

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.016
 RULE TITLE: Commercial Values for Penalty Assessments

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUBJECT AREA TO BE ADDRESSED: Updating to the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SPECIFIC AUTHORITY: 576.181 (2), 570.07 (23) FS.

LAW IMPLEMENTED: 576.051(2), (7), 576.061, 576.071, 576.181 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. William R. Cox, Environmental Manager; Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650; (850)487-3731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

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|------------|---|
| RULE NOS.: | RULE TITLES: |
| 5F-8.009 | Inspections by Owner or Manager |
| 5F-8.0125 | Guidelines for Imposing Administrative Penalties |
| 5F-8.0126 | Aggravating and Mitigating Factors |
| 5F-8.0127 | Dangerous Acts |
| 5F-8.0128 | Default Final Orders |
| 5F-8.0129 | Repeat Violations |
| 5F-8.014 | Training of Managers, Attendants, and Maintenance Persons |

PURPOSE AND EFFECT: The purpose of these rules is (1) to revise the provisions relating to the Owner’s Daily Inspection Reports to allow fair ride owners to submit their own form documenting the daily inspections as long as the owner’s form contains the same information required by and included on the

Department’s forms; (2) to adopt guidelines for imposing administrative remedies when the Department determines there is a violation of the statute or rules; and (3) to revise the provisions relating to the Employee Training Records to allow the fair ride owners to submit their own form documenting the training of managers, attendants, and maintenance persons as long as the owner’s form contains the same information required by and included on the Department’s form.

SUBJECT AREA TO BE ADDRESSED: This rule amends Chapter 5F-8, F.A.C., which relates to safety standards for amusement rides operating in the state of Florida. Specifically, this rule addresses alternate forms that fair ride owners may use in lieu of Department forms, and adopts guidelines for imposing administrative sanctions.

SPECIFIC AUTHORITY: 616.242 FS.

LAW IMPLEMENTED: 616.242 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 7, 2008, 10:00 a.m.

PLACE: Eyster Auditorium

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert H. Jacobs, Bureau Chief of the Bureau of Fair Rides Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, phone: (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 5F-11.022 | Marking of Containers |
| 5F-11.026 | Unsafe Container or System |
| 5F-11.047 | Connecting or Disconnecting Cylinders, Tanks, or Systems; Notice to Owner; Transportation |
| 5F-11.060 | Documentation of Training, General |
| 5F-11.080 | Administrative Penalties and Enforcements – Purpose |
| 5F-11.081 | Aggravating and Mitigating Factors |
| 5F-11.082 | Default Final Orders |
| 5F-11.083 | Repeat Violations |
| 5F-11.084 | Notice of Noncompliance; Failure to Correct |
| 5F-11.085 | Accident Related Violations |
| 5F-11.086 | Hazardous Acts |
| 5F-11.087 | Specific Violations; Enforcement Actions |

PURPOSE AND EFFECT: The rule development is for the purpose of specifying penalties to be assessed for violations of laws, rules and regulations and to ensure uniformity in application of penalties assessed.

SUBJECT AREA TO BE ADDRESSED: Application of administrative and civil penalties for violators of Chapter 527, Florida Statutes, and rules adopted thereunder.

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06, 527.09, 527.12, 527.13, 527.14 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 10, 2008, 1:00 p.m.

PLACE: George Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, phone: (850)921-4944. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, phone: (850)921-4944

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.104
 RULE TITLE: Correctional Probation Officers Carrying Firearms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify deadlines for firearms training and qualification.

SUBJECT AREA TO BE ADDRESSED: firearms qualification and training for correctional probation officers.

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (2) No change.

(3) Authorization Procedures.

(a) through (d) No change.

(e) The weapon card shall expire on the last day of the month, one year from the date of issue ~~twelve months after the date of the initial qualification unless written documentation of annual qualification is submitted to the authorizing entity prior to the expiration of the weapon card.~~ The officer shall be required to successfully qualify annually ~~within twelve months after the date of the initial qualification and every twelve months~~ thereafter in order to remain qualified to carry a firearm.

(f) ~~Annual qualification must occur prior to the employee's weapon card expiration month. The new weapon card will be issued effective the date of the annual qualification.~~ If the weapon card has expired and the officer has not attended annual training, the officer will need to reapply to carry a firearm and demonstrate proficiency by successfully qualifying with the specified firearm.

(g) through (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-4-01, 8-13-03, 6-24-04, 7-13-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.220
 RULE TITLE: Administrative Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC4-650, Observation Checklist, to include Self Harm Observation Status and amend the descriptive names of the items allowed or issued to inmates in an observation status.

SUBJECT AREA TO BE ADDRESSED: Inpatient and Outpatient Observation.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 945.04 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (10) No change.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist, effective date 3-5-06.

(b) through (i) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315~~, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, _____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: RULE TITLES:

40B-2.031 Implementation

40B-2.041 Permits Required

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-2, Florida Administrative Code, to codify a new water use permit category. The effect of the rule development will be to provide for more a more efficient water use program.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will codify a new water use permit category to provide for a more efficient program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.103, 373.118, 373.216, 373.219, 373.226, 373.244 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda

Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-4.091 Publications and Agreements
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow a mitigation banker to request the District to require additional signatures, such as the representative of a financial institution providing funding for the mitigation bank, to authorize the withdrawal of mitigation credits.

SUBJECT AREA TO BE ADDRESSED: Mitigation bank credit release.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~September 25, 2007~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07.

Environmental Resource Permitting Information Manual
Part B, Basis of Review

APPENDIX 4 – Basis of Review For The Establishment And Use of Mitigation Banks

- (1) through (5) No change.
- (6) Establishment of Mitigation Credits.
- (a) through (f) No change.

(g) The District shall maintain a ledger of the mitigation credits available in each mitigation bank. Mitigation credits shall be withdrawn as a minor modification of the mitigation bank permit.

- (1) through (2) No change.

(3) At the request of the banker, the District shall require additional signatures to authorize the withdrawal of mitigation credits.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.005 RULE TITLE: Penalty Guidelines

PURPOSE AND EFFECT: The purpose of the proposed rule development is to codify guidelines for determining penalties in disciplinary actions against the division’s public food service and lodging licensees. The effect of the proposed rule development will be to provide licensees with standardized penalties that will be imposed on public food service and lodging establishments licensed by the division for failing to comply with the law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address penalty guidelines to be used in public food service and lodging disciplinary actions.

SPECIFIC AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.261 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels

and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002 RULE TITLE: Salon Requirements

PURPOSE AND EFFECT: The purpose of the rule amendment is to retain the requirement that a salon comply with local building and fire codes, however, it also makes it possible for a salon to submit an application online. The existing rule requires a salon to submit proof of compliance. The amended rule still requires compliance, however, it does not require the applicant to submit proof along with its application.

SUBJECT AREA TO BE ADDRESSED: Salon Requirements.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-20.002 Salon Requirements.

- (1) Prior to opening a salon, the owner shall:

- (a) through (c) No change.

(d) Comply with all local building and fire codes. These requirements shall continue in full force and effect for the life of the salon. ~~Submit proof of compliance with all local building and fire codes.~~

- (2) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05, 9-6-06, 2-25-07.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.004
 RULE TITLE: Display of Documents
 PURPOSE AND EFFECT: The Board proposes the rule amendment requiring all cosmetology or specialty salon licensees to display the Consumer Protection Notice.
 SUBJECT AREA TO BE ADDRESSED: Display of Documents.
 SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.
 LAW IMPLEMENTED: 477.025 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G5-20.004 Display of Documents.
- (1) through (2) No change.
- (3) By July 1, 2008, all holders of a cosmetology or specialty salon license shall display at each footbath a copy of the Consumer Protection Notice regarding footbaths, sanitation, and safety. Copies of this notice (revised 10/15/07, and incorporated herein by reference) may be obtained from the Department of Business and Professional Regulation at 1940 North Monroe St., Tallahassee, FL 32399-0783, and the Call Center by calling (850)487-1395.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended 3-22-00, 12-6-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-32.001
 RULE TITLE: Continuing Education
 PURPOSE AND EFFECT: Continuing education providers are required to submit proof electronically to DBPR that a licensee has taken a course. Section 455.2178(1), Florida Statutes, was recently amended to provide a specific time period within which the providers must submit the proof. The amendment conforms the rule to the specific time period provided by the statute.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.
 SPECIFIC AUTHORITY: 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS.
 LAW IMPLEMENTED: 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G5-32.001 Continuing Education.
- (1) through (5) No change.
- (6) PROVIDER APPROVAL AND REQUIREMENTS.
- (a) through (d) No change.
- (e) ~~Beginning November 1, 2001,~~ Continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 30 business days of the completion of the course, or prior to the end of the renewal cycle, whichever occurs first. However, the continuing education provider shall electronically report to the Department completion of a licensee’s course within 10 business days beginning on the 30th day before the renewal deadline or prior to the renewal date, whichever occurs sooner.

For home study courses, the provider shall electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider’s name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than four years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing

education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, F.A.C.

- (f) through (j) No change.
- (7) through (8) No change.

Specific Authority 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS. History--New 3-25-99, Amended 2-28-00, 7-27-00, 7-29-01, 7-1-02, 12-6-06,

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 62-814.100 | Intent, Findings, Basis of Standards, and Research Needs |
| 62-814.300 | General Technical Requirements |
| 62-814.450 | Electric and Magnetic Field Standards |

PURPOSE AND EFFECT: Implementation of subsections 403.061(30) and 403.523(10), F.S.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule provisions on electric and magnetic fields.

SPECIFIC AUTHORITY: 403.061(7), 403.523(1) FS.

LAW IMPLEMENTED: 403.061(30), 403.523(10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Landa Korokous at (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Landa Korokous at Florida Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400; or landa.korokous@dep.state.fl.us, phone (850)245-8002

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

| RULE NOS.: | RULE TITLES: |
|------------|------------------|
| 62B-34.150 | Lee County |
| 62B-34.160 | Collier County |
| 62B-34.170 | Sarasota County |
| 62B-34.180 | Manatee County |
| 62B-34.190 | Charlotte County |
| 62B-34.200 | Bay County |
| 62B-34.210 | Escambia County |
| 62B-34.220 | Franklin County |
| 62B-34.230 | Gulf County |

PURPOSE AND EFFECT: To provide a streamlined permitting process in additional coastal counties for activities seaward of the Coastal Construction Control Line that do not cause measureable interference with the beach and dune system or with marine turtles and their nesting habitats, in accordance with current statutes.

SUBJECT AREA TO BE ADDRESSED: Addition of General Permit Lines in Lee, Collier, Sarasota, Manatee, Charlotte, Bay Escambia, Franklin, and Gulf Counties.

SPECIFIC AUTHORITY: 161.053 FS.

LAW IMPLEMENTED: 161.0535, 161.054 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: Wednesday, January 9, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems Training Room #307, 5050 West Tennessee St., Bldg. B, Tallahassee, FL 32304

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Amy B. Albanese, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)580-7843, or by e-mail at: Amy.Albanese@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy B. Albanese, as cited above

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF JUVENILE JUSTICE**Staff Training**

RULE NOS.: RULE TITLES:
63H-2.003 Contracted Residential Staff
63H-2.005 State Residential Staff

PURPOSE AND EFFECT: The rule amendments expand and specify the pre-service training requirements for state and contracted residential staff.

SUBJECT AREA TO BE ADDRESSED: The amended rule specifies the required elements for pre-service training, detailing the items to be covered in orientation, and adding topics for contracted residential staff.

SPECIFIC AUTHORITY: 20.316(1), 985.601(8) FS.

LAW IMPLEMENTED: 985.02(3)(c), 985.601(8) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-4.025 Licensure Under Supervision

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address licensure under supervision.

SUBJECT AREA TO BE ADDRESSED: Licensure under supervision.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.025 Licensure Under Supervision.

When an applicant is certified for licensure, but said licensure is restricted in such a manner as to require a period of practice under supervision of another licensee approved by the Board, the applicant's license shall not be ~~issued~~ ~~activated~~ until a supervisor is approved by the Board. However, unless provided otherwise in the Board's Order, the person who is certified for licensure must have a supervisor approved ~~and must activate the license~~ within 12 months of the date the Board certifies the applicant for licensure. If the person certified for licensure does not ~~obtain an approved supervisor~~ ~~activate the license~~ within that 12 month period, the certification for licensure expires and the person must reapply for licensure.

(1) If an applicant is required to work under the direct supervision of another physician, "direct supervision" shall require the physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.

(2) If an applicant is required to work under the indirect supervision of another physician, "indirect supervision" shall mean the responsible supervision of the licensee by a supervising physician, approved by the board, which supervision shall not require the physical presence of the supervising physician when procedures are performed, but shall require the supervisor to be reasonably available, so as to be physically present to provide consultation or direction in a timely fashion as required for appropriate care of the patient.

(3) The proposed supervisor, practice plans, and designation of an area of practice shall be reviewed by the Probation Committee which shall make recommendations to the Board. The Chairman of the Probation Committee may grant temporary approval of the proposed supervisor, practice plan, and designation of an area of practice. Final approval may not be granted until the proposed supervisor and the applicant appear before the Probation Committee unless the appearance requirement is waived by the Probation Committee.

Specific Authority 458.309 FS. Law Implemented 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 9-21-93, Formerly 61F6-22.025, 59R-4.025, Amended.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-5.001 Examinations

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address applicants who passed Step 2 of the USMLE prior to June 2004.

SUBJECT AREA TO BE ADDRESSED: Step 2 of the USMLE.

SPECIFIC AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), (2), 458.311, 458.313 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-5.001 Examinations.

(1) No change.

(2) Any applicant who attempts to qualify for licensure by successfully completing the USMLE first used in 1994 shall meet the following requirement: An applicant must achieve a weighted score of no less than 75 on each step in order to be eligible for licensure in Florida. Any applicant who passed Step 2 of the USMLE prior to June 2004, is not required to complete the Clinical Skills portion of Step 2.

(3) through (4) No change.

Specific Authority 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS. Law Implemented 456.017(1), (2), 458.311, 458.313 FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, 8-20-02, 6-9-05_____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.001 RULE TITLE: Application for Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the form needed for application for licensure and to provide the Department of Health website where the form can be obtained.

SUBJECT AREA TO BE ADDRESSED: Application licensure fee.

SPECIFIC AUTHORITY: 456.033(7), 468.1685(1), (2), 468.1695(1) FS.

LAW IMPLEMENTED: 456.033(6), 468.1685(2), 468.1695(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.002 RULE TITLE: Application for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to eliminate the application fee for a license by endorsement.

SUBJECT AREA TO BE ADDRESSED: Application for licensure.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 456.013(2), 468.013(2), 468.1685(4), 468.1705(1), 468.1735 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.002 RULE TITLE: Criteria for Approved Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify the criteria for approved continuing education.

SUBJECT AREA TO BE ADDRESSED: Criteria for approved continuing education.

SPECIFIC AUTHORITY: 468.1685(1), 468.1725(3) FS.
 LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.0021 RULE TITLE: Approved Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule title; delete unnecessary language and add the reference to Rule 64B10-12.017, F.A.C., to the rule; and add new language regarding requirements for licensees seeking approval status of a continuing education program.

SUBJECT AREA TO BE ADDRESSED: Criteria for approval for a continuing education provider.

SPECIFIC AUTHORITY: 468.1685, 468.1725 FS.

LAW IMPLEMENTED: 456.1685(5), 468.1715, 468.1725 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002 RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise the requirements and form to become a preceptor.

SUBJECT AREA TO BE ADDRESSED: Preceptor.
 SPECIFIC AUTHORITY: 468.1685(1), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1031 RULE TITLE: Influenza Immunization Certification Program

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide a criteria for approval of influenza immunization certification programs.

SUBJECT AREA TO BE ADDRESSED: Influenza Immunization Certification Program.

SPECIFIC AUTHORITY: 465.189(5) FS.

LAW IMPLEMENTED: 465.189, 465.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.1031 Influenza Immunization Certification Program.

The Board shall approve for initial certification of pharmacist administration of influenza immunizations, programs of study not less than 20 hours that includes coursework covering all of the following:

- (1) Mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration;
- (2) Immunization Schedules;

(3) Immunization screening questions, provision of risk/benefit information, informed consent, recordkeeping, and electronic reporting into the statewide immunization registry through enrollment application DH Form 1997 herein incorporated by reference;

(4) Vaccine storage and handling;

(5) Bio-Hazardous waste disposal and sterile techniques;

(6) Entering, negotiating and performing pursuant to physician oversight protocols;

(7) Community immunization resources and programs;

(8) Identifying, managing and responding to adverse incidents including but not limited to potential allergic reactions associated with vaccine administration;

(9) Procedures and policies for reporting adverse events to the Vaccine Adverse Event Reporting System (VAERS);

(10) Reimbursement procedures and vaccine coverage by federal, state and local governmental jurisdictions and private third party payors;

(11) Administration techniques;

(12) The current influenza immunization guidelines and recommendations of the United States Department of Health Centers for Disease Control and Prevention;

(13) Review of Section 465.189, F.S.; and

(14) Cardiopulmonary Resuscitation (CPR) training.

Successful completion of the certification program must include a successful demonstration of competency in the administration technique and a cognitive examination.

Specific Authority 465.189(5) FS. Law Implemented 465.189, 465.005 FS. History—New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.004
 RULE TITLE: Certified Non-native Wildlife Adoption

PURPOSE AND EFFECT: The purpose of this rule development effort is to establish a procedure and standards for the persons adopting non-native animals to help prevent illegal release of non-native fish and wildlife, including certification requirements for facilities, required knowledge of adopted animals, and absence of certain wildlife-related criminal violations. The effect of this effort should be to assist in the prevention of the release of harmful non-native species in Florida.

SUBJECT AREA TO BE ADDRESSED: Non-native species; wildlife adoption.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-5.004 Certified Non-native Wildlife Adoption.

(1) There is hereby established a certified nonnative adoption program for the purpose of allowing persons certified pursuant to this rule to accept nonnative fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife. Persons relinquishing nonnative fish or wildlife to a person certified pursuant to this rule are hereby deemed not to be in violation of any rule of the Commission requiring a permit to possess the relinquished animal.

(2) Applicants for certification to adopt nonnative fish and wildlife shall:

(a) Be at least 18 years of age at the time of application.

(b) Not be under investigation for or have been convicted of any:

1. Felony offense;

2. Violation of captive wildlife regulations in Chapter 68A-6, F.A.C.;

3. Violation of §828, F.S., involving cruelty to animals; or

4. State or federal violation involving importation of wildlife within three (3) years prior to the date of application.

(3) Applicants are subject to a criminal history background check conducted by the Commission.

(4) Applicants who adopt Class I, Class II, or Class III Captive Wildlife as specified in Rule 68A-6.005, F.A.C.; Reptiles of Concern as specified in Rule 68A-6.007; Conditional Species as specified in Rule 68-5.002, F.A.C.; or Prohibited Species as specified in Rule 68-5.003, F.A.C., shall hold a valid license or permit for the possession of these species at the date of adoption.

(5) Knowledge and Experience.

(a) Applicants must include a satisfactorily completed questionnaire that documents:

1. Applicant’s knowledge of natural history, general husbandry, nutritional requirements, and behavioral characteristics of the species of nonnative fish or wildlife they desire to adopt;

2. Facilities at which nonnative fish or wildlife will be maintained;

3. Applicant’s current captive wildlife permits and licenses; and

4. Current inventory of nonnative fish or wildlife

(b) Providing false information to document the applicant’s experience, by the applicant or any reference, is prohibited as provided in Sections 837.012 and 837.06, F.S., and constitutes grounds for denial of certification.

(6) Facility requirements.

(a) All persons certified to adopt, keep or possess nonnative fish and wildlife species must provide safe, secure and proper housing in cases, cages, aquaria, pits or enclosures, as appropriate or required by Commission rules.

(b) All cages at facilities belonging to more than one licensee at the same facility location shall be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(7) Inspection.

(a) Facilities for adopted non-native fish and wildlife are subject to inspection and approval by Commission personnel.

(b) Adopted non-native fish and wildlife are subject to inspection by Commission personnel. Commission personnel shall determine whether animals are securely, properly and safely housed. In the event that the animals are not safely or properly housed, Commission personnel shall report the situation in writing to the person possessing such species. Failure of the possessor to correct the situation within 30 days after such written notice shall be grounds for revocation of the certification.

(8) Adopted non-native fish and wildlife species shall be transported in a manner that complies with other rules of the Commission for the particular species being transported.

(9) Reports.

(a) Certified adopters shall furnish complete and accurate reports before December 31 of each year, detailing the status and disposal of each specimen adopted under this certification to: Florida Fish and Wildlife Conservation Commission, Exotic Species Coordination Section, 620 South Meridian Street, Tallahassee, FL 32399-1600.

(b) Certified adopters shall notify the Commission prior to the transfer of any Class I or Class II wildlife.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

| | |
|------------|--|
| RULE NO.: | RULE TITLE: |
| 68A-23.004 | Lawful Methods for Using Trotlines and Bush Hooks or Set Lines |

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, and to provide a forum for the public to provide input on proposed changes relating to lawful methods for using trotlines and bush hooks or set lines for taking freshwater fish. The effect should be to protect and ensure conservation of freshwater fish populations.

SUBJECT AREA TO BE ADDRESSED: Trotlines, bush hooks, set lines used to take freshwater fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

| | |
|--------------|---|
| RULE NOS.: | RULE TITLES: |
| 68B-14.0035 | Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper |
| 68B-14.00355 | Size Limits for Importation and Sale |
| 68B-14.0036 | Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption |
| 68B-14.0038 | Recreational Red Snapper Season |
| 68B-14.0045 | Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits |
| 68B-14.005 | Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation |

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become consistent with federal reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980’s. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council’s red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons. The success of the red snapper rebuilding plan depends not only upon consistency with the bag limit, size limit, and the fishing season regulations in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters.

Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida’s recreational fishery accounts for a large proportion of the recreational red snapper catch, which is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. Not doing so will not only directly affect the rebuilding plan, but may affect Florida’s recreational red snapper fishery to a greater extent if it results in further restrictions on harvest in federal waters in the future, as the majority of the state’s recreational fishery occurs in federal waters. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability.

SUBJECT AREA TO BE ADDRESSED: Reef fish, and more specifically, red snapper.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) through (6) No change.
- (7) Snapper (measured in terms of total length).
- (a) through (i) No change.
- (j)1. Red snapper harvested recreationally from the Gulf of Mexico 16 inches.
- 2. Red snapper harvested commercially from the Gulf of Mexico 13 ~~15~~ inches.
- (k) through (o) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, _____.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (e) No change.
- (f) Snapper (measured in terms of total length).
- 1. Cubera snapper 12 inches.
- 2. Dog snapper 12 inches.
- 3. Gray (mangrove) snapper 12 inches.
- 4. Lane snapper 8 inches.
- 5. Mahogany snapper 12 inches.
- 6. Mutton snapper 16 inches.
- 7. Red snapper 13 ~~15~~ inches.
- 8. Schoolmaster snapper 10 inches.
- 9. Vermilion snapper 10 inches.
- 10. Yellowtail snapper 12 inches.
- (2) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-03, Amended 9-16-05, 7-1-06, 7-1-07, _____.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

- (1) Snapper.
- (a) through (b) No change.

(c) Red snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters of the Atlantic Ocean, nor possess while in or on state waters of the Atlantic Ocean, more than 2 red snapper per day, nor shall a recreational harvester harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, more than 2 4 red snapper per day. On any vessel licensed to carry customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, the applicable bag and possession limit specified in this rule shall not extend to the operator of such vessel or any person employed as a crewman of such vessel. Such bag and possession limit shall be counted for purposes of the aggregate snapper bag and possession limit prescribed in paragraph (a).

- (d) through (f) No change.
- (2) through (9) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07,_____.

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 through September 30 ~~April 15 through October 31~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from October 1 through May 31 ~~November 1 through April 14~~, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended 12-30-99,_____.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) Licenses.
- (a) Each person harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and:

1. If fishing in state waters of the Atlantic Ocean, either a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper.

2. If fishing in state waters of the Gulf of Mexico, a valid commercial reef fish permit, except as provided in subparagraph 3.

3. For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land red snapper, regardless where harvested or possessed, a Gulf red snapper IFQ vessel endorsement issued to and possessed aboard the vessel.

(b) The requirement of a valid commercial vessel permit for Gulf reef fish in subsection (1) shall not apply to the harvest of bank sea bass, black sea bass, rock sea bass, or red porgy for commercial purposes in the Gulf of Mexico.

(c)(b) Each person harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes in the Atlantic Ocean who is required to possess either or both of the federal permits listed in paragraph (a) is subject to any federal vessel possession limits that apply in the adjacent EEZ and shall not possess in or on state waters of the Atlantic Ocean more fish or pounds than specified in the federal regulations.

(d)(e) No person harvesting for commercial purposes pursuant to this subsection shall sell or attempt to sell any of the indicated species, or any part of the indicated species, without possessing and presenting to the purchaser the state and federal licenses and permits specified in paragraph (a). No wholesale dealer, as defined in Section 370.07(1), F.S., shall purchase any of these species, or any part thereof, without confirming that the seller thereof possesses the state and federal licenses and permits specified in this rule.

- (2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07,_____.

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

- (1) through (2) No change.

(3) Required gear in the Gulf reef fish fishery. For a person on board a vessel to fish for Gulf reef fish the vessel must possess on board and such person must use the gear specified in subsections 1., 2., and 3.

1. Non-stainless steel circle hooks. Non-stainless steel circle hooks are required to be used on hook and line gear when fishing with natural baits.

2. Dehooking devices. At least one dehooking device is required and must be used to remove hooks embedded in Gulf reef fish with minimum damage. The dehooking device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The

dehooking device must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the Gulf reef fish fishery.

3. Venting tool. At least one venting tool is required and must be used to deflate the swimbladders of Gulf reef fish to release the fish with minimum damage. This tool must be a sharpened, hollow instrument, such as a hypodermic syringe with the plunger removed, or a 16-gauge needle fixed to a hollow wooden dowel. A tool such as a knife or an ice-pick may not be used. The venting tool must be inserted into the fish at a 45-degree angle approximately 1 to 2 inches (2.54 to 5.08 centimeters) from the base of the pectoral fin. The tool must be inserted just deep enough to release the gases, so that the fish may be released with minimum damage.

~~(4)(3)~~ Violation. Possession of any of the species specified in subsection 68B-14.001(2), F.A.C., beyond the bycatch allowance in paragraph (2)(a), aboard a vessel fishing in state waters, while also in possession of unauthorized gear, constitutes a violation of subsections (1) and (2).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07.

**DEPARTMENT OF FINANCIAL SERVICES
Division of Funeral, Cemetery, and Consumer Services**

| | |
|------------|-----------------------------|
| RULE NOS.: | RULE TITLES: |
| 69K-17.003 | Fees for Part III Licensees |
| 69K-17.010 | Inactive Status Fee |
| 69K-17.011 | Reactivation Fee |

PURPOSE AND EFFECT: The proposed amendments correct citations and clarify the current Board rules. The proposed amendment also adopts application forms that applicants for a funeral director, embalmer, or a combination funeral director/embalmer license can use to obtain or renew a provisional or temporary license.

SUBJECT AREA TO BE ADDRESSED: Provisional licenses and fees for embalmers, funeral directors, or combination funeral director/embalmer.

SPECIFIC AUTHORITY: 497.103(1)(bb), (5)(a), 497.140, 497.365, 497.368(3), 497.369(5), 497.373(3), 497.374(5), 497.378, 497.379 FS.

LAW IMPLEMENTED: 497.140, 497.365, 497.368(3), 497.369(5), 497.373(3), 497.374(5), 497.378, 497.379 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 8, 2008, 2:00 p.m.
PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diana Marr (850)413-3039 or diana.marr@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Marr, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-17.003 Fees for Part III Licensees.

(1) Licenses ~~and registrations~~ shall be renewed in accordance with the rules of the Department.

(2) The following biennial active status fees are prescribed by the Board:

(a) Biennial active status fee for an embalmer license ~~of embalmer~~ shall be ~~one hundred sixty dollars (\$160.00)~~.

(b) Biennial active status fee for a funeral director license ~~of funeral director~~ shall be ~~two hundred fifty dollars (\$250.00)~~.

(c) Biennial active status fee for license renewal of a combination funeral director/embalmer license shall be ~~two hundred fifty dollars (\$250.00)~~.

(3) Persons initially licensed in the first year of the biennial period shall pay the full fees ~~as~~ established in subsection ~~69K-17.003(2), F.A.C.~~, in addition to the examination fees ~~as~~ established in Rule 69K-17.001 ~~003~~, F.A.C.

(4) Persons initially licensed in the second year of the biennial period shall pay ~~fees of~~ one-half (50%) of the fees established in subsection ~~69K-17.003(2), F.A.C.~~, in addition to the examination fees ~~as~~ established in Rule 69K-17.001 ~~69K-17.003~~, F.A.C.

(5) ~~The fee for r~~Renewal of an inactive status license for an embalmer ~~or~~ funeral director license ~~or direct disposer~~ shall be ~~subject to a fee of \$50.00. The fee for r~~Renewal of an inactive status license for a combination funeral director/embalmer license shall be ~~subject to a fee of one hundred dollars (\$100.00)~~.

~~(6) In the event that a licensee or registrant changes name, legal documentation must be submitted to the Board office. A fee of \$25.00 will be required, in addition to the return of the original license. A duplicate license, reflecting the new name will be generated, upon receipt of the original license and completion of these requirements. Documentation submitted will remain in the Department's possession.~~

(7) The fee for each duplicate license shall be \$25.00. To obtain a duplicate license, a licensee or registrant must file a signed statement with the Department that the license has been lost, stolen, or destroyed and pay the duplicate license fee to the Department. Upon receipt of such notification and payment of the fee, the Department shall generate a duplicate license.

(8) ~~The fee for initial registration as a continuing education course provider shall be \$200.~~

(9) ~~The fee for renewal of previously approved continuing education providers shall be \$200.~~

(10) ~~The Department shall impose, in addition to all other fees, a special fee of \$5.00, upon each initial license or registration, and renewal thereof, to fund efforts to combat the unlicensed practice of funeral directing and embalming and the unlicensed operation of funeral establishments.~~

(6)(11) ~~The fee for a temporary license for a funeral director, embalmer or combination funeral director/embalmer shall be fifty dollars (\$50.00).~~

(7)(12) ~~The fees for a provisional licenses for a funeral director, embalmer or combination funeral director/embalmer shall be as follows:~~

(a) ~~For a funeral director—\$50.00.~~

(b) ~~For an embalmer—\$50.00.~~

(8) Applicants who did not request a provisional or temporary license when they applied for their permanent license as a funeral director, embalmer, or combination funeral director/embalmer may apply for a provisional or temporary license by submitting Form DFS-N1-1768, "Provisional or Temporary License, Application for Initial License," effective 10-06. A provisional or temporary license as a funeral director, embalmer, or combination funeral director/embalmer may be renewed only once by submitting Form DFS-N1-1769, "Provisional or Temporary License, Application for Renewal," effective 10-06. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C., and can be obtained from the Department's website (<http://www.myfloridacfo.com>) or by contacting the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

Specific Authority 497.103(1)(bb), (5)(a), 497.140, 497.365, 497.368(3), 497.369(5), 497.373(3), 497.374(5), 497.378, 497.379 FS. Law Implemented 497.140, 497.365, 497.368(3), 497.369(5), 497.373(3), 497.374(5), 497.368, 497.373, 497.378, 497.379, 497.603 FS. History—New 11-11-79, Amended 8-18-82, 4-10-84, Formerly 21J-17.03, Amended 3-10-91, 11-15-92, Formerly 21J-17.003, Amended 4-10-94, 1-10-95, 5-1-96, 9-10-96, 10-13-97, 1-4-98, 2-16-98, 10-12-98, 11-11-99, Formerly 61G8-17.003, Amended _____.

69K-17.010 Inactive Status Fee.

A funeral director or combination; funeral director/embalmer ~~or direct disposer~~ licensee shall pay an inactive status fee of \$130.00 when the licensee applies for inactive status. An embalmer licensee shall pay an inactive status fee of eighty dollars (~~\$80.00~~) when the licensee applies for inactive status.

Specific Authority 497.103(1)(bb), (5)(a), 497.365 FS. Law Implemented 497.365 FS. History—New 1-2-95, Amended 10-13-97, Formerly 61G8-17.010, Amended _____.

69K-17.011 Reactivation Fee.

The fee for reactivating an inactive embalmer or; funeral director ~~or direct disposer~~ license shall be \$50.00. The fee for reactivating an inactive combination funeral director/embalmer license shall be one hundred dollars (~~\$100.00~~).

Specific Authority 497.103(1)(bb), (5)(a), 497.365 FS. Law Implemented 497.365 FS. History—New 4-4-95, Amended 10-13-97, Formerly 61G8-17.011, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

| | |
|-------------|--|
| RULE NO.: | RULE TITLE: |
| 69K-17.0035 | Communicable Disease Education Required for Operational Personnel and Non-Licensed Individuals |

PURPOSE AND EFFECT: The proposed amendment will implement the changes made by Chapter 2007-55, Laws of Florida, by including the Internet as one method by which the communicable disease education requirement of Section 497.162, F.S. can be fulfilled by operational personnel and nonlicensed individuals.

SUBJECT AREA TO BE ADDRESSED: Communicable disease education requirement for operational personnel and nonlicensed individuals.

SPECIFIC AUTHORITY: 497.103(1)(s), (5)(a), 497.162 FS.

LAW IMPLEMENTED: 497.162 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 8, 2008, 2:00 p.m.

PLACE: Alexander Building, 2020 S.E. Capital Circle, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diana Marr (850)413-3039 or diana.marr@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Marr, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-17.0035 Communicable Disease Education Required for Operational Personnel and Non-licensed Individuals.

(1) All unlicensed operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility, and all nonlicensed unlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment, direct disposal establishment, or cinerator facility ~~shall must~~ successfully complete one Board approved course ~~approved by the Board~~ on communicable diseases, within 10 days after the date they become operational personnel for any entity that is regulated by licensed/registered under Chapter 497, F.S. ~~Additionally, all nonlicensed persons who will be involved in the removal or transportation of human remains for a funeral establishment must also successfully complete one Board approved course on communicable diseases.~~ The course shall consist of two (2) hours which may include the use of approved video-cassette courses, or other types of audio, video, Internet, or home study alternative nonclassroom courses ~~to fulfill the continuing education requirements.~~ Each person shall complete and pass a post course test with 75% correct score, to be graded by the course provider. All persons shall maintain documentation showing as proof of meeting this communicable disease health and safety education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 497, F.S.

(2) Courses approved for 2 or more hours pursuant to paragraph 69K-17.0042(3)(c), F.A.C., can be used to fulfill this 2 hour communicable disease educational requirement are also approved for this purpose. The Department's website (<http://www.myfloridacfo.com>) has a list of approved continuing education providers that offer courses that will satisfy this communicable disease educational requirement.

Specific Authority 497.103(1)(s), (5)(a), 497.162 FS. Law Implemented 497.162 FS. History--New 4-10-94, Amended 9-10-96, 11-20-96, 6-24-01, Formerly 61G8-17.0035, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR- Insurance Regulation

RULE NO.: 69O-203.070
RULE TITLE: Annual and Quarterly Reports

PURPOSE AND EFFECT: To establish the requirements for annual and quarterly reports submitted by prepaid limited health service organizations.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to reflect the correct forms to be used by the prepaid limited health service organizations in filing their quarterly and annual financial statements. The rule is being updated to require the filings to be submitted on the National Association of Insurance Commissioners (NAIC) Health blanks.

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 636.009(1)(f), 636.043, 626.058 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 29, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Marie Bachman, Office of Insurance Regulation, E-mail Marie.Bachman@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marie Bachman, Office of Insurance Regulation, E-mail Marie.Bachman@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 5D-1.001 | Documents Incorporated by Reference and Definitions |
| 5D-1.003 | Permits, Licenses and Inspections |
| 5D-1.007 | Dating; Standards for Milk, Milk Products, Manufactured Milk Products and Frozen Desserts |
| 5D-1.012 | Future Dairy Farms, Milk Plants, Manufacturing Milk Plants and Frozen Dessert Plants |