of the Florida Administrative Weekly. The public hearing is in response to a request for hearing received from Bobby Rosenthal, Chair, on behalf of the Florida Health Care Association.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, FL 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## DEPARTMENT OF HEALTH

### Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-4.003	Licensure by Endorsement

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule. In accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

### 64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History--New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.721	Medicaid Ticket to Work

### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 9 (March 1, 2002), Florida Administrative Weekly has been withdrawn.

## NAVIGATION DISTRICTS

### Florida Inland Navigation District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
66B-1	Cooperative Assistance Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 27, No. 52, (December 28, 2001), issue of the Florida Administrative Weekly.

Text of proposed rule changes:

Rule 66B-1.005(3) is amended to allow the District Board to authorize pre-agreement expenses if there is a benefit to the District, its waterways or its constituents. Additional changes limit the pre-agreement request to the fiscal year of the grant application.

Rule 66B-1.009(1) is amended to provide a timeframe for requesting a project agreement extension and to identify the parameters the Board will review upon consideration of an extension request, i.e. the current project status and the ability of the applicant to complete the project in one additional year.

Rule 66B-1.004(7) is amended to add language qualifying non-compliance as grounds for project agreement termination if the non-compliance calls into question the ability of the applicant to complete the project.

Rule 66B-1.008(3) the word “laws” is added.

Rule 66B-1.009(4) is amended to add an official report form referenced by title and date.

In addition, the basic project agreement, the template for negotiating a contract with the applicant once approved for funding, is revised to incorporate the following changes:

Clarification of the ability of the District to release payments for completed work, and the clarification of revocation of the agreement for status report non-compliance.

In addition, language is revised in Form 95-01 “Matching Funds Certification”, Form 90-14 “Assistance Program Payment Reimbursement Request Form” and Form 90-13 “Project Completion Certification” to reflect s. 837.06, Florida Statutes. Form 90-12 is amended to include a project summary, Form 93-22 is amended to allow an application preview by the local FIND Commissioner, and Forms 93-22 and 90-21 and all previously referenced forms have revised effective dates.

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

66B-2 Waterways Assistance Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 27, No. 52, (December 28, 2001), issue of the Florida Administrative Weekly.

Text of proposed rule changes:

Rule 66B-2.005(3) is amended to allow the District Board to authorize pre-agreement expenses if there is a benefit to the District, its waterways or its constituents. Additional changes limit the pre-agreement request to the fiscal year of the grant application.

Rule 66B-2.009(1) is amended to provide a timeframe for requesting a project agreement extension and to identify the parameters the Board will review upon consideration of an extension request, (i.e. the current project status and the ability of the applicant to complete the project in one additional year).

Rule 66B-2.004(7) is amended to add language to include provisions for non-compliance and qualifying non-compliance as grounds for project agreement termination if the non-compliance calls into question the ability of the applicant to complete the project.

Rule 66B-2.008(3) the word “laws” is added.

Rule 66B-2.009(4) is amended to add an official report form referenced by title and date.

Rule 66B-2.014(1) is amended to add by reference the Call for Proposals document reflecting the format for requests and adding an effective date.

Rule 66B-2.014(2) is added to provide parameters for matching funds.

Rule 66B-2.014(5) is amended to incorporate a hold harmless agreement by reference.

In addition, the basic project agreement, the template for negotiating a contract with the applicant once approved for funding, is revised to incorporate the following changes:

Clarification of the ability of the District to release payments for completed work, and the clarification of revocation of the agreement for status report non-compliance.

In addition, language is revised in Form 95-01 “Matching Funds Certification”, Form 90-14 “Assistance Program Payment Reimbursement Request Form” and Form 90-13 “Project Completion Certification” to reflect s. 837.06, Florida Statutes. Form 90-22 is amended to include a project summary, and Form 93-26, Form 94-26 and all previously referenced forms have revised effective dates.

Section IV  
Emergency Rules

NONE