

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.:	RULE TITLE:
6E-2.004	Standards and Procedures for Licensure

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. 47, of the November 21, 2003, issue of the Florida Administrative Weekly. The change is in compliance with the instructions of the full Commission who voted and approved the changes at a public hearing held on January 23, 2004.

The change is as follows:

Subsection (4)(n)1. shall read: Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours pursuant to subsections 6E-1.003(40) and (43), F.A.C. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(3) or (26), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

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."

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation and Exemption from Participation in the Florida Hurricane Catastrophe Fund
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the following language was omitted from the Notice of Proposed Rule Hearing which was published in the Florida Administrative Weekly on February 6, 2004, Vol. 30, No. 6:

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003, Vol. 29, No. 51

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-1.004	District Funds

NOTICE OF CHANGE

Notice is hereby given that changes to District Policy 99-02, Wire or Electronic Funds Transfer (W/EFT), which is incorporated by reference in subsection 40C-1.004(2), F.A.C., and was published in Vol. 29, No. 48 issue of the Florida Administrative Weekly on November 26, 2003, were approved at a Public Hearing held on February 10, 2004, by the Governing Board of the St. Johns River Water Management District. The changes being made are to District Policy 99-02 alone. The changes will provide a definite time period for requesting reconsideration of the agency determination regarding the request for exemption and incorporate Form Number 40C-1.004(2), Request for Exemption From Direct Deposit. Also a revision is being made to eliminate any limitation regarding how paychecks will be transmitted to those not participating in direct deposit.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-12.001 Grounds for Disciplinary Proceedings

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 47, November 21, 2003, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-15.005 Requirements for Certification and Registration

NOTICE OF CHANGE

Notice is hereby gives notice 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. 30, No. 6, of the February 6, 2004, Florida Administrative Weekly. The change is as follows:

At the time of final adoption, the proposed rule amendments shall become effective on July 1, 2004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:
61G6-5.004 Requirement for Business Organizations

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. 51, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures committee (JAPC). The Board, at its meeting held on January 22, 2004, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

61G6-5.004 Requirement for Business Organizations Certified Qualifying Agent Applicant.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant for qualifying agent status proposing to engage in contracting as a partnership, corporation, business

trust, or other legal entity other than a sole proprietorship, an applicant shall be required to forward the following to the Department for review by the Board:

(1) No change.

(2) A comprehensive financial statement reflecting the financial condition of the business organization entity in its previous fiscal year; provided, however, that the statement be prepared within 12 months of the date of filing of the application. The financial statement shall be prepared in accordance with generally accepted accounting principles, as defined by Rule 61H1-20.007, F.A.C. (February, 2004) include the following: balance sheet; income statement; capital statement; and statement of cash flow. Unless prepared by a certified public accountant, the financial statement shall be signed, in the presence of a notary, by a responsible officer of the business entity as representing the financial condition of the business entity for the period reflected in the statement. The financial statement must indicate a minimum net worth as indicated below for the following categories:

(a) through (b) No change

(3) A ~~credit~~ report on the business organization entity ~~agent~~ from any recognized credit bureau which includes but is not limited to credit history, ability to be bonded, liens, judgments, suites, and bankruptcy, and assignment of receivers obtained from county, state and federal records. The ~~credit~~ report must be dated within twelve (12) months of the date of filing the application. ~~Reports which are limited to only information that has been obtained from the qualifying agent or past and present employers are not acceptable.~~

(4) Answers to the following questionnaire on the application:

BUSINESS ORGANIZATION FINANCIAL RESPONSIBILITY QUESTIONNAIRE - HAS ANY PARTNER, OFFICER, DIRECTOR, OR TRUSTEE OF THE BUSINESS ORGANIZATION QUALIFYING AGENT FINANCIAL RESPONSIBILITY HAVE YOU (OR A PARTNERSHIP IN WHICH YOU WERE A PARTNER OR AN AUTHORIZED REPRESENTATIVE OR A CORPORATION IN WHICH YOU WERE AN OFFICER OR AN AUTHORIZED REPRESENTATIVE) EVER:

(a) through (5) No change.

Specific Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522 FS. History—New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NO.: 61G15-24.001	RULE TITLE: Schedule of Fees Adopted by the Board
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 41, October 10, 2003, Florida Administrative Weekly and the Notice of Change as published in Vol. 30, No. 7, February 13, 2004, Florida Administrative Weekly are withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NO.: 61G15-30.009	RULE TITLE: Retention of Engineering Documents
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 41, October 10, 2003, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

RULE NO.: 61J2-3.012	RULE TITLE: Equivalency for Prelicensing Education
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. Changes have been made to the proposed rule that address comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as approved by the Florida Real Estate Commission.

61J2-3.012 Equivalency for Prelicensing Education.

(1) Any person who has attended an accredited college, university, community college, area technical center or a real estate school licensed in Florida pursuant to s. 475.451, Florida Statutes, and who, while attending said institutions or real estate school, satisfactorily completed real estate courses covering substantially the same subject matter, classroom hours of attendance, and completion standards as prescribed by the Commission in Rule 61J2-3.008, F.A.C., shall be deemed to have satisfactorily completed the course.

(2) Any person who has obtained a degree with a major in real estate which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to s. 475.451, Florida Statutes, showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97, 1-18-00, _____.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.018	Vacancies of Office

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. Changes have been made to the proposed rule that address comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as approved by the Florida Real Estate Commission.

61J2-5.018 Vacancies of Office.

(1) A corporation, limited liability company, limited liability partnership, or partnership shall have at all times registered the name(s) of its officer(s) and director(s). In the event that a corporation, limited liability company, limited liability partnership, or partnership has but one active broker, and such broker dies, resigns, or is otherwise removed from the position as the active broker, then, in such event, ~~such vacancy shall be filled within 14 calendar days during which no new brokerage business may be performed by the corporation or a licensee registered with the corporation until a new active broker is appointed and registered with the corporation. The registration of the corporation, limited liability company, limited liability partnership, or partnership is cancelled.~~ It shall be the duty of the corporation to immediately notify the Commission of such vacancy and of the steps taken to fill this vacancy.

(2) Failure to appoint another active broker ~~within 14 calendar days~~ will result in the automatic cancellation of the corporate registration, and the licenses of all its officer(s), director(s) and sales associate(s) will become involuntarily inactive.

(3) through (4) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01(3) FS. History—New 1-1-80, Formerly 21V-5.18, Amended 6-28-93, Formerly 21V-5.018, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-5.019
 RULE TITLE: Responsibility for Registration Status

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. Changes have been made to the proposed rule that address comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as approved by the Florida Real Estate Commission.

61J2-5.019 Responsibility for Registration Status.

(1) No change.

(2) No corporate registration or license of any ~~of its officers, directors, and~~ sales associates shall be valid unless and until such corporation has an active broker ~~other than as provided in Rule 61J2-5.018.~~

(3) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01 FS. History—New 1-1-80, Formerly 21V-5.19, Amended 6-28-93, Formerly 21V-5.019, Amended _____.

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 Optometry

RULE NO.: 64B13-3.007
 RULE TITLE: Minimum Procedures for Vision Analysis

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. 30, No. 3, of the January 16, 2004, issue of the Florida Administrative Weekly.

The change is in compliance with the instructions of the full Board who voted and approved the changes at a public hearing held on January 30, 2004.

The change is as follows: paragraph (2)(b) shall read:

(b) Visual acuity (unaided and with present correction at initial presentation; thereafter, unaided or with present correction);

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE NO.: 64F-12.012
 RULE TITLE: Records of Drugs, Cosmetics and Devices

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. 52, on December 26, 2003, issue of the Florida Administrative Weekly. The changes are the result of written comments received in response to the Public Hearing on January 21, 2004.

Sub-paragraphs (16)(a)1. and (b), of Rule 64F-12.001, F.A.C., shall now read as follows:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(16) Establishing an ongoing relationship pursuant to s. 499.0121(6)(d)5.b. and c. A wholesale distributor that is not listed as an authorized distributor of record on the list submitted to the department by a prescription drug manufacturer may request the department add the wholesale distributor to the department's web site of authorized distributors of record for a drug manufacturer for purposes of the pedigree paper requirements of s. 499.0121(6)(d), F.S., that become effective March 1, 2004, provided that such wholesale distributor satisfies the requirements of subsections (a) or (b) below.

(a) No change.

1. To document total annual prescription drug sales of \$100 million or more submit either:

a. No change.

b. A signed attestation from a certified public accountant that the establishment or affiliated group, if applicable, had total annual prescription drug sales of \$100 million or more in the most recent fiscal year. OR

c. No change.

and

2. through 3. No change.

(b) No change.

1. To document total annual prescription drug sales of \$100 million or more submit either:

a. No change.

b. A signed attestation from a certified public accountant that the establishment or affiliated group, if applicable, had total annual prescription drug sales of \$100 million or more in the most recent fiscal year, OR

c. No change.

2. No change.

a. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months from the date the information is submitted, which invoices document purchases of prescription drugs, at least one unit of which on each invoice was not returned, under that central account number but shipped to the wholesaler's address for whom the authorized distributor of record status is claimed. A statement under oath must be provided that the invoices document purchases of prescription drugs for the wholesaler for whom the authorized distributor of record status is claimed and that the wholesaler did not return to the manufacturer at least one unit of the prescription drugs on each invoice.

b. If the wholesaler is a member of an affiliated group and all purchases from that manufacturer are made at a central location and received at a central location for the wholesaler, copies of at least 12 invoices dated during the previous 12 months from the date the information was submitted, under the same account number which is clearly assigned to the wholesaler at the permitted address. Each invoice must document the purchase of prescription drugs, of which at least one unit identified on the invoice was not returned. A statement under oath must be provided that the invoices document purchases of prescription drugs by that central location and that the central location or wholesaler for which the drugs were obtained did not return to the manufacturer at least one unit of the prescription drugs on each invoice, and that the central location shipped at least 12 times to the individual wholesaler for whom the authorized distributor of record status is claimed during the 12 months based on the fiscal year or designated timeframe.

c. For all other wholesale distributors, copies of at least 12 invoices dated during the previous 12 months from the date the information was submitted, under the same account number that is clearly assigned to the wholesaler at the permitted address. Each invoice must document the purchase of prescription drugs, of which at least one unit identified on the invoice was not returned. A statement under oath must be provided that the invoices document purchases of prescription drugs by that wholesaler and that the wholesaler did not return to the manufacturer at least one unit of the prescription drugs on each invoice.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68B-22 Red Drum (Redfish)

RULE NO.: RULE TITLE:

68B-22.007 Catch-Hold-and-Release

Tournament Exemption

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendments and new rule for Rule Chapter 68B-22, F.A.C., relating to red drum (redfish), as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 105-107. The proposed amendments to Rules 68B-22.002 and 68B-22.005, F.A.C., were not changed.

Proposed new Rule 68B-22.007 was changed to read:

68B-22.007 Catch-Hold-and-Release Tournament Exemption.

(1) Except as provided in this rule, the practice of catching, holding, and releasing redfish is prohibited. The Executive Director of the FWC, or his designee, shall issue a tournament exemption permit to the director of a catch-and-release fishing tournament to allow redfish to be caught, held, and released during the tournament, and to allow the tournament to exceed redfish bag and possession limits pursuant to subsection 68B-22.005(1), F.A.C., after redfish have been weighed-in, provided that each of the following conditions is met:

(a) Tournament anglers and tournament staff agree to attempt to release alive all redfish that are caught, including those fish that are weighed-in.

(b) Each two person team of tournament anglers possesses no more than two live redfish in the boat's live well or recirculating tank at any one time.

(c) All boats used in the tournament contain recirculating or aerated live wells that are at least 2.4 cubic feet or 18 gallons in capacity.

(d) Dead redfish possessed by a two person team of tournament anglers are not discarded. A dead redfish is considered harvested and will count as the daily bag limit for the team of tournament anglers who harvested that fish.

(e) Redfish are maintained in an aerated recovery holding tank prior to release. Recovery holding tank requirements may be specified in the tournament exemption permit at the FWC's discretion in order to increase survival of released redfish.

(f) The tournament provides the FWC with a description of the aerated recovery holding tank(s) used to maintain redfish alive after weigh-in.

(g) The tournament provides the FWC with a description of the location where tournament caught redfish will be released after they are weighed in. In order to increase survival of released redfish, release locations may be specified in the tournament exemption permit at the FWC's discretion.

(h) The tournament permit holder shall submit a post-tournament report to the FWC indicating the number of fished weighed-in each day of the tournament, the number of fish weighed in dead each day, and the number of fish that died after being weighed-in, but prior to release each day. The FWC may specify additional tournament reporting requirements as a condition of the tournament exemption permit.

(i) The tournament agrees to allow FWC staff the opportunity to collect research data and conduct research and onboard monitoring during the tournament, as needed.

(2) Application for issuance of a tournament exemption permit shall be made on a form provided by the FWC (Form DMF-SL 5000 (3-04), incorporated herein by reference). Tournament exemption permits will only be issued to catch-and-release redfish tournaments that agree to the permit conditions in subsection (1).

(3) Any anglers participating in a redfish tournament for which a tournament exemption permit has been issued shall have a copy of the permit in his or her possession at all times during tournament operating hours.

(4) Any violation of the conditions and requirements specified within the tournament exemption permit will be considered a violation of this rule.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68B-24	Spiny Lobster (Crawfish) and Slipper Lobster
RULE NOS.:	RULE TITLES:
68B-24.0055	Commercial Requirements; Appeals
68B-24.006	Gear: Traps, Buoys, Identification Requirements, Prohibited Devices

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendments for Rule Chapter 68B-24, F.A.C., relating to spiny lobster, as published in the January 2, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 1, pages 107-110. The only changes approved by the Commission at its February 5, 2004, public hearing were to subsection (4) of Rule 68B-24.0055, F.A.C., and to subsection (10) of Rule 68B-24.006, F.A.C. The remainder of the rule amendments will be adopted as originally published.

The changed provisions will read as follows:

68B-24.0055 Commercial Requirements; Appeals.

(4) Commercial harvest limits In Monroe County:

(a) Beginning August 6, 2004 2003, persons harvesting lobster commercially by diving in Broward, Dade, Monroe, Collier, and Lee Counties or adjacent federal EEZ waters shall be subject to a daily vessel harvest, and possession limit of 250 spiny lobsters per day. For purposes of this paragraph, persons shall be considered to be harvesting lobster by diving if they are harvesting pursuant to a saltwater products license with a restricted species permit and crawfish license with a commercial dive permit or trap number and are simultaneously in possession of any artificial underwater breathing apparatus or gear.

~~(b) Beginning in the 2004-2005 fishing season, the daily harvest and possession limit in paragraph (a) shall apply to persons possessing a valid commercial diver permit issued pursuant to subsection (2).~~

~~(c) Except as provided in paragraph (d), No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel within these counties regardless of the number of commercial harvesters on board harvesting pursuant to this subsection.~~

~~(d) During the 2003-2004 fishing season, on any vessel from which spiny lobster are harvested commercially by diving, a vessel possession limit of 500 spiny lobsters shall apply if there are at least two commercial divers on board, each of whom must possess valid 2002-2003 and 2003-2004 saltwater products licenses, with restricted species endorsement and a valid crawfish endorsement applicable for both years. This documentation must match the individual diver's identity and be presented upon request.~~

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(10) No person shall harvest any spiny lobster from artificial habitat. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 10 yards of artificial habitat.

DEPARTMENT OF FINANCIAL SERVICES**Division of Workers' Compensation**

RULE NO.:

RULE TITLE:

69L-6.012

Notice of Election to be Exempts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed Rule 69L-7.012, F.A.C., in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 29, No. 42, October 17, 2003, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Subsections (1) and (2) are changed to read:

(1) Certificates of Election to be Exempt issued on or before December 31, 2003, to persons engaged in the construction industry are void on and after January 1, 2004, pursuant to Chapter 2003-412, Laws of Florida. Chapter 2003-422, Laws of Florida, does not affect the provisions of Chapter 2003-412, Laws of Florida, and Chapter 440, Florida Statutes, beyond allowing persons engaged in the construction industry to qualify for the issuance of a Certificate of Election to be Exempt, Form DWC-252, if the person is a member and ten percent (10%) owner of a Limited Liability Company created and approved under Chapter 608, Florida Statutes.

(2) Legislative changes made through Chapters 2003-412 and 2003-422, Laws of Florida, that are effective January 1, 2004, allow only certain corporate officers engaged in the construction industry to file a Notice of Election to be Exempt and to be issued a valid Certificate of Election to be Exempt, Form DWC-252, as incorporated in subsection (17)(a) below, by the Department pursuant to Section 440.05, Florida Statutes. Only corporate officers who meet the conditions on the issuance of valid exemptions stated in Chapter 440, Florida Statutes, and implemented by this rule may file a Notice of Election to be Exempt. Only a business entity organized under Chapter 607 or Chapter 617, Florida Statutes, will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, Florida Statutes, is not a corporation for purposes of Chapter 440, Florida Statutes, persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.

Paragraph (5)(b) is changed to read:

(b) Is eligible for the issuance of the Certificate of Election to be Exempt under Chapter 440, Florida Statutes, as amended by Chapters 2003-412 and 2003-422, Laws of Florida, and
Subsection (7) is changed to read:

(7) The Department shall inform an applicant who files a Notice of Election to be Exempt (DWC-250), which is incorporated in Rule 69L-6.009, F.A.C., on the basis that the

applicant is a sole proprietor of a construction industry sole proprietorship or a partner in a construction industry partnership of the limitation of construction exemptions pursuant to Chapter 2003-412, Laws of Florida, and the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.

Subsection (9):

Paragraph (c) is changed to read:

(c) 4- The A Federal Employer Identification Number issued to the corporation or limited liability company, as applicable, named by the corporate officer on the Notice of Election to be Exempt business associated with the sole proprietor or partner, applying for the exemption;

Paragraph (e) is changed to read:

(e) The Florida Department of State, Division of Corporations, registration number of the corporation or limited liability company, as applicable, named on the Notice of Election to be Exempt;

Paragraph (f) is changed to read:

(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;

Paragraph (g) is added to read and the remaining paragraphs renumbered:

(g) For members of a limited liability company, documentation establishing or a notarized statement attesting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

Paragraph (i) is changed to read:

(i) The applicant's corporate officer title or member status;
Paragraph (10) is changed to read:

(10) For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in section 440.02(9), Florida Statutes, if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or of any group of affiliated corporations, the Department shall deny any Notice of Election to be Exempt that would result in more than three active Certificates of Election to be Exempt issued in the name of corporate officers of the corporation or group of affiliated corporations.

Subsection (13) is changed to read:

(13) (5) Any sole proprietor, partner or corporate officer of a construction corporation, member of a limited liability company, or corporate officer of a non-construction corporation who has been issued an exemption from the

provisions of Florida's workers' compensation law (Chapter 440, Florida Statutes), may revoke such exemption by filing with the Division a Revocation of Election to be Exempt (DWC-250-R) as adopted in Rule 69L-6.009, F.A.C.

Subsection (17) is changed to read:

(17) The following forms are hereby incorporated by reference and can be obtained from the Bureau of Compliance, Division of Workers' Compensation, at www.fldfs/wc/ or from any field office identified in Rule 69L-6.009, F.A.C.:

(a) Form DWC-252, Certificate of Exemption (revised January 2004).

(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt (revised February 2004).

(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).

The remainder of the reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.0025	Definitions
69O-149.003	Rate Filing Procedures
69O-149.021	Form Filing Procedures
69O-149.037	Calculation of Premium Rates

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. 30, No. 3, January 16, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

69O-149.0025(23), paragraph (a) and subparagraph (b)1., F.A.C., are changed to read:

(a) If the coverage provides specific excess, has an attachment point for claims incurred per individual at least equal to \$20,000.

(b) If the coverage provides aggregate excess, has an aggregate attachment point at least equal to:

1. The greater of \$20,000 and 120 percent of expected claims for coverage issued to a small employer meeting the definition in Section 627.6699(3)(v), F.S., or

69O-149.003(2)(a)2.a., F.A.C., is changed to read:

2.a. For purposes of the rules in this part and the time periods in Section 627.410, F.S., a filing is considered "filed" with the Office upon the receipt of the material required by paragraph (b), on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the following business day.

69O-149.021(1)(a)2.a., F.A.C., is changed to read:

2.a. For purposes of the rules in this part and the time periods in Section 627.410, F.S., a filing is considered "filed" with the Office upon the receipt of the material required by

paragraph (b), on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the following business day.

69O-149.037: The proposed amendments to this rule have been withdrawn.

The remainder of the rule reads as previously published.

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 THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 544, CASH BONANZA 53ER04-9

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 544, "CASH BONANZA," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-9 Instant Game Number 544, CASH BONANZA.

(1) Name of Game. Instant Game Number 544, "CASH BONANZA."

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

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