

(e) Tests conducted using actual (non-surrogate) structures shall have been conducted on structures that have not received any treatment for termite prevention other than the test treatment.

(f) Test treatments shall be in compliance with the pesticide product's label directions for use as a preventive treatment for termites, and use the application rate specified on that label.

(g) Tests shall include as a control, a structure, surrogate structure, or test plot that is identical to the test units except that it does not receive the test treatment, or, there shall be a means of quantifying termite foraging and feeding activity at or in the test area and the effect of the treatment on this activity.

Specific Authority 487.041, 487.051(2), 570.07(23) FS. Law Implemented 487.041, 487.042, 487.051(2), 487.0615 FS. History--New

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Implementation of Florida's System of School Improvement and Accountability

RULE NO.: 6A-1.09981

PURPOSE AND EFFECT: The purpose of this rule development will be to review the current grading standards to determine what amendments should be made to ensure the rule continues to implement legislative intent.

SUBJECT AREA TO BE ADDRESSED: School performance grades and implementing law.

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.582, 229.57 FS.

LAW IMPLEMENTED: 228.0565, 229.053, 229.0535, 229.57, 229.591, 229.592, 230.23, 231.2905 FS.

RULE DEVELOPMENT WORKSHOPS WILL ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, PL08 Capitol, 400 South Monroe Street, Tallahassee, Florida 32399-0400, (850)413-0555

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examination

RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to review the examination application form, to define and establish a fee for the general knowledge test, to adopt and publish a revised set of competencies and skills required for professional teacher certification in Florida, and to

revise test registration fees. The effect will be an updated application form, the general knowledge test will be defined and a fee established for the test, revised competencies and skills will be used on the Florida Teacher Certification Examinations, and test registrants could pay higher fees.

SUBJECT AREA TO BE ADDRESSED: Competencies and skills required for professional teacher certification in Florida, definition of and test fees for the general knowledge test, and updating the application form will be the subject areas to be addressed.

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17(8), 231.30(1) FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 8, 2001

PLACE: Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1214, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Educational Program Director, Public Schools and Community Education, Room 414, 325 West Gaines Street, Tallahassee, Florida 32312, (850)488-8198

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Education Leadership Examination

RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule development is to review the examination form and the test registration fee to determine if changes are necessary. The effect will be a rule which incorporates an updated form and registration fees could increase.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination application form and test registration fee.

SPECIFIC AUTHORITY: 231.17(8), 231.30 FS.

LAW IMPLEMENTED: 231.17 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 8, 2001

PLACE: Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1214, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth Loewe, Educational Program Director, Public Schools and Community Education, Room 414, 325 West Gaines Street, Tallahassee, Florida 32312, (850)488-8198

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

DDEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Division of Workers' Compensation

RULE TITLE: Benefits and Administration Trust Fund

RULE NO.:

Penalties Improper Filing Practices 38F-24.0231

PURPOSE AND EFFECT: Subsections (1)(b) and (1)(c) are being deleted because they exceed the Department's rulemaking authority. Chapter 99-379, Laws of Florida, required each agency to submit to the Legislature by October 1, 1999 a list of all rules that exceeded the rulemaking authority permitted by s. 120.536(1), F.S. These subsections were submitted on said list.

SUBJECT AREA TO BE ADDRESSED: Penalties for improper filing of Form DWC-1a, Wage Statement, or other forms or reports as required by Rule Chapter 38F-3, F.A.C.

SPECIFIC AUTHORITY: 440.13(11)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) FS.

A RULE DEVELOPMENT WORKSHOP IS NOT DEEMED NECESSARY BY THE SECRETARY OF THE DEPARTMENT.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Staff Terrel, Senior Attorney, (850)488-9370

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental

RULE CHAPTER NO.:

Resource Permits 40D-4

RULE TITLES: Definitions 40D-4.021

Exemptions 40D-4.051

Publications and Agreements

Incorporated by Reference 40D-4.091

PURPOSE AND EFFECT: In 1996 the Governing Board initiated rulemaking to repeal Chapter 40D-45, F.A.C., Surface Water Management For Mining Materials Other Than Phosphate. During the repeal process, in 1999, the Legislature amended Section 120.536, F.S., requiring agencies to submit a list to the Joint Administrative Procedures Committee the rules that the agencies had determined exceeded their rulemaking authority. The District listed Chapter 40D-45, F.A.C. in its entirety. Because no authorizing legislation was enacted by the 2000 Legislature, the District was again required to begin proceedings to repeal Chapter 40D-45, F.A.C. During this second repeal process District Staff has been working with representatives of the mining industry to address some of their concerns regarding the regulation of mines under the environmental resource permitting (ERP) rules. District staff and the representatives of the mining interests have developed several proposed amendments of the ERP rules that address the industry's concerns while ensuring consistency with the ERP rules as required by subsection 373.414(9), F.S. Staff has discussed the proposed revisions with the Florida Department of Environmental Protection and the other water management districts.

SUBJECT AREA TO BE ADDRESSED: Amendment of 40D-4.021, 40D-4.051 and 40D-4.091 of the Environmental Resource Permit rules address issues raised by the repeal of Chapter 40D-45.

SPECIFIC AUTHORITY: 373.044, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.419 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-4.021 Definitions.

When used in this Chapter and Chapters 40D-40 and 40D-400:

(1) through (20) No change.

(21) "Prospecting" means activities considered normal and reasonably necessary to retrieve samples of subsurface geologic sediments for the specific purpose of locating, mapping, and determining the quality and quantity of sedimentary strata or natural deposits.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History--Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, _____.

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (5) No change.

(6) Any system for a mining or mining related activity which has a valid permit or exemption confirmation letter issued by the District or the Department pursuant to Section 40D-45.041 or Section 40D-45.051, F.A.C. To qualify for this exemption a mining or mining related activity must be conducted in accordance with the terms and conditions of the permit or exemption confirmation letter. Proposed modifications to systems previously exempt under Section 40D-45.051 may be subject to permitting under Chapter 40D-4, as provided in Section 40D-4.054. If an operator of a system previously permitted under Chapter 40D-45 proposes an "Alteration" as the term is defined in subsection 40D-4.021(7), such system shall be reviewed under the provisions of Chapter 40D-4.

(7) through (12) renumbered (8) through (13) No change.

Specific Authority 373.044, 373.118, 373.414(9) FS. Law Implemented 373.413, 373.419 FS. History--Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, _____.

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) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ June 12, 2001." This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 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, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits

RULE CHAPTER NO.: 40D-400

RULE TITLES:

RULE NOS.:

General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone

40D-400.491

Noticed General Permit for Prospecting

40D-400.492

PURPOSE AND EFFECT: In 1996 the Governing Board initiated rulemaking to repeal Chapter 40D-45, F.A.C., Surface Water Management For Mining Materials Other Than Phosphate. During the repeal process, in 1999, the Legislature amended Section 120.536, F.S., requiring agencies to submit a list to the Joint Administrative Procedures Committee the rules that the agencies had determined exceeded their rulemaking

authority. The District listed Chapter 40D-45, F.A.C. in its entirety. Because no authorizing legislation was enacted by the 2000 Legislature, the District was again required to begin proceedings to repeal Chapter 40D-45, F.A.C. During this second repeal process District Staff has been working with representatives of the mining industry to address some of their concerns regarding the regulation of mines under the environmental resource permitting (ERP) rules. District staff and the representatives of the mining interests have developed several proposed amendments of the ERP rules that address the industry's concerns while ensuring consistency with the ERP rules as required by subsection 373.414(9), F.S. Staff has discussed the proposed revisions with the Florida Department of Environmental Protection and the other water management districts.

SUBJECT AREA TO BE ADDRESSED: The additions of Rules 40D-400.491 and 40D-400.492 of the Environmental Resource Permit rules address issues raised by the repeal of Chapter 40D-45.

SPECIFIC AUTHORITY: 373.044, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.419 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-400.491 General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

A general permit is hereby granted to increase the height of an existing earthen embankment used for the impoundment of water at sand and limestone mining facilities, provided:

(1) The applicant and a professional engineer registered in Florida certify that:

(a) The proposed vertical extension or "lift" is part of a previously permitted or exempt phased plan for vertical expansion of the impoundment, which plan was initially designed and certified by a professional engineer registered in Florida; and the completed dam with proposed vertical extension will protect the public health, safety or welfare, and the property of others; or

(b) The proposed vertical lift is designed, constructed, operated and maintained, or abandoned in accordance with the minimum requirements as set forth in the most recent edition

of U. S. Army Corps of Engineers, Engineering Manual No. EM 1110-2-2300, "Earth and Rock-Fill Dams – General Design and Construction Standards," 31 July 1994 (the Manual). The District will consider other methods proposed by the applicant that utilize practices which will provide equivalent protection as compared to the criteria set forth in the Manual. If the applicant chooses to propose a design that does not address the specific criteria of the Manual, the applicant must provide the District reasonable assurance, based on plans, test results and other information specific to the design proposed that the construction, alteration or operation of the vertical lift will provide equivalent protection; or

(c) The vertical expansion of the impoundment and the associated system are located within the existing boundaries and topography of lands owned or controlled by the permittee such that failure of the impoundment will not adversely affect wetlands or other surface waters, will only affect upland property owned or controlled by the permittee, and the existing topography will prevent off-site discharge or release up to the 100 year flood event.

(2) No activities will be conducted within 50 feet of wetlands or other surface waters. This restriction does not apply to isolated wetlands that are less than one-half acre in size, unless:

(a) The wetland is used by the threatened or endangered species, or

(b) The wetland is located in an area of critical state concern designated pursuant to Chapter 380, F.S., or

(c) The wetland is connected by standing or flowing surface water at seasonal high water level to one or more wetlands, and the combined wetland acreage so connected is greater than one half acre, or

(d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife.

(3) The applicant provides boundary and topographic maps, aerial photogrammetric maps or other information showing the project location, and demonstrating that the vertical expansion of the impoundment and the associated system of the facilities are located within the existing boundaries of lands owned or controlled by the permittee.

(4) The activities are not otherwise part of a larger plan of new development or system expansion or sale within the permittee's land holdings or other contiguous land, except as authorized by a permit under Part IV of Chapter 373, Florida Statutes.

(5) Site specific measures are employed to prevent violations of state water quality standards and avoid downstream impacts by controlling discharges, erosion, and sediment transport during construction, and continuing after operation and maintenance are underway; using a construction phase water management and erosion control plan that is designed and implemented to function in accordance with

technical standards and procedures for a stormwater pollution prevention plan as referenced in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," FDEP document number 62.621.300(4)(a), effective October 22, 2000. This document may be obtained by writing the FDEP, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, FL 32399-2400;

(6) All construction related site activities associated with the vertical lift will be completed within five years after this permit is authorized, and the effective operation and maintenance of the system will be perpetual; and

(7) Within 30 days after completion of construction of the permitted activity, the permittee submits a written notice of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, to the permitting agency, in accordance with the Statement of Completion and Request for Transfer to Operation Entity form as adopted by reference in Section 40D-1.659, F.A.C.

Specific Authority 373.044, 373.118, 373.414 FS, Law Implemented 373.413, 373.419 FS. History—New

40D-400.492 Noticed General Permit for Prospecting.

A general permit is hereby granted for prospecting for limestone, sand, and peat provided that all of the following conditions for are met.

(1) Prospecting is conducted by coring, augering, impact boring or other techniques designed to remove samples from an excavated opening less than one foot in diameter.

(2) No prospecting is conducted below the ordinary or mean high water line of natural water bodies such as natural lakes, ponds, streams, rivers, estuaries or lagoons.

(3) Prospecting in wetlands must meet the following conditions:

(a) No activities will be conducted in Outstanding Florida Waters, Aquatic Preserves, Class I waters, Class II waters, waters which are classified by the Florida Department of Environmental Protection as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting, or wetlands used by endangered or threatened species designated in Rules 39-27.003 and 39-27.004, F.A.C., or 50 Code of Federal Regulations, Section 17.12. For purposes of this permit, a wetland is used by endangered or threatened species if reasonable scientific judgment indicates that the wetland provides habitat in which endangered or threatened species engage in activities such as resting, feeding, breeding, nesting or denning.

(b) No above-grade roads will be constructed. Vehicles used for prospecting in wetlands will be of a type generating minimum ground pressure to minimize rutting and other

environmental impacts. Disturbed areas along each prospecting line are restored to original contours upon completion of prospecting activities along that specific alignment.

(c) Disturbances within wetlands are no wider than 15 feet along any portion of the prospect line, except at the immediate site of the drill hole. At the immediate site of the drill hole the disturbance will not exceed 25 feet. No debris or spoil will be placed outside these limits.

(d) Prospecting lines will be aligned to minimize wetland impacts and avoid the destruction of mature wetland trees to the greatest extent practicable.

(e) All drill tailings will be returned to the drill hole and the excess removed so that no spoil material is left above grade in a wetland.

(f) If the removal or cutting of vegetation is required, there will be a minimum interval of 300 feet between individual parallel prospecting lines. The removal of vegetation must not include grubbing, or the pulling or pushing up of root systems.

(g) Any wetland disturbed by prospecting activities will be restored by replanting native indigenous vegetation of the same species as were displaced. Exotic species such as *Schinus terebinthifolius*, *Melaleuca quinquenervia*, and *Casuarina* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* will be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(h) Turbidity and erosion control measures such as earthen berms; hay bales; temporary swales; filter cloth; turbidity screens; and temporary seeding, sodding, and mulching will be utilized, as necessary, to prevent violation of state water quality standards beyond the limits of the prospecting line.

Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.119 FS. History—New

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE TITLE: Area Agency on Aging Functions and Responsibilities

RULE NO.: 58A-1.007

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58A-1.007, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001
 PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER TITLE: Assisted Living Facilities

RULE CHAPTER NO.: 58A-5

RULE TITLE: Residency Criteria and Admission Procedures

RULE NO.: 58A-5.0181

PURPOSE AND EFFECT: The amendment clarifies paragraph (a) of subsection (2) of Rule 58A-5.0181, F.A.C., and corrects DOEA Form 1823, dated March 1999, to correspond with the definition of physician.

SUBJECT AREA TO BE ADDRESSED: Residency Criteria and Admission Procedures.

SPECIFIC AUTHORITY: 400.407, 400.426, 400.441 FS.

LAW IMPLEMENTED: 400.402, 400.407, 400.4075, 400.426, 400.441 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., October 8, 2001
 PLACE: Department of Elder Affairs, Conf. Rm. 309, 4040 Esplanade Way, Tallahassee, FL

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda MacDonald, Assisted Living Program, Division of Community Based Services, or Pat Dunn, Office of General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2113

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

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE TITLE: Administration
 RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58C-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Alzheimer's Disease Initiative

RULE TITLE: Program Administration
 RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58D-1.005, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE TITLE: Administration
 RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to six previous notices regarding amending Rule 58H-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, renamed the Consumer Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Updating relevant manual sections due to recent changes in federal and state laws will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of the Consumer Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 8, 2001

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

DEPARTMENT OF MANAGEMENT SERVICES

Human Resources Management

CHAPTER RULE TITLE: Personnel Management System RULE CHAPTER NO.: 60L

PURPOSE AND EFFECT: The Department of Management Services proposes to develop new rules concerning the State Personnel System, which is governed by Chapter 110 of the Florida Statutes. Pursuant to Section 110.1055, F.S., "All existing rules relating to this chapter are statutorily repealed January 1, 2002, unless otherwise readopted." Such rules are currently located in Chapters 60K, 60L, 60M, and 60N. In place of the repealed existing rules, the Department proposes to place all new rules in Chapter 60L, beginning with a new Rule 60L-29.

SUBJECT AREA TO BE ADDRESSED: Rules of the State Personnel System.

SPECIFIC AUTHORITY: 110.1055 FS.

LAW IMPLEMENTED: 110.1055, 110.112, 110.121, 110.1221, 110.1245, 110.131, 110.151, 110.152, 110.1522, 110.181, 110.201, 110.2035, 110.207, 110.209, 110.21, 110.217, 110.219, 110.224, 110.227, 110.233, 110.403, 110.503, 110.605, 216.262(1) FS.

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

TIME AND DATE: 9:00 a.m., October 5, 2001

PLACE: Department of Management Services, Human Resources Management, Bldg. 4040, Suite 301, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frederick J. Springer, Office of General Counsel, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-1898

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-47R

RULE CHAPTER TITLE: Generic Permits RULE CHAPTER NO.: 62-621

RULE TITLE: Generic Permit for Animal Feeding Operations RULE NO.: 62-621.300

PURPOSE AND EFFECT: To establish generic permits for certain animal feeding operations which will provide state groundwater and NPDES surface water discharge permit coverage for qualifying facilities, as applicable. The generic permit is intended to streamline the existing permitting process for animal feeding operations.

SUBJECT AREA TO BE ADDRESSED: Poultry, dairy, swine and other animal feeding operations which may impact ground or surface waters of the state, and which may be subject to permitting by the department. The Department will be taking public input on the types of animal feeding operations that may

be amenable to being regulated under generic permits, the size of the operations, and operational practices that should be required such as comprehensive nutrient management plans and monitoring requirements.

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS.

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

TIME AND DATE: 9:30 a.m. ending not later than 4:00 p.m., October 30, 2001

PLACE: Orange County Public Library, Third Floor Meeting Room, 101 East Central Boulevard, Orlando, Florida, (407)835-7323

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA IS: Vincent Seibold, P.E., Industrial Wastewater Section Administrator, 2600 Blair Stone Road, M.S. #3545, Tallahassee, Florida 32399-2400, (850)488-4522

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialist

RULE TITLES: Trainee Stages, Minimum Training RULE NO.: 64B6-8.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Trainee Stages and Minimum Training Requirements.

SPECIFIC AUTHORITY: 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 484.0445, 484.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-8.003 Trainee Stages, ~~and~~ Minimum Training Requirements, ~~and~~ Training Program.

(1) A training program shall ~~be a not exceed~~ minimum six months in length. The trainee shall be in a training program for a minimum of twenty (20) hours each week. A trainee shall be under the direct supervision of the sponsor at all times when performing the functions of a hearing aid specialist. During the ~~six month~~ training program, a trainee shall complete the National Hearing Aid Society Home Study Course and shall submit proof of passing the home study course final examination prior to taking the Florida licensure examination. If the trainee passes the home study course final examination but fails the Florida licensure examination, he will not have to repeat the home study course prior to the next available Florida licensure examination. The training program shall be divided into three (3) stages:

(a) through (c) No change.

(2) It shall be the responsibility of the sponsor to provide instruction and guidance, in order to adequately prepare trainees for the ~~written and practical~~ examinations and for practice as a hearing aid specialist. Training received by a trainee during the training program must consist of training in the following subject areas:

(a) through (s) No change.

(3) through (4) No change.

(5) Upon completion of the training program, the trainee shall take the first available license examination. A trainee may continue to function as a trainee until she or he has received the results of the license examination.

(6) If the trainee fails the license examination they may repeat the training program one time by meeting the requirements of Rule 64B6-8.002, F.A.C. and taking the first available license examination.

(7) A trainee who fails to take the first available license examination after completing their first and/or second training program shall be deemed to have failed said examination.

(8) No person may remain in trainee status or further perform any services authorized for a trainee if she or he fails the license examination twice.

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.0445, 484.045 FS. History—New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: RULE NOS.:
 Definitions 64E-3.002
 Radiation Therapy Assistance by
 General Radiographers 64E-3.0031

PURPOSE AND EFFECT: The purpose of the proposed rules is to specify the training and scope of practice of general radiographers who assist radiation therapy technologists in performing radiation therapy procedures.

SUBJECT AREA TO BE ADDRESSED: Scope of practice for general radiographers assisting radiation therapy technologists and permitted and prohibited therapy functions of these general radiographers.

SPECIFIC AUTHORITY: 381.0034, 468.303 FS.

LAW IMPLEMENTED: 381.0034, 468.302(3)(a),(b),(d), 468.303, 468.304 FS.

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

TIME AND DATE: 9:00 a.m., October 17, 2001

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Nursing Student Loan

Forgiveness Program 64E-23

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Student Loan Forgiveness Program.

SUBJECT AREAS TO BE ADDRESSED: Initial and renewal applications for the program and rules governing criteria for continuing participation and transmitting funds to lenders.

SPECIFIC AUTHORITY: 240.4075 FS.

LAW IMPLEMENTED: 240.4075 FS.

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

TIME AND DATE: 2:00 p.m., October 8, 2001

PLACE: Department of Health, Division of EMS and Community Health Resources, Room 301, 4025 Esplanade Way, Tallahassee, Florida 32399-1735

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas P. Gabriele, Government Operations Consultant, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3503

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE WORKSHOPS. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. P.O. G10454

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Nursing Scholarship Program RULE CHAPTER NO.: 64E-24

PURPOSE AND EFFECT: To implement 2001 statutory amendments requiring rules and forms to administer the Nursing Scholarship Program.

SUBJECT AREAS TO BE ADDRESSED: Rules and forms for the Nursing Scholarship Program. Applications and application process, eligibility criteria, process for payment, process to monitor repayment, a formula for prorating certain payments, and rules to address extraordinary circumstances that may cause a recipient to default.

SPECIFIC AUTHORITY: 240.4076 FS.

LAW IMPLEMENTED: 240.4076 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 8, 2001

PLACE: Department of Health, Division of EMS and Community Health Resources, 4025 Esplanade Way, Room 301, Tallahassee, Florida 32399-1735

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 10, 2001

PLACE: Miami Heart Institute, 4701 Meridian Avenue, Miami Beach, Florida 33140

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 12, 2001

PLACE: Florida College of Emergency Physicians, 3717 South Conway Road, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas P. Gabriele, Government Operations Consultant, Division of Emergency Medical Services and Community Health Resources, Department of Health, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 3503.

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.

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

P.O. G10454

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Miscellaneous RULE CHAPTER NO.: 68B-5

RULE TITLE: Divers: Fish Feeding Prohibited; Prohibition RULE NO.:

on Fish Feeding for Hire; Definitions 68B-5.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to prohibit the practice of the introduction of food or other substances by divers to feed or attract marine species, whether by persons offering their services for hire to patrons for interactive dive experiences or by private individuals. The effect of this effort should be to reduce to the greatest extent possible any negative impact upon the behavior of such species vis-a-vis humans, particularly with respect to larger predators, such as sharks.

SUBJECT AREA TO BE ADDRESSED: Feeding or attraction of marine species by divers.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in a workshop/meeting, if held, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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-5.005 Divers. Fish Feeding Prohibited; Prohibition of Fish Feeding for Hire; Definitions.

- (1) No diver shall engage in the practice of fish feeding.
- (2) No person shall operate any vessel for hire for the purpose of carrying passengers to any site in the saltwaters of the state to engage in fish feeding or to allow such passengers to observe fish feeding.

(3) For purposes of this rule:

(a) “Diver” means any person who is wholly or partially submerged in the water, and is equipped with a face mask, face mask and snorkel, or underwater breathing apparatus.

(b) “Fish feeding” means the introduction of any food or other substance into the water by a diver for the purpose of feeding or attracting marine species, except for the purpose of harvesting such marine species as otherwise allowed by rules of the Fish and Wildlife Conservation Commission.

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-02.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

| | |
|---------------------------|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| Snook | 68B-21 |
| RULE TITLES: | RULE NOS.: |
| Definitions | 68B-21.0015 |
| Seasons | 68B-21.004 |
| Bag and Possession Limits | 68B-21.006 |

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement special measures to immediately reduce fishing mortality on snook in the Gulf of Mexico and in the Florida Keys. Such mortality is a result of excessive and growing fishing pressure on the species, arguably the most popular gamefish in Florida, particularly in the Southwest Florida area. The Fish and Wildlife Conservation Commission has found that the appropriate special measures include a geographically-specific reduction of the daily bag and possession limit to a single fish and an expansion of the closed season on the species in this area to include the month of May. The effect of these measures should be to reduce the fishing mortality on snook in Southwest Florida and improve the spawning potential of the species to the level set by the Commission as the goal for a healthy stock.

SUBJECT AREA TO BE ADDRESSED: Snook harvest in the Gulf of Mexico and Florida Keys.

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 calendar days before the workshop/meeting

by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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-21.0015 Definitions.

(1) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirement of this chapter shall not ~~constitute~~ constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(2) “Land”, when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(3)(2) “Snook” means unless the context requires otherwise, any fish of the genus *Centropomus*, or any part thereof.

(4)(3) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) Statewide, during the period beginning December 15 of each year and continuing through January 31 of the following year, and

(b) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, during the months of June, July or August,

(c) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line and in all state waters of the Gulf of Mexico, during the months of May, June, July, or August.

(2) Exceptions to the closed seasons established by this rule shall only be granted, except by special permit issued by the Commission pursuant to Section 370.10(2), Florida Statutes, for experimental, scientific, or exhibitional purposes. PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02.

68B-21.006 Bag and Possession Limits.

(1) In all state waters of the Atlantic Ocean north and east of the Dade-Monroe County Line, nNo person, firm or corporation shall kill or harvest more than two snook per day during the open season, nor possess more than two snook at any time during the open season.

(2) In all state waters of the Atlantic Ocean south and west of the Dade-Monroe County Line and in all state waters of the Gulf of Mexico, no person, firm, or corporation shall kill or harvest more than one snook per day during the open season, nor possess more than one snook at any time during the open season.

(3)(2) 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.

(4) No person harvesting snook pursuant to subsection (1) shall possess or land such snook in the area specified in subsection (2).
PROPOSED EFFECTIVE DATE: January 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02.

Master Registration Fees 5E-3.015
Tolerances for Nutrients, Minerals,
Medicaments, Aflatoxin, Pesticide
Residues and Weight 5E-3.016
Penalties 5E-3.018

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring it into conformance with Chapter 580 Florida Statutes, as amended by the 2001 legislation.

SUMMARY: Revision of definitions, label requirements, laboratory certification requirements and updating reference materials. Also the addition of Pet Food to regulation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulator alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2) FS.

LAW IMPLEMENTED: 580.031, 580.051, 580.065, 580.091, 580.112 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 15, 2001

PLACE: Agricultural Environmental Services, Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) The term “lot” means an identifiable quantity of commercial feed of the same brand and analysis which is offered for sale, sold or distributed within the state. Bulk feed and bagged feed, even though the same brand and analysis, in the same shipment, shall be considered separate lots.

(b) The term “core” means the quantity of feed contained in the designated sampling tool when the stream is cut a sufficient number of times to yield approximately one quart or when a single insertion and withdrawal of a probe is made from bagged or bulk feed.

(c) The term “type” means poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other agriculture feed.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Feed Rule RULE CHAPTER NO.: 5E-3

RULE TITLES: Inspection; Sampling; Analysis; Reporting

Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees 5E-3.003

Ingredient Statement 5E-3.004

Medicated Feed 5E-3.008

Minimum Standards for Feed Materials 5E-3.013

Customer-Formula Feed 5E-3.014