

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-203.100
RULE TITLE: Prescribed Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed amendments to the above referenced rules, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-8.005
RULE TITLE: Requests for Inspections, Reinspections

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. 32, (August 9, 2002) issue of the Florida Administrative Weekly.

(9) No change.

(a) A Department Inspector will count the number of carrier units or tubs per ride. The number of carrier units or tubs per ride is based on the manufacturer's intended configuration of the ride in order to make it fully operational. Upon inspection of a ride if evidence exists that indicates the ride has been altered from the original manufacturer's configuration by removing carrier units or tubs, then the ride must be inspected by a professional engineer in accordance with Section 616.242(12), F.S. Lacking the manufacturer's guidance on proper configuration of carrier units or tubs, the department's inspector will evaluate the ride and make a recommendation to the Bureau for final determination. Arbitrary reduction of carrier units by operators are not permitted.

(b) No change.

Specific Authority ~~616.241~~, 616.242 FS. Law Implemented ~~616.241~~, 616.242 FS. History--New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-15-99, 3-21-00, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-4.020
RULE TITLE: Food Permits; Requirements and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(d)1., F.S., published in Vol. 28, No. 32, July 9, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

THE FULL TEXT OF THE RULE CHANGE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (6) No change.

(7) Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection ~~will may be included in any administrative action taken against the establishment for violations of Chapter 500 or this Chapter, or may be billed separately~~ by invoice of the department. ~~If the cost of reinspection is billed separately by invoice,~~ and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory, and

2. No previous reinspection of the establishment has been conducted during the same calendar year.

(e) This rule shall become effective January 1, 2003.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS. History--New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03.

NAME OF CONTACT PERSON FOR THE RULE CHANGE: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3951

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.200
 RULE TITLE: Home and Community-Based Waiver Services

NOTICE OF CHANGE

Notice is hereby given that substantial changes have been made to the proposed Rule 59G-8.200, F.A.C. In accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 18, May 3, 2002 issue of the Florida Administrative Weekly.

These changes are pursuant to a rule challenge made on behalf of The Florida Association of Support Coordinators, dated May 24, 2002.

Following is the summary of changes made:
 Handbook page 2-98

Limitations section, 1st paragraph, 1st sentence clarified as follows:

The support coordination provider must notify the District in writing of any vacancies or leave of absences granted with a list of beneficiaries affected by this vacancy, within 5 days of each occurrence.

Limitations section, 1st paragraph, inserted following the 5th sentence:

This notification will enable the District to inform the affected beneficiaries of the impending change in their support coordination provider. This notification will allow sufficient time for the beneficiary to choose an available provider from within or outside the current agency. It will also allow the beneficiary time to adjust to the anticipated changes.

Limitations section, 1st paragraph, last sentence clarified as follows:

All caseload transfers will be accomplished by the District working with the provider to identify those beneficiaries affected by the vacancy and who will cause the temporary support coordinator to exceed the maximum caseload of 36.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-1.006
 RULE TITLE: Notices, Current Address of Licensees

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. 29, July 19, 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:

64B3-1.006 Notices, Current Address of Licensees.

Each person holding a license issued pursuant to Chapter 483, Part III, Florida Statutes, must maintain on file with the Department the current mailing address and primary practice location at which any notice required by law may be served by the Board or its agent. Within 60 ~~sixty~~ days of changing either ~~this~~ address, whether or not within this state, the licensee shall notify the Department in writing of the new address and designating at which address the licensee may be served with notices or other documents.

Specific Authority 456.035 FS. Law Implemented 456.073(1), 483.817, 483.819 FS. History--New 3-15-93, Formerly 21KK-1.006, 61F3-1.006, 59O-1.006, Amended _____.

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 Clinical Laboratory Personnel

RULE NO.: 64B3-1.015
 RULE TITLE: Probable Cause Determinations

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. 29, July 19, 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:

64B3-1.015 Probable Cause Determinations.

(1) No change.

(2) There shall be one probable cause panel of the Board, which shall meet the requirements set forth in Section 456.073, Florida Statutes. The probable cause panel shall be composed of two members, one of whom may be a past Board member.

(3) through (4) No change.

Specific Authority 456.073, 483.805(4) FS. Law Implemented 456.073, 483.825 FS. History—New 3-15-93, Formerly 21KK-1.015, 61F3-1.015, 59O-1.015, Amended _____.

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 Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

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. 33, August 16, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2), (3), (4), (5) and (6) of 64B3-5.003 shall now read as follows:

(2) Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall be nationally certified in cytology by the American Society for Clinical Pathology. Applicants shall have one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department.

(3) Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and have one of the following:

(a) through (e) No change.

(4) Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, one hour of Board approved HIV/AIDS continuing education and have one of the following:

(a) through (c) No change.

(5) Qualifications for Blood Banking Technologists. In the category of blood banking, applicants for technologist licensure shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a baccalaureate degree in a clinical laboratory, chemical or biological science, and have one of the following:

(a) through (b) No change.

(6) Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic

science, one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and one of the following:

(a) through (c) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, _____.

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 Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.004 Technician

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. 33, August 16, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsections (2), (3) and (4) of Rule 64B3-5.004 shall now read as follows:

(2) Qualifications for General Laboratory Technicians. In order to be licensed as a general laboratory technician which includes the categories of microbiology, serology/immunology, chemistry, hematology, and immunohematology, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

(a) through (e) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, examination certification in histology by the American Society of Clinical Pathologists, and one of the following:

(a) through (d) No change.

(4) Qualifications for Molecular Genetic Technicians. To be licensed as a molecular genetic technician, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, _____.

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 Dentistry

RULE NOS.:	RULE TITLES:
64B5-14.001	Definitions
64B5-14.002	Prohibitions
64B5-14.003	Training, Education, Certification, and Requirements for Issuance of Permit
64B5-14.004	Additional Requirements
64B5-14.005	Application for Permit
64B5-14.006	Reporting Adverse Occurrences
64B5-14.007	Inspection of Facilities
64B5-14.009	Parenteral Conscious Sedation

NOTICE OF CORRECTION

A Notice of Additional Public Hearing regarding the above-proposed rule(s) was published in the August 30, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 24, on page(s) 3790-3791. The mailing address of the person to be contacted regarding the Notice was incorrectly stated. The correct address is Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254. The foregoing change does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-27.832	Standards of Practice for Filling Prescriptions Generated Through the Internet

NOTICE OF PUBLIC HEARING

The Board of Pharmacy hereby gives notice of a public hearing on the above-referenced rule to be held on October 8, 2002 at 10:00 a.m., at the Holiday Inn Select, 316 West Tennessee Street, Tallahassee, Florida 32301, (850)222-9555. The hearing is being held in response to a request by RX Network. The rule was originally published in Vol. 28, No. 27, of the July 5, 2002, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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 Psychology

RULE NO.:	RULE TITLE:
64B19-18.0025	Qualifications to Practice Juvenile Sexual Offender Therapy

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Psychology hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on November 15, 2002, at 9:00 a.m., or as soon thereafter as possible at Homewood Suites/Hilton, 2987 Apalachee Parkway, Tallahassee, Florida 32301. The Notice of Proposed Rulemaking was originally published August 16, 2002 in Vol. 28, No. 33, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

Council of Licensed Midwifery

RULE NO.:	RULE TITLE:
64B24-2.001	Licensure to Practice Midwifery

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. 24, June 14, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) of the rule shall now read as follows:

64B24-2.001 Licensure to Practice Midwifery.

(1) Persons desiring to be licensed as a midwife shall make application to the department and remit all applicable fees as required by Chapter 64B24-3, F.A.C. The application shall be made on Form DH-MQA 1051, Application for Midwifery Licensure, incorporated herein by reference and revised 8/02, which can be obtained from the Council of Licensed Midwifery, Department of Health, 4052 Bald

Cypress Way, Bin #C06, Tallahassee, Florida. If incomplete, the application and fees shall expire 1 year from the date on which the application is initially received by the department. After a period of one (1) year a new application with required fees must be submitted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Tallahassee, Florida 32399

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections (Administrative Code)

RULE TITLE: 2002 General Election Ballot

RULE NO.: ISER02-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The 2002 General Election is scheduled for November 5, 2002. Rule 1S-2.032, F.A.C., currently provides for uniform ballots and requires that underneath the office heading "Governor and Lieutenant Governor" is to be placed the ballot instruction "Vote for One Pair." Emergency Rule ISER02-1 requires that for the September 10, 2002 Primary Election, this instruction is to be modified to "Vote for One" to eliminate voter confusion. Because the instruction for the primary election ballot has been modified, there exists the potential for confusion if the general election ballot has a different instruction listed.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: This action is immediate in nature and the agency is only taking the absolute necessary action to protect the public. The proposed rule provides guidance for the general election ballot as it relates to candidates for Governor and Lieutenant Governor. An emergency rule is the most appropriate means to ensure that the Florida 2002 General Election ballots will be uniform and unambiguous.

SUMMARY OF THE RULE: The emergency rule provides guidelines as to what the general election ballot is to read for the offices of Governor and Lieutenant Governor.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Amy Tuck Whitman, Assistant General Counsel, Department of State, Division of Elections, 107 West Gaines Street, Room 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE EMERGENCY RULE IS:

ISER02-2 2002 General Election Ballot.

For the 2002 General Election, the ballots shall have "(Vote for One)" under the office heading for Governor and Lieutenant Governor.

Specific Authority 101.151 FS. Law Implemented 101.151 FS. History--New 8-29-02.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 29, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 442, BLACK JACK

RULE NO.: 53ER02-46

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 442, "BLACK JACK," 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:

53ER02-46 Instant Game Number 442, BLACK JACK.

(1) Name of Game. Instant Game Number 442, "BLACK JACK."

(2) Price. BLACK JACK lottery tickets sell for \$1.00 per ticket.

(3) BLACK JACK 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 BLACK JACK 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 BLACK JACK 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 HANDS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS