

provided by the local county health department to any physician who is caring for a person with suspected or confirmed active tuberculosis.

(2)(4) Each treatment plan shall be implemented through a case management approach as defined in the guidelines, "Tuberculosis (TB) Case Management/Team Approach, Technical Assistance: TB 1, February 1998" included in the County Health Department Guidebook and incorporated by reference in this rule.

(3)(5) The county health department shall provide a complete explanation of tuberculosis, the medical risks associated with tuberculosis, the need to comply with the prescribed course of the treatment plan, and the consequences of non-compliance with the treatment plan to each patient suspected or proven to have tuberculosis, to the patient's legal guardian or to the patient's caregiver. The explanation shall be culturally, developmentally, educationally and linguistically appropriate and tailored to the understanding of the patient, the patient's legal guardian or the patient's caregiver.

~~(6) Following an explanation of the treatment plan, the patient, the patient's legal guardian or the patient's caregiver shall be asked by the county health department to sign an acknowledgment of Tuberculosis Counseling", DH Form 1179, 01/98, which is incorporated by reference in this rule and shall be provided by the county health department. The purpose of this form is to document that information on tuberculosis has been provided to the patient, that the patient understands the seriousness of the disease including its public health implications, the need to be examined and treated, the need to comply with the treatment plan and the consequences of non-compliance with the treatment plan. If the patient, the patient's legal guardian, or the patient's caregiver refuses to sign the form, this refusal shall be documented on the form.~~

Specific Authority 381.0011(13), 381.003(2), 392.64(1), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.55(2), 392.55(3), 392.56(2)(b), 392.59, 392.61, 392.64(1) FS. History--New 9-18-98, Amended.

64D-3.026 Execution of the Certificate of Involuntary Hold.

(1) through (4) No change.

(5) ~~Facsimile copies of the certificates for involuntary hold shall satisfy the filing requirement for petitions under s. 392.55 or s. 392.56, F.S. The Medical Executive Director of A.G. Holley State Hospital shall send the signed "Order for Involuntary Hold" by facsimile to the treating physician who requested issuance of the order.~~

~~(6) The treating physician requesting the issuance of the an Order for Involuntary Hold shall notify the sheriff in the county where the certificate was issued. The treating physician shall also notify the county health department in the county where the certificate was issued.~~

(7) The "Certificate of the Physician Pursuant to Section 392.565, F.S., Requesting an Order for Involuntary Hold and Petition for Emergency Hearing" together with the "Order for

~~Involuntary Hold" shall constitute a petition under s. 392.55, F.S., or s. 392.56, F.S. The Medical Executive Director of A.G. Holley must be notified of the date of the hearing.~~

Specific Authority 381.0011(4),(13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.55, 392.56, 392.565, 392.59, 392.62, 392.64(2) FS. History--New 9-17-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jane Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-193.065	Forms Incorporated by Reference
NOTICE OF WITHDRAWAL	

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 41, October 13, 2000, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-203.042	Filing, Approval of Subscriber Contract and Related Forms
4-203.045	Rates
4-203.100	Prescribed Forms
NOTICE OF CHANGE	

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, of the Florida Administrative Weekly on May 31, 2002. These changes are technical.

Paragraph (b) of subsection (2) of Rule 4-203.042 has been changed to cross-reference Rule 4-149.022, F.A.C., rather than to adopt the forms again in this rule.

It shall now read as follows:

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, "completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet," which have been adopted by Rule 4-149.022, F.A.C.

Paragraph (b) of subsection (8) of Rule 4-203.045 has been changed to cross-reference Rule 4-149.022, F.A.C., rather than to adopt the forms again in this rule. It shall now read as follows:

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter, "completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet," which have been adopted by Rule 4-149.022, F.A.C.

The proposed changes to Rule 4-203.100 that would have adopted Forms DI4-1507 and DI4-1507A by reference have been eliminated. There are no changes to Rule 4-203.100, F.A.C.

The remainder of the rules read as previously published.

DEPARTMENT OF INSURANCE

RULE NO.: 4-231.150
RULE TITLE: Criminal Proceedings

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 2, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Subparagraph (1)(c)2. is changed to read:

2. If the conduct indirectly involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.

Subparagraph (1)(d)2. is changed to read:

2. If the conduct indirectly involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.

The remainder of the reads as previously published.

DEPARTMENT OF INSURANCE

Division of Insurer Fraud

RULE CHAPTER NO.: 4K-1
RULE CHAPTER TITLE: Anti-Fraud Reward Program
RULE NOS.: 4K-1.001, 4K-1.002, 4K-1.003, 4K-1.004
RULE TITLES: Purpose and Scope, Application Process, Review Process and Reward Criteria, Reward Disbursement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 8, February 23, 2001, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.006
RULE TITLE: Probation

NOTICE OF CORRECTION

The Florida Real Estate Commission announces a correction to the Notice of Proposed Rule Development regarding Rule 61J2-24.006, F.A.C., which appeared in the July 19, 2002 issue of the Florida Administrative Weekly.

Specifically, the portion of the notice regarding the hearing date should read:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 2002.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-16.0075
RULE TITLE: Citations

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. 18, May 3, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 28, 2002.

The rule shall now read as follows:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of five hundred dollars (\$500.00) if the citation is accepted by the licensee:

(a) through (b) No change.

(c) Failure to review and correct any factual inaccuracies in the practitioner profile within 30 days of when furnished based upon any information provided by the practitioner, s. 460.413(1)(i), 456.041(7), 456.042, F.S.

(d) through (g) No change.

(4) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History--New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.001
RULE TITLE: Disciplinary Guidelines

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. 25, June 21, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on October 19, 2001.

The rule shall now read as follows:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline pursuant to Section 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), Florida Statutes, within the range corresponding to the violations set forth below. Offense identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) 483.825(1)(a) or 456.072(1)(h): Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation.

Fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

Error of the Department or the Board: – from a minimum letter of concern and/or a \$500 fine up to a maximum of suspension for one year followed by two years of probation and a fine of \$5,000. For a second offense, from a minimum fine of \$3,000 to revocation of license. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(b) 483.825(1)(b): Engaging in or attempting to engage in, or representing oneself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to the license: – from a minimum fine of \$300 and/or one year of probation to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum

fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation, however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(c) through (w) No change.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. If the Board finds aggravating factors, the Board shall impose a more severe action against the license and a higher administrative fine. If the Board finds mitigating factors, the Board shall impose a less severe action against the license and a lower administrative fine. The Board shall consider as aggravating or mitigating factors the following:

(a) The positive or negative intentions or motivations surrounding the Respondent’s actions or failure to act.

(b) through (g) No change.

(4) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, 483.827 FS. History–New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.:	RULE TITLE:
64B33-1.005	Exemption for Spouses of Members of the Armed Forces

CORRECTED 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. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 5, 2002.

The rule shall now read as follows:

64B33-1.005 Exemptions for Spouses of Members of the Armed Forces.

A licensee who is a spouse of a member of the Armed Forces of the United States is exempt from licensure renewal provisions for any period of time that the licensee is absent from the State of Florida due to the spouse’s duties with the Armed Forces. The licensee must document the absence and the spouse’s military status to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Tallahassee, Florida 32399

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on July 23, 2002, from the City of Midway. The petitioner seeks a waiver of Rule Chapter 9B-43, Fla. Admin. Code, as it applies to the rejection of petitioner's Community Development Block Grant application for failure to conform to the publication requirements of that Rule Chapter. This petition for waiver is being applied for under Chapter 120.542, Fla. Stat.; Chapter 28-104.004, Fla. Admin. Code.

A copy of the Petition, which has been assigned the number DCA02-WAI-217, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power Corporation's petition for waiver of Rules 25-17.0832(4)(e)5. and 25-17.0832(4)(e)7., Florida Administrative Code, filed April 2, 2002, in Docket No. 020295-EQ, was approved by the Commission at its June 16, 2002 Agenda. Order No. PSC-02-0909-PAA-EQ, issued July 8, 2002, memorialized the decision. Rule 25-17.0832(4)(e)5., Florida Administrative Code, requires a standard offer contract's open period to terminate prior to its issuance of a notice of Request for Proposals based on the standard offer contract's avoided unit. Rule 25-17.0832(4)(e)7., Florida Administrative Code, requires standard offer contracts to have a minimum term of ten years. The petition was approved on the basis that the purpose of the underlying statutes would be achieved by other means and the application of the rules would create a substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on April 19, 2002.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or the Commission's Homepage at <http://www.floridapsc.com>.

For additional information, please contact Lorena A. Holley, Senior Attorney, Office of General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on July 22, 2002, South Florida Water Management District (District) received a petition for waiver from Coconut Key Homeowner's Association, for utilization of Works or Lands of the District known as the C-14 Canal, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District, to allow existing landscaping to remain.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2002-97 DAO-ROW), on June 13, 2002, to the Seminole Tribe of Florida. The petition for waiver was received by the SFWMD on April 9, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 18, on May 3, 2002. No public comment was received. This Order provides a waiver for proposed installation of 103± linear feet of guardrail within the east 5 feet of the west right of way of L-28I, at the end of Henry Osceola Drive, Section 12, Township 48 South, Range 33 East, Hendry County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within forty (40) feet of the top of canal bank within Works or