

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology –Pest Control Regulations

RULE CHAPTER NO.: 5E-14

RULE TITLES: Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms

5E-14.105

Responsibilities and Duties – Records, Reports, Advertising, Applications

RULE NOS.: 5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUBJECT AREA TO BE ADDRESSED: Wood Destroying Organism contracts.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.051, 482.161, 482.163, 482.227 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 10, 2005

PLACE: Room 204, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 11, 2005

PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 12, 2005

PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

NOTE: These workshops will be combined with workshops for Rule 5E-14.149, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) No change.

(2) Such contract or an exact facsimile thereof must be given to the property owner or his authorized agent for acceptance or rejection before any portion of the work is done and before payment, in part or in full, is received by the licensee. The contract shall clearly set forth the following information:

(a) through (d) No change.

(e) The complete common name(s) of the wood-destroying organism(s) to be controlled or for which preventive treatment is intended under the contract. If termites are to be controlled or preventive treatment applied for termites, the contract must clearly state on the first page if the contract covers subterranean termites, dry wood termites, or both, or any other type of termite.

(f) through (k) No change.

(3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2), F.A.C. shall apply. In addition to these, specific areas in, on or under the structure to be treated shall be listed in the written contract- and a statement that a spot treatment only was performed shall be made on the treatment sticker posted as required by Section 482.226(5), Florida Statutes.

(5) through (7) No change.

(8) Each licensee shall comply with the terms of each pest control contract it issues. Unless otherwise clearly stated in the contract, and clearly disclosed to and the pertinent disclosure initialed by the property owner to which the contract applies:

(a) A licensee must provide written notice to a contract holder within seven days of discovery of a condition that is the subject of a limitation, exclusion, or condition to the licensee’s responsibility for the repair or re-treatment under a contract and provide an opportunity for the property owner to correct the condition. If the condition is not corrected within 90 days or by the time of the renewal of the contract (whichever is a longer time period), the licensee shall either cancel the contract or waive the exclusion, condition, or limitation that applies.

(b) A licensee must inspect for a infestation that is the subject of a re-treatment provision of a contract within 14 days of notification by the property owner to which the contract applies, and must perform a re-treatment required under a contract within 30 days of discovery of an infestation subject to

the re-treatment provision of a contract, unless access to the property is prevented by the property owner, or the treatment is waived in writing by the property owner.

(c) A licensee must clearly disclose to the signer of each contract if a mandatory arbitration provision applies to the contract. Demonstration of this disclosure may be made by the initialing by the signer of the contract of this provision of the contract or by initialing or signature of a separate disclosure document that describes the mandatory arbitration provision.

(d) A licensee may not use a limitation, exclusion, or condition clause of a contract to deny treatment of a termite infestation or repair of termite damage to the holder of a contract, unless the termite infestation or damage was a result of failure of treatment clearly caused by the subject of the limitation, exclusion, or condition clause in the contract.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn-See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03,\_\_\_\_\_.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records:

(a) Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted-use pesticides.

~~(b) Each licensee shall comply with the terms of each pest control contract it issues.~~

(2) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1),(2),(4),(5),(6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Entomology – Pest

RULE CHAPTER NO.: 5E-14

Control Regulations

RULE TITLE: Enforcement and Penalties

RULE NO.: 5E-14.149

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the enforcement guidelines and penalties into rule. The Department’s purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Enforcement and penalties are being adopted into rule to facilitate compliance.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 10, 2005  
PLACE: Room 204, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 11, 2005  
PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 12, 2005  
PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

NOTE: These workshops will be combined with workshops for Rules 5E-14.105 and 5E-14.142, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, Room 126, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, are needed to further protect consumers or recover damages associated with identified violations.

(2) Violation and Repeat Violation. Each and every breach of Chapter 482, F.S., and related rule, or part thereof, is a violation. A repeat violation is a violation for which the person has been previously disciplined within the last three (3) years.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) Death or injury occurs requiring medical attention to humans or veterinary attention to animals.

(b) A reasonable probability of death or injury may occur to humans or animals, but where the death or injury does not occur.

(c) The licensee, certificate holder, permit holder or applicator causes serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(d) The licensee, certificate holder, permit holder or applicator has habitual intemperance or addiction to narcotics.

(e) The licensee, certificate holder, permit holder or applicator is or has been convicted in any state or federal court of a felony unless civil rights have been restored.

(f) The licensee, certificate holder, permit holder or applicator knowingly makes false or fraudulent claims with respect to pest control; misrepresenting the effects of materials or methods used in pest control or failing to use materials or methods suitable for the pest control undertaken.

(g) The licensee, certificate holder, permit holder or applicator performs pest control in a negligent manner or uses a structural fumigant in a manner that is inconsistent with its label directions.

(h) The licensee, certificate holder, permit holder or applicator fails to give the Department or representative true information upon request regarding methods and materials used, work performed, or other information essential to the administration of Chapter 482, F.S.

(i) The licensee, certificate holder, permit holder or applicator performs or causes fraudulent or misleading advertising relative to pest control or advertises in an unauthorized category of pest control.

(j) The licensee, certificate holder, permit holder or applicator whose action results in estimated economic or property damage exceeding \$1,000.

(k) The licensee, certificate holder, permit holder or applicator violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order, or any other order of the Department, issued under the authority of Chapter 120 or 482, F.S., or Chapter 5E-14, F.A.C.

(l) The licensee, certificate holder, permit holder or applicator commits fraud or deceptive trade practices which contribute to an economic loss estimated to be greater than \$500 for one or more consumers.

(m) An individual or business performs pest control without holding a valid license from the Department.

(4) Stop Use or Stop Work Orders.

(a) Use of Stop Use, Stop Work Orders shall be issued in accordance with subsection 5E-14.108(4), F.A.C., for:

1. Fumigation activities performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

(b) The Department shall issue a release of a Stop Use or Stop Work Order when the deficiencies cited have been corrected and the violator is in compliance with the provisions of Chapter 482, F.S., and associated rules.

(5) Default. A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law, including suspension of the violator's license and/or permit.

(6) Denial. If a person fails to comply with the licensing and/or permit requirements of Chapter 482, F.S., or Chapter 5E-14, F.A.C., the person's application for licensing and/or permit will be denied. Applications for any licensing and/or permit issued by the Department will be denied until all outstanding fines owed to the Department are paid in full.

(7) Warning Letters. For first time, non-major violations, the Department will issue a Warning Letter that is the equivalent of a Notice of Noncompliance. These may be issued to violators who fail to respond to an administrative complaint.

(8) Fines. For repeat non-major violations, multiple violations including at least one major violation, and all major violations, including those violators who do not respond to an administrative complaint, the Department will impose an administrative fine not to exceed \$5,000 per violation plus any other penalty allowed by law including suspension or revocation. When imposing a fine, the Department will consider the degree and extent of harm, or potential harm, that was or could have been caused by the violation, the cost of rectifying the damage, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation. The Department will use the attached Fine Guide to assist it in determining the appropriate amount of the fine.

(9) Probation. In lieu of or in addition to fines or any other applicable penalty, the Department will impose up to a two-year probation on a violator when it will assist in ensuring compliance with the law. Probation will include requiring the violator to do one or more of the following: attend continuing education classes, demonstrate competency through a written or practical examination, provide prior notice of certain regulated actions, satisfy existing or future consumer complaints, engage in other corrective measures, or pay investigative costs.

(10) Investigative Costs. As part of probation the Department will charge for investigative costs where appropriate to insure compliance. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and all other incidental expenditures related to the case.

(11) Suspension and Revocation. Suspension or Revocation will be imposed when:

(a) The violation results in death of humans or animals, or injury requiring hospitalization to humans or animals.

(b) The violation results in serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(c) The compliance record of the violator shows two or more prior violations for similar major violations within the last (3) years.

(d) To prevent ongoing or future violations.

(e) To protect the public health, safety or welfare.

(f) When a permit holder pursuant to Section 482.0815(4) or (6), F.S., meets the conditions therein.

(12) Quarterly List. All violators disciplined, and their employer at the time of the violation will be named on the next available quarterly list. The list will specify whether the employer was disciplined, and it will also state all the violations, fines or terms for each, and any suspensions, probation or revocation.

(13) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and/or as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available

remedies to ensure voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, Florida Statutes.

(14) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.

(15) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint.

When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person stating the complaint, identifying the complainant and requesting a written response within 10 days.

(16) Fine Guide.

FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. Multiple minor violations of the same statute or rule and identified during the same investigation, will be consolidated in determining the appropriate fine.

A = Degree & Extent of Harm – Human, animal & environmental hazards

1 Human, animal or environmental harm not identified or not probable

2 Reasonable probability of human or animal death or injury, or reasonable probability of serious environmental harm

5 Death of animals or injury to humans or animals requiring hospitalization, or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment

7 Human death

B = Degree & Extent of Harm – Toxicity of the pesticide involved

0 No pesticide involved in complaint

1 Category III or IV – Signal Word “Caution”

2 Category II – Signal Word “Warning”

3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

1 Unknown or under \$1,000

2 Over \$1,000 and under \$5,000

3 Over \$5,000 and under \$10,000

4 Over \$10,000

D = Whether the violation was committed willfully

1 No evidence of willful intent

2 Apparent evidence of willful intent

5 Evidence of willful intent

E = Compliance record of the violator

0 No prior violations

- 1 One prior violation for a dissimilar violation
- 2 Two or more prior violations dissimilar to current violation
- 3 One prior violation for a similar violation
- 4 Two or more prior violations for similar violations

F = Investigative Costs

0 Payment of all investigative costs

2 No payment of costs

G = Entity Category

500 Business licensee responsible for violation

250 Certified Operator or Special Identification Cardholder responsible for violation

100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 482.163, 482.165 FS. Law Implemented 482.161, 482.163, 482.165 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission – RULE CHAPTER NO.: 9B-70

Building Code Training Program

RULE TITLES: Building Code Core Education RULE NOS.: 9B-70.001

Commission Approval and Accreditation of

Advanced Building Code Training Courses 9B-70.002

PURPOSE AND EFFECT: To provide for accreditation of advanced building code related continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Advanced building code related continuing education courses.

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

TIME AND DATE: 2:20 p.m., January 25, 2005

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-70.001 Building Code Core Education Training Program.

(1) through (2) No change.

(3) Voluntary Accreditation of Advanced Building Code Training Courses.

(a) The Commission shall approve individual persons to serve as accreditors of advanced building code training courses. Individuals desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(b) Accreditors shall review courses submitted by course developers, and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

1. Goals and measurable objectives;

2. Topical outline of the course components in order of presentation;

3. Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

4. Teaching resources and course references cited in the course materials.

(4) Courses are to address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education insufficiently served by available resources, the Commission shall report the insufficiency to the appropriate licensing board.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 4-20-00, Amended 10-14-01, 6-13-04, \_\_\_\_\_.

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons or entities to serve as accreditors of advanced training courses. Persons or entities desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00.

Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(2) Accreditor Review of Courses. Accreditors shall review courses submitted by course developers and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

(a) Goals and measurable objectives;

(b) Topical outline of the course components in order of presentation;

(c) Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Teaching resources and course references cited in the course materials.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within [number to be determined at workshop] months of notification to the licensing board, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org), and pay a registration fee \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org).

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d).

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System.

The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System shall assign an accreditation number to the application and the application shall be scheduled for review by the Florida Building Commission. The application shall be reviewed and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned.

(f) Accreditation of revisions to accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (d) hereof, except that only the revision submitted shall be subject to review.

Specific Authority 553.841(2) FS. Law Implemented 553.841 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."

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Investment Policy Statement  
 RULE NO.: 19-9.001

PURPOSE AND EFFECT: To amend the Investment Policy Statement to reflect recent investment option and other changes.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Public Employee Retirement Optional Program.

SPECIFIC AUTHORITY: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 121.4501(14) 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: 2:00 p.m. – 5:00 p.m., Wednesday, January 5, 2005

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Hodges at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULE WILL BE AVAILABLE FOR DISTRIBUTION ON DECEMBER 17, 2004.

Copies of the proposed repealed rules may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Food Services – Standards of Operation  
 RULE NO.: 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language that reiterates a statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Food Services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

~~(4) Sanitation.~~

~~(a) All food service areas shall meet the standards of the Food Hygiene Code, Department of Health, Chapter 64E-11, F.A.C. Food and beverages shall not be consumed in food preparation areas.~~

~~(b) Personnel assigned to food service shall meet the standards set by the Food Hygiene Code, Department of Health Rule 64E-11.005, F.A.C.~~

(5) through (6) renumbered (4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE CHAPTER TITLE: Supplemental Insurance  
 RULE CHAPTER NO.: 60P-10

RULE TITLE: Effective Date of Coverage  
 RULE NO.: 60P-10.004

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for any Supplemental Insurance Plan offered by the State are paid partially or entirely by direct payment.

SUBJECT AREA TO BE ADDRESSED: Acceptance of payment by agency or its agent will not does not afford coverage, if, for any reason, the subscriber or any eligible dependents are later found to be ineligible to participate.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 2:00 p.m., January 10, 2005

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Dykes, 4040, Division of State Group Insurance, Esplanade Way, Tallahassee, Florida 32399

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLES: Regular Elections; Vacancies Caused by  
 RULE NOS.: 61B-23.0021

Expiration of Term; Resignations;  
 Death; Election Monitors 61B-23.00215

Ombudsman; Election Monitoring 61B-23.00215

PURPOSE AND EFFECT: This rule amendment provides procedures and a petition form for condominium unit owners to request that the Condominium Ombudsman appoint a monitor for the condominium association’s annual election. The rule addresses the scope and extent of the monitor’s role in the election process.

SUBJECT AREA TO BE ADDRESSED: The appointment of election monitors by the Condominium Ombudsman.

SPECIFIC AUTHORITY: 718.5012(9) FS.

LAW IMPLEMENTED: 718.1255, 718.5012(9) 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., December 27, 2004

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE. A copy is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: General  
 RULE CHAPTER NO.: 61C-1

RULE TITLE: Definitions  
 RULE NO.: 61C-1.001

PURPOSE AND EFFECT: The purpose of this rule development is to adopt part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration* (FDA Food Code) into the sanitation and safety rules in Chapter 61C, Florida Administrative Code. Additionally, the division seeks to adopt the *2001 Food Code Errata Sheet* (August 23, 2002) and the *Supplement to the 2001 FDA Food Code* (August 29, 2003), both of which provide corrections and updates to the original 2001 FDA Food Code. These rules affect regulation of all public lodging and public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: This rule adoption will address regulatory changes and updates from the currently adopted 1999 FDA Food Code. Copies of the 2001 FDA Food Code are available on the Internet at [www.myflorida.com/dbpr/hr/rules\\_statutes/index.shtml](http://www.myflorida.com/dbpr/hr/rules_statutes/index.shtml) or may be obtained from: Lee Cornman, Division of Hotels and Restaurants, Tallahassee Office, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

SPECIFIC AUTHORITY: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) 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 IS: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~2001~~ *1999 Recommendations of the United States Public Health Service/Food and Drug Administration*, the 2001 Food Code Errata Sheet (August 23, 2002), and Supplement to the 2001 FDA Food Code (August 29, 2003), herein adopted by reference, shall apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C.:

(1) through (13) No change.

(14) Food Code – Food Code, ~~2001~~ *1999 Recommendations of the United States Public Health Service/Food and Drug Administration including Appendix 3 and Appendix 5 of the Food Code, the 2001 Food Code Errata Sheet (August 23, 2002)*, and Supplement to the 2001 FDA Food Code (August 29, 2003).

(15) through (30) No change.

Specific Authority 509.032(6) FS. Law Implemented 509.032 FS. History—Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98, 12-6-00,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: Public Food Service  
 RULE CHAPTER NO.: 61C-4

Establishments  
 RULE TITLE: Sanitation and Safety Requirements  
 RULE NO.: 61C-4.010

PURPOSE AND EFFECT: Concurrent with the proposed adoption of part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration* (FDA Food Code) into the sanitation and safety rules in Title 61C, Florida Administrative Code, the purpose of this proposed rule modification is to eliminate previous rule



exemptions to the FDA Food Code. Significant scientific evidence has been provided by the United States Public Health Service Food and Drug Administration and other food safety resources to indicate that continued exemption of the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of section 2.302.11(B), Food Code, may be detrimental to the health, safety and welfare of the dining public. These rules affect regulation of all public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

**SUBJECT AREA TO BE ADDRESSED:** This rule adoption will address removal of exemptions relative to the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of subsection 2.302.11(B), Food Code, as they apply to the division's adoption of the 2001 FDA Food Code. Copies of the 2001 FDA Food Code are available on the Internet at [www.myflorida.com/dbpr/hr/rules\\_statutes/index.shtml](http://www.myflorida.com/dbpr/hr/rules_statutes/index.shtml) or may be obtained from: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

**SPECIFIC AUTHORITY:** 509.032(6) FS.

**LAW IMPLEMENTED:** 509.032(3)(a) 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 IS:** Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, herein adopted by reference.

(a) through (g) No change.

~~(h) Public food service establishments are exempted from the consumer advisory provisions of section 3-603.11, Food Code.~~

~~(i) Employees in public food service establishments are exempted from the fingernail maintenance requirements of section 2-302.11(B), Food Code.~~

(2) through (7) No change.

Specific Authority 509.032(2)(d), 509.032(6) FS. Law Implemented 509.032(2)(d),(3)(a),(b),(c), 509.035, 509.221 FS. History--New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, Formerly 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Examination for Barber Licensure	61G3-16.0010
Examination for Restricted Licensure	61G3-16.007

**PURPOSE AND EFFECT:** The Board proposes to review the existing language in these rules to determine whether changes are necessary.

**SUBJECT AREA TO BE ADDRESSED:** Examination for Barber Licensure; Examination for Restricted Licensure.

**SPECIFIC AUTHORITY:** 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134, 476.144 FS.

**LAW IMPLEMENTED:** 455.217(1)(b),(c), 476.114(2), 476.134, 476.144 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Julie Malone Garofalo, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

**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 Dentistry**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Licensure Requirements for Applicants from Accredited Schools or Colleges	64B5-2.104

**PURPOSE AND EFFECT:** The Board proposes to review the rule to determine if amendments are necessary.

**SUBJECT AREA TO BE ADDRESSED:** Requirements for submitting an application for licensure.

**SPECIFIC AUTHORITY:** 466.004 FS.

**LAW IMPLEMENTED:** 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Use of the Title Sex Therapist  
PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.  
SUBJECT AREA TO BE ADDRESSED: Mediation.  
SPECIFIC AUTHORITY: 490.004(4), 490.0143 FS.  
LAW IMPLEMENTED: 490.003(4), 490.0143 FS.

RULE NO.: 64B19-18.002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Definitions  
PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2005.

RULE NO.: 68A-1.004

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.  
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES: General Prohibitions  
Possession and Release of Live Mallards  
Importation and Possession of Carcasses from Deer, Elk and Other Wildlife  
Species in the Family of Cervidae  
RULE NOS.: 68A-4.001  
68A-4.0052  
68A-4.0053

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with general prohibitions pertaining to wildlife and freshwater fish resources, to establish or revise rule provisions pertaining to the possession and release of live mallards, and to establish or revise rule provision addressing the importation and possession of carcasses from deer, elk, and other species in the family of Cervidae.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions pertaining to wildlife and freshwater fish resources and possession, release of live mallards, and importation and possession of carcasses from deer, elk, and other species in the family of Cervidae.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits: Application; Selection; Issuance

RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2005 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57(4)(f) 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 IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES: Permits for Hunting or Other Recreational Use on Wildlife Management Areas

RULE NOS.: 68A-9.004

Special-use Permits; Short-term Use Permits; Fees; Special-opportunity Hunting and Fishing Permits for Physically Disabled

68A-9.007  
68A-9.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with recreational use permits and related fees on Wildlife Management Areas;

special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

RULE NOS.: 68A-12.007

Regulations Governing the Operation of Private Hunting Preserves

68A-12.010

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to regulate the use of dogs for deer hunting on private lands and to establish or revise rule provisions associated with the operation of private hunting preserves.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include provisions to regulate the use of dogs to hunt deer on private lands and regulations pertaining to the release of captive-reared ducks on preserves for shooting purposes.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
Open Season for Taking Game; Bag and Possession Limits	68A-13.001
Migratory Birds; Adoption of Federal Statutes and Regulations	68A-13.002
Hunting Regulations for Ducks, Geese, and Coots	68A-13.003
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2005, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE:	RULE NO.:
Establishment Orders	68A-14.001

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Regulations Relating to Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Wildlife Management Areas – Northeast Region	68A-15.065

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Establishment	68A-21.002
General Regulations Relating to Wild Hog Areas	68A-21.004

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with general regulation of wild hog areas.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulation of wild hog areas.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to establish regulations for taking

and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

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

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 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 IS:** Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.073 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 IS:** Thomas Eason, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

## Section II Proposed Rules

### DEPARTMENT OF TRANSPORTATION

**RULE CHAPTER TITLE:** Outdoor Advertising Sign Regulation and Highway Beautification

**RULE CHAPTER NO.:** 14-10

**RULE TITLE:** Permits

**RULE NO.:** 14-10.004

**PURPOSE AND EFFECT:** Rule 14-10.004, F.A.C., is being amended to incorporate by reference a revised Form 575-070-04, Application for Outdoor Advertising Permit.

**SUMMARY:** Form 575-070-04, Application for Outdoor Advertising Permit, is being revised.

**SPECIFIC AUTHORITY:** 334.044(2), 479.02(7) FS.

**LAW IMPLEMENTED:** 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost 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 regulatory alternative must do so in writing within 21 days of this notice.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

**THE FULL TEXT OF THE PROPOSED RULE IS:**

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, incorporated herein by reference, to the address listed in Rule subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of paragraph (c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2) No change.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing