

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the definition of “immediate family” for purposes of the spiny lobster trap certificate program to include sons and daughters-in-law, in concert with an identical change made in Rule Chapter 68B-24, F.A.C. The effect will be to include additional family members who can have trap certificates transferred to them without the application of passive trap reduction.

SUMMARY: The definition of “immediate family” in Rule 68E-18.002, F.A.C., is amended to include sons and daughters-in-law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68E-18.002 Definitions.

(1) through (9) No change.

(10) “Immediate Family” for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, step-mother, half sister, ~~or~~ half brother, son-in-law, or daughter-in-law of the individual certificate holder.

(11) through (21) No change.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 5-16-95, Formerly 62R-18.002, Amended 7-1-01, 4-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-8.0082
 RULE TITLE: Florida Uniform Market Area Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. This change is in accordance with s. 120.54(3)(d)1., F.S.

This rule, when adopted, will read:

12D-8.0082 Florida Uniform Market Area Guidelines.

Section 193.114(2)(a), F.S., provides the department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect a market area code established according to department guidelines. Provision is made for the format for market area codes to be submitted to the Department of Revenue in Rule 12D-8.013(6)(a), F.A.C. Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S., which shall be submitted to the Department in the format provided in Rule 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. ~~01/0412/31~~
 Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History--New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
 RULE NO.: 33-602.210

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 48, (November 26, 2003), issue of the Florida Administrative Weekly:

- 33-602.210 Use of Force
- (1) through (19) No change.

(20) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (a) DC1-813, Use of Force File Checklist, effective _____ ~~July 25, 2002~~.
- (b) through (n) No change.

DEPARTMENT OF CORRECTIONS

RULE NOS.: 33-602.220
 33-602.221
 33-602.222
 RULE TITLES: Administrative Confinement
 Protective Management
 Disciplinary Confinement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 48, (November 26, 2003), issue of the Florida Administrative Weekly:

- 33-602.220 Administrative Confinement.
- (1) Definitions.
- (a) through (g) No change.

(h) Institutional Classification Team (ICT) – refers to the team consisting of the Warden or Assistant Warden, Classification Supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. ~~The ICT Chief of Security, that~~ is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

- (i) through (11) No change.
- 33-602.221 Protective Management.

- (1) Definitions.
- (a) through (h) No change.

(i) Institutional Classification Team (ICT) refers to the team ~~consisting responsible for making local classification decisions. The ICT will be comprised of the warden or assistant warden who will serve as chairperson,~~ classification supervisor, a correctional officer chief of security and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO).

- (j) through (10) No change.
- 33-602.222 Disciplinary Confinement.

- (1) Definitions.
- (a) through (h) No change.

(i) Institutional Classification Team (ICT) refers to the team consisting of the warden or assistant warden, classification supervisor, and a correctional officer chief and other members as necessary when appointed by the warden or designated by rule. ~~The ICT of security that~~ is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the state classification office.

- (j) through (14) No change.

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER NO.: 58A-6
 RULE CHAPTER TITLE: Adult Day Care Center
 RULE NOS.: 58A-6.003
 58A-6.0051
 RULE TITLES: Licensure Application Procedures
 Change of Owner or Operator;
 Marketing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 46, November 14, 2003, issue of the Florida Administrative Weekly. These changes are in response to comments from the Joint Administrative Procedures Committee.

Section (5) of proposed amendment to Rule 58A-6.003, and section (1) of proposed amendment to Rule 58A-6.0051, Florida Administrative Code, is changed to amend the Licensure Application for Adult Day Care Center, ADCC Form-1, date to December 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-13.001 RULE TITLE:
Continuing Education for Biennial
Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 29, No. 40, of the Florida Administrative Weekly on October 3, 2003, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: 64B16-26.100 RULE TITLES:
Pharmacists Newly Licensed
64B16-26.101 Fees and License Renewal
Application
64B16-26.102 Inactive License Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 45, November 7, 2003, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: 64B16-26.1001 RULE TITLES:
Active License Renewal
64B16-26.1011 Inactive License Renewal
64B16-26.1021 Delinquent License Reinstatement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 29, No. 44, October 31, 2003, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.2035 RULE TITLE:
Examination Fees
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 45, November 7, 2003, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CITRUS

RULE TITLE: Standards for Citrus Fruit and Citrus Products Bearing the Mark RULE NO.: 20ER03-4

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

Although standards are set for the use of trademarked symbols belonging to the Department, it is the purpose of the Department to protect the citrus industry of the state and promote the sale of citrus fruit and citrus products. Adverse climactic conditions through periods of this growing season accelerated the natural reduction of acid in oranges throughout the state, resulting in higher ratios than those allowed by Grade A limitations and creating a serious threat that processors would be required to incur the costs involved in the removal of the trademarked certification mark requiring Grade A standards from their packaging. Strict enforcement of the "Florida Citrus Growers' Symbol" requirements shall result in economic waste by causing good and safe food to exceed Grade A ratio limitations, making the preprinted packaging carrying the mark to be unusable. Implementation of the unmodified provisions of Chapter 20-109, F.A.C., in the 2003-2004 citrus season will result in the restriction of a significant proportion of the orange crop, thereby causing economic loss to Florida citrus interests.