

(h) Rehabilitation efforts of the licensee including remorse, restitution, and corrective action(s):

(i) The effect of the penalty on the licensee's livelihood:

(j) Efforts of the licensee to report or stop violations or the failure of the licensee to correct or stop violations:

(k) The willfulness and/or negligence of the licensee pertaining to any violation:

(l) Any other mitigating or aggravating circumstances.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLES:	RULE NOS.:
License Required	64B21-500.001
Application Requirements	64B21-500.003
Licensure by Endorsement	64B21-500.013

PURPOSE AND EFFECT: The Department of Health proposes to repeal these rules.

SUMMARY: The Department of Health has deemed these rules unnecessary.

SPECIFIC AUTHORITY: 120.53, 455.203, 455.213, 490.015 FS.

LAW IMPLEMENTED: 490.004, 490.006, 490.012 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B21-500.001 License Required.

Specific Authority 120.53(1) FS. Law Implemented 490.012 FS. History--New 4-13-82, Formerly 21U-500.01, 21U-500.001, 61E9-500.001, Repealed.

64B21-500.003 Application Requirements.

Specific Authority 120.53(1), 455.203(5), 455.213 FS. Law Implemented 490.005(2), 490.004(5) FS. History--New 4-13-82, Amended 2-12-85, 5-20-85, Formerly 21U-500.03, Amended 1-2-92, 6-21-92, Formerly 21U-500.003, 61E9-500.003, Repealed.

64B21-500.013 Licensure by Endorsement.

Specific Authority 490.015(2) FS. Law Implemented 490.006 FS. History--New 1-2-92, Amended 6-12-92, Formerly 21U-500.013, 61E9-500.013, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2002

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

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

DOCKET NO.: 01-43R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
18-23	State Buffer Preserves
RULE NOS.:	RULE TITLES:
18-23.002	Scope and Intent
18-23.007	Limitations on Activities
18-23.010	Determination and Applicability of Fines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed, pursuant to Sec. 120.551, F.S., in the Department's official notice Internet site at [www.dep.state.fl.us](http://www.dep.state.fl.us) under the link titled "Official Notices," and for which a summary of the notice was published in Vol. 28, No. 22, (May 31, 2002), Florida Administrative Weekly has been withdrawn.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-210.101	Routine Mail
33-210.102	Legal Documents and Legal Mail
33-210.103	Privileged Mail

**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. 21, May 24, 2002, issue of the Florida Administrative Weekly:

33-210.101 Routine Mail.

(1) No change.

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) No change.

(b) Up to 5 ~~3~~ pages of additional written materials, unless prior approval is obtained from the warden to send in an enclosure of greater than five pages. Each page can be no larger than 8 1/2 x 14 ~~11~~ inches in size; material can be on both sides of a page. This does not include bound publications which will be handled pursuant to Rule 33-501.401, F.A.C. Individual newspaper or magazine articles or clippings or clippings from other publications are permissible, up to the 5 ~~3~~ page limit. No item can be glued, taped, stapled or otherwise affixed to a page. Requests to send enclosures of greater than five pages shall be made to the warden or his designee prior to sending the material. Exceptions to the five page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) No change.

~~(d) Cashiers checks, certified bank drafts or money orders. These items do not count toward the 3 page limitation for additional materials. Note: pursuant to Rule 33-203.201, F.A.C., persons sending money to inmates shall send the funds directly to the Bureau of Finance and Accounting Inmate Bank for deposit and shall not enclose them with routine mail.~~

~~(d)(e)~~ Self-addressed stamped envelopes. These items do not count toward the 5 ~~3~~ page limitation for additional materials, but cannot exceed the equivalent of 20 (1 ounce) first class stamps.

~~(e)(f)~~ Blank greeting cards (no larger than 8" x 10"), stationery or other blank paper or envelopes. These items do not count toward the 5 ~~3~~ page limitation for additional materials, but cannot exceed 10 in number, with a total possession limit of 15 of each item.

~~(f)(g)~~ U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 5 ~~3~~ page limitation for additional materials.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature ~~or cash concealed within the correspondence~~), the entire correspondence will be returned to the sender pursuant to subsection (11) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (e) No change.

(4) No change.

(5) Any routine mail sent or received may be opened, examined and read by a designated employee. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in

compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) through (10) No change.

(11) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. In either case the inmate may file a grievance to be reviewed by an officer or official other than the person disapproving the mail. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(12) through (13) No change.

~~(14) Cashier's checks, certified bank drafts and money orders found in incoming mail shall be forwarded to the Bureau of Finance and Accounting Inmate Bank to be deposited in the inmate's account in the Inmate Trust Fund pursuant to Rule 33-203.201, F.A.C. Cash and uncertified bank drafts will not be accepted and will be returned to the sender. The department is not responsible for any cash sent through the mail.~~

~~(14)(15)~~ No postage or writing materials shall be provided to inmates for routine mail except that postage and writing materials shall be provided to any inmate with insufficient funds for mailing one first class letter weighing one ounce or less each month to be used for mailing one first class letter weighing one ounce or less each month. Local procedures may be established to require the inmate to request the free postage and writing materials or to establish a specific day of the month for the free letters to be processed. Inmates shall be permitted to receive U.S. postage stamps in their routine mail so long as the value of the stamps does not exceed the equivalent of 20 (1 oz.) first class stamps. Inmates may not possess more than the equivalent of 25 (1 oz.) first class stamps. Due care shall be exercised in processing mail, however, the department shall not be responsible for any postage stamps sent through the mail.

(15) through (17) renumbered (14) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended \_\_\_\_\_.

33-210.102 Legal Documents and Legal Mail.

(1) through (5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications) and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2):

1. through 2. No change.

3. Photographs, unless related to the inmate's legal ~~criminal~~ case. If related to the ~~criminal~~ case, the photographs shall still be subject to restriction based on content if the photographs present a threat to the security or order of the institution or the rehabilitative interests of the inmate. Polaroid photographs are prohibited.

~~4. Cashiers checks, certified bank drafts, or money orders. (See also Rule 33-203.201, F.A.C., for deposit procedures).~~

~~4.5.~~ No change.

(b) through (c) No change.

(7) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 ~~48~~ hours of receipt by the mail room, excluding weekends and holidays.

(9) through (16) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, \_\_\_\_\_.

33-210.103 Privileged Mail.

(1) No change.

(2) Inmates shall be allowed to receive only written correspondence and self-addressed stamped envelopes in privileged mail.

(a) The following items are not permissible for inclusion in privileged mail, but are permissible for routine mail along with other materials listed in subsection 33-210.101(2):

1. through 3. No change.

~~4. Cashiers checks, certified bank drafts or money orders (see also Rule 33-203.201, F.A.C., for deposit procedures);~~

~~4.5.~~ No change.

(b) through (c) No change.

(3) When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. If contraband is discovered in the mail (other than contraband of an illegal nature ~~or concealed cash~~), the contraband item and the correspondence will be returned to the sender with the Unauthorized Mail Return Receipt included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(4) Processing of Privileged Mail.

(a) through (b) No change.

(c) Incoming and outgoing privileged mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(5) through (8) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, \_\_\_\_\_.



INSERT MAP - PAGE 1 OF 2

INSERT MAP - PAGE 2 OF 2

REASON: The District has changed Figure 12.2.8-1 Drainage Basins for Cumulative Impacts Evaluation, and Appendix M Regional Water Sheds for Mitigation Banking, of the Applicant's Handbook: Management and Storage of Surface Waters, by moving part of the boundary between drainage basins/watersheds 16 (Crescent Lake) and 17 (Halifax River), further west than had been originally proposed. On June 25, 2002, the District received new localized hydrologic studies and analyses pertaining to the boundary of Drainage Basins/Watersheds 16 and 17 in the vicinity of the Southeast corner of Flagler County. These drainage basin boundaries and watershed boundaries are based on hydrologic boundaries. The changes to Figure 12.2.8-1 and Appendix M are based on the new hydrologic information, and make the drainage basin/watershed boundaries more accurately reflect hydrologic conditions according to the best available information.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE CHAPTER NO.: 59A-25  
 RULE CHAPTER TITLE: Minimum Standards for Home Medical Equipment Providers  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 28, No. 17, Florida Administrative Weekly, April 26, 2002, Purchase Order Number J00693.

In 59A-25.001(3) we have deleted "may" and replaced it with "shall". The sentence will now state: Class I deficiency is any act, omission, or practice that results in a patient's death, disability, or permanent injury, or places a patient at imminent risk of death, disability, or permanent injury. Upon finding a class I deficiency, the agency shall impose an administrative fine in the amount of \$5,000 for each occurrence and each day that the deficiency exists. In addition, the agency shall immediately revoke the license, deny the renewal of a license or impose a moratorium on accepting new patients until the factors causing the deficiency have been corrected. ~~"Distribution centers" means those buildings that are not located at the address of the home office site and are utilized to provide home medical equipment services.~~

In 59A-25.001(4) we have deleted "may" and replaced it with "shall". The sentence will now state: Class II deficiency is any act, omission, or practice that has a direct adverse effect on the health, safety, or security of a patient. Upon finding a class II deficiency, the agency shall impose an administrative fine in the amount of \$1,000 for each occurrence and each day that the deficiency exists. In addition, the agency shall revoke the

license, deny the renewal of a license or impose a moratorium on accepting new patients, until the deficiency has been corrected. ~~"HME" means home medical equipment.~~

In 59A-25.001(5) we have deleted "may" and replaced it with "shall". The sentence will now state: Class III deficiency is any act, omission, or practice that has an indirect, adverse effect on the health, safety, or security of a patient. Upon finding an uncorrected or repeated class III deficiency, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated deficiency exists. ~~"Home office" means those buildings where the primary business site is located.~~

In 59A-25.001(6) we have deleted "may" and replaced it with "shall". The sentence will now state: Class IV deficiency is any act, omission, or practice related to required reports, forms, or documents which does not have the potential of negatively affecting patients. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients. Upon finding an uncorrected or repeated class IV deficiency, the agency shall impose an administrative fine not to exceed \$200 for each occurrence and each day that the uncorrected or repeated deficiency exists. ~~"Life-supporting or life-sustaining device", as defined in 21 Code of Federal Regulations part 860.3, means a device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily function important to the continuation of human life.~~

In 59A-25.005(3)(a)(6) we have deleted "may" and replaced it with "shall". The sentence will now state: If the provider is cited for a class II deficiency that is any act, omission or practice that has a direct adverse effect on the health, safety or security of a patient, the agency shall impose an administrative fine in the amount of \$1,000 for each occurrence and each day that the deficiency exists. In addition the agency shall revoke the license, deny the renewal of a license or impose a moratorium of new patients until the deficiency has been corrected. If the provider fails to carry out its responsibility regarding the provision of equipment and services by its staff or contractors in such a way that patients are subjected to inadequate care (fine or revocation);

In 59A-25.005(3)(a)(7) we have deleted "may" and replaced it with "shall". The sentence will now state: If the provider is cited for a class III deficiency that is any act, omission or practice that has an indirect, adverse effect on health, safety, or security of a patient, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated deficiency exists. If the provider is cited for a deficiency that could have caused harm to a patient or did cause harm to a patient (fine, revocation, denial);

In 59A-25.005(3)(a)(8) we have deleted “may” and replaced it with “shall”. The sentence will now state: If the provider is cited for a class IV deficiency that is uncorrected or repeated acts or omissions or practices related to required reports, forms or documents which do not have the potential of negatively affecting patients, the agency shall impose an administrative fine not to exceed \$200 for each occurrence and each day that the uncorrected or repeated deficiency exists. If the provider is cited for repeated deficiencies or for uncorrected violations of state law and rule; (fine, revocation, denial); and,

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.: 64B7-30.002  
 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 Vol. 27, No. 49, December 7, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (1)(a), (d) through (f), (k) and (n) through (q) of the rule shall now read as follows:

(1) When the Board finds that an applicant, apprentice, or licensee whom it regulates under Chapter 480, F.S., has committed any of the acts set forth in Sections 480.0485, 480.046, 480.047 and 456.072, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines after consideration of the aggravating and mitigating factors set forth in subsection three (3) of this rule:

- (a) 480.046(1)(a) Licensee First offense: Suspension and \$250 fine. Subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine & suspension of license; subsequent offense: \$10,000.00 fine & revocation of the license.
- Applicant Denial of licensure. If the offense is for fraud or making a false or fraudulent representation, denial of licensure and a \$10,000.00 fine.
- 456.072(1)(h) Revocation through error of Department or Board.
- (d) 480.046(1)(d) First offense: \$500 fine & reprimand; second offense: \$750 fine & probation; third offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & reprimand; second offense: \$10,000.00 fine & probation; third offense: \$10,000.00 fine & suspension.
- (e) 480.046(1)(e) or 456.072(1)(j) First offense: \$1,000.00 fine & suspension; second offense: \$1,000 fine & revocation for a minimum of two (2) years; third offense: permanent revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & suspension; second

- offense: \$10,000.00 fine & revocation for a minimum of two (2) years; third offense: \$10,000.00 fine & permanent revocation.
- (f) 480.046(1)(f) or 456.072(1)(a) or (m) First offense: \$500 fine & reprimand; second offense: \$500 fine & probation; third offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine; subsequent offense: \$10,000.00 fine & revocation. Unless an offense specifically set forth below, first offense: \$250 fine; subsequent offense: \$250 fine & probation.
- (k) 480.046(1)(k)
  - 1. 480.0485 \$1,000 fine & revocation.
  - 2. Violation of a Board order entered in a previous disciplinary case \$1,000 fine & suspension until compliant with previous order. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and suspension until compliant with previous final order.
  - 3. 480.047(1)(a) – violator’s license delinquent \$100 fine for first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
  - 4. 480.047(1)(a) – violator’s license suspended or inactive Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation of license.
  - 5. 480.047(1)(b) – violator’s license delinquent \$100 fine for first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and a reprimand.
  - 6. 480.047(1)(b) – violator’s license suspended or inactive Revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation.
  - 7. 480.047(1)(c) First offense: \$1,000 fine & revocation; subsequent offense: \$1,000 fine & revocation for minimum of two (2) years.
  - 8. 480.047(1)(d) Licensee First offense: \$1,000 fine; second offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine; second offense: \$10,000.00 fine & revocation.
  - Applicant First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & denial of licensure; subsequent offense: \$10,000.00 fine & denial of licensure and prohibition on reapplication for 2-5 years.
  - 9. 480.047(1)(e) \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, the fine is \$10,000.00 and revocation of license.
  - 10. 480.047(1)(f) Licensee First offense: \$1,000 fine & probation; second offense: \$1,000 fine & suspension; third offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense:



Applicant \$10,000.00 fine & probation; second offense: \$10,000.00 fine & suspension; third offense: \$10,000.00 fine & revocation.  
 First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and denial of licensure; subsequent offense: \$10,000.00 fine, denial of licensure and prohibition on reapplication for 2-5 years.

11. 480.047(1)(g) Licensee First offense: \$1,000.00 fine & probation; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine & probation; subsequent offense: \$10,000.00 fine & revocation.

Applicant First offense: denial of licensure; subsequent offense: denial of licensure and prohibition on reapplication for 2-5 years. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine, denial of licensure and prohibition on reapplication for 2-5 years.

12. Failure to respond to continuing education audit First offense: \$500 fine & suspension; subsequent offense: \$500 fine & revocation.

(n) 480.046(1)(n)

1. Establishment license delinquent \$100 fine for the first month and \$50 for each succeeding month or part thereof and reprimand. If the offense is for fraud or making a false or fraudulent representation, the penalty is \$10,000.00 fine and reprimand.

2. Establishment license suspended – site owned by massage therapist First offense: Suspension of owner’s massage therapy license; subsequent offense: revocation of licensed owner’s massage therapy license. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and suspension of owner’s massage therapy license; subsequent offense: \$10,000.00 fine and revocation of the owner’s massage therapy license.

(o) 456.072(1)(g) – false report to the Department regarding violation First offense: \$500 fine & suspension; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation: first offense: \$10,000.00 fine and suspension; subsequent offense: \$10,000 fine and revocation.

(p) 456.072(1)(i) – failure to report violator First offense: \$500 fine & reprimand; subsequent offense: \$1,000 fine & suspension. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000 fine and reprimand; subsequent offense: \$10,000.00 fine and suspension.

(q) 456.072(1)(i) – filing a false report required by law First offense: \$500 fine & probation; subsequent offense: \$1,000 fine & revocation. If the offense is for fraud or making a false or fraudulent representation, first offense: \$10,000.00 fine and probation; subsequent offense: \$10,000.00 fine and revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-55.001  
 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 Vol. 28, No. 17, of the April 26, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting on August 3, 2002, in Orlando, Florida, voted to make the changes to subsections (3)(mm) and (nn) of the rule. When changed these subsections shall read as follows:

(mm) Violating any provision of Chapters 478 or 456, Florida Statutes, or any rule of the Board of Department. (478.52(1)(v))

(mm) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation and a fine of \$250 to \$1000.

(nn) Performing or attempting to perform electrolysis on the wrong patient, a wrong-site procedure, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient’s diagnosis or medical condition. (456.072(1)(aa))

(nn) For the first offense, from one year probation with conditions and a \$1,000 fine to one year suspension, two years probation and a \$5,000 fine. For the second offense, from one year suspension, two years probation with conditions and a \$5,000 fine to revocation and a \$10,000 fine.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-8.023  
 RULE TITLE: Optical Establishment Inspections

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 13, March 29, 2002, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-8.002
RULE TITLE: Requirements for Prevention of Medical Errors Education

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. 27, No. 45, November 9, 2001, 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 August 2, 2002.

The rule shall now read as follows:

64B17-8.002 Requirements for Prevention of Medical Errors Education

(1) To receive Board approval for biennial renewal, courses on medical error prevention shall be two contact hours and include a study of root-cause analysis, error reduction and prevention and patient safety, which shall encompass:

- (a) Medical documentation and communication
(b) Contraindications and indications for physical therapy management and
(c) Pharmacological components of physical therapy and patient management.

(2) through (4) No change.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New \_\_\_\_\_.

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 HEALTH

Division of Environmental Health

RULE NO.: 64E-16.011
RULE TITLE: Permits

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made in the proposed rule published in Vol. 28, No. 29, July 19, 2002, of the Florida Administrative Weekly.

The changes were made in response to written comments received from The Florida Legislature Joint Administrative Procedures Committee.

Subsection 64E-16.011(1) has been changed so that when adopted it will read: "All biomedical waste facilities, except those facilities operating under a Department of Environmental Protection permit, shall obtain a permit from the department annually. Application forms and annual report forms used by the public may be obtained from the environmental health section of the county health department in the county of their location or from the Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710. All forms listed in this section are incorporated by reference."

The first sentence in paragraph 64E-16.011(1)(b) has been changed so that when adopted it will read: " Application for an initial biomedical waste generator permit or exemption from permitting shall be submitted to the department on form DH 4089, Application for Biomedical Waste Generator Permit/Exemption, 8/98."

Paragraph 64E-16.011(1)(c) has been changed so that when adopted it will read: "Application for an initial biomedical waste storage facility permit shall be submitted to the department on form DH 4107, Application for Biomedical Waste Storage Permit, 8/98."

Paragraph 64E-16.011(1)(d) has been changed so that when adopted it will read: " Application for an initial biomedical waste treatment facility permit shall be submitted to the department on form DH 4111, Application for a Biomedical Waste Treatment Permit, 8/01. Renewals will not be considered complete without the submission of an annual report submitted on form DH 4110, Biomedical Waste Treatment Facility Annual Report, 8/01."

Paragraph 64E-16.011(1)(e) has been changed so that when adopted it will read: " Application for an initial biomedical waste sharps collection program permit shall be submitted to the department on form DH 4108, Application for Biomedical Waste Sharps Collection Program Permit, 8/98."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward J. Golding, Environmental Specialist III, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-25.001
RULE TITLE: Procedures to be Followed by DOH Personnel When Investigating Florida Clean Indoor Air Act Complaints and Notifying Alleged Violators

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 29, July 19, 2002, of the Florida Administrative Weekly.

The changes were made in response to written comments received from the Florida Legislature Joint Administrative Procedures Committee.

The first sentence in paragraph 64E-25.001(2), F.A.C., has been changed so that when adopted it will read: "Upon completion of the onsite inspection, environmental health personnel will complete the required sections of the Request for Inspection Form, DH 1026, 1/97, a copy of which may be obtained from the Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, and which is incorporated herein by referenced, reporting that;"

The first sentence in paragraph 64E-25.001(2)(a), F.A.C., has been changed so that when adopted it will read: "The facility is not in compliance with the FCIAA and an extension from the initial 30 days given from receipt of the noncompliance letter, and upon request of the facility, should be granted, or"

The first sentence in paragraph 64E-25.001(4)(a), F.A.C., has been changed so that when adopted it will read: Grant an extension, based upon request from facility to environmental inspector during initial inspection, in which facility indicates willingness to correct observed violations and meet compliance within 7 days of the next inspection. Should observed violations not be corrected within 7 days of the next inspection, an administrative penalty shall be assessed in accordance with Chapter 120, F.S., and Rule 64E-25.004, F.A.C. or"

Add to Rule 64E-25.001, F.A.C., Law Implemented 386.207 FS.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
65A-1 Public Assistance Programs

RULE NO.: RULE TITLE:  
65A-1.603 Food Stamp Program Income and Expenses

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 20, May 17, 2002, Florida Administrative Weekly, has been withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:  
67-21.0035 Applicant Administrative Appeal Procedures

**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. 22, May 31, 2002 issue of the Florida Administrative Weekly.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) No change.

(b) For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must either (i) be one that could not have been cured pursuant to subsection 67-21.003(14), F.A.C., and been raised in a NOPSE containing a concise statement of the alleged scoring error and/or scoring deficiency or (ii) have been raised in a NOAD or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time. filed by the competing Applicant containing a concise statement of the alleged scoring error and/or scoring deficiency, and in the case of either (i) or (ii) the Corporation determines there is no need to reject the Application or reduce points for the reason stated in the NOPSE or NOAD, as applicable. A competing Applicant that files a NOPSE or NOAD that incorporates by reference issues raised in another NOPSE or NOAD will not be permitted to file a petition.

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) No change.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:  
67-48.005 Applicant Administrative Appeal Procedures

**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. 22, May 31, 2002 issue of the Florida Administrative Weekly.

(5) Each Applicant will be provided with a final ranking of all Applications and notice of rights, which shall constitute the sole point of entry to contest any ranking or scoring issue related to any other Applications for the State Apartment Incentive Loan (SAIL) Program, the HOME Investment

Partnerships (HOME) Program or the Housing Credit (HC) Program. An Applicant that wishes to contest the final ranking or score of another Applicant may do so only if:

(a) No change.

(b) ~~For any Application cycle closing after January 1, 2002, if the contested issue involves an error in scoring, the contested issue must either (i) be one that could not have been cured pursuant to subsection 67-48.004(14), F.A.C., and been raised in a NOPSE containing a concise statement of the alleged scoring error and/or scoring deficiency or (ii) have been raised in a NOAD or (ii) be one that could have been cured, if the ability to cure was not solely within the Applicant's control. The contested issue cannot be one that was both curable and within the Applicant's sole control to cure. With regard to curable issues, it is presumed that a contested issue would have been cured, unless a petitioner can prove by competent substantial evidence that the contested issue was not feasibly curable within a reasonable time, filed by the competing Applicant containing a concise statement of the alleged scoring error and/or scoring deficiency, and in the case of either (i) or (ii) the Corporation determines there is no need to reject the Application or reduce points for the reason stated in the NOPSE or NOAD, as applicable. A competing Applicant that files a NOPSE or NOAD that incorporates by reference issues raised in another NOPSE or NOAD will not be permitted to file a petition.~~

(c) The competing Applicant alleges facts in its petition sufficient to demonstrate that, but for the specifically identified threshold, scoring or ranking errors in the challenged Application, its Application would have been in the funding range at the time Florida Housing provided the Applicant with its final ranking.

(d) No change.

### Section IV Emergency Rules

#### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 444, CASH BONANZA      RULE NO.: 53ER02-42

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 444, "CASH BONANZA," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-42 Instant Game Number 444, CASH BONANZA.

(1) Name of Game. Instant Game Number 444, "CASH BONANZA."

(2) Price. CASH BONANZA lottery tickets sell for \$10.00 per ticket.

(3) CASH BONANZA lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning CASH BONANZA lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any CASH BONANZA lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to twenty matching sets of numbers. The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000, and \$250,000.