

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: Kaye Howerton, Executive Director, Psychology Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File.

Specific Authority 490.004 FS. Law Implemented 490.005 FS. History—New 1-16-92, Formerly 21U-11.009, Amended 6-14-94, Formerly 61F13-11.009, Amended 1-7-96, Formerly 59AA-11.007, Amended 8-5-01, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE NO.: 5B-54.014  
RULE TITLE: Issuance of Compliance Agreements and Certificates

**NOTICE OF CORRECTION TO RULE DEVELOPMENT**

Notice is hereby given that the changes to subsection (2)(a) were incorrectly printed in the Notice of Proposed Rule Development for the above rule, which was published in Vol. 31, No. 6, February 11, 2005, issue of the Florida Administrative Weekly.

5B-54.014 Issuance of Compliance Agreements and Certificates.

(2) Certificates of Inspection.

(a) A certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. Forms DACS-08061, revised 8/99 Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS-08057, revised 10/99, and incorporated herein by reference, may be used for this purpose. ~~A copy of forms DACS-08061 and DACS-08057 or a Varroa~~

~~Mite Certification, DACS-08165, revised 10/99, and incorporated herein by reference, may be used for this purpose.~~ A copy of Forms DACS-08061, DACS-08057 and DACS-080165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

**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 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 Medicine**

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

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced rule amendments, as noticed in Vol. 29, No. 26, of the Florida Administrative Weekly on June 27, 2003, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-13.005  
RULE TITLE: Continuing Education for Biennial Renewal

**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. 48, of the November 24, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on February 4, 2005, in Miami voted to change subsection (10) of the proposed rule. When changed, subsection (10) shall read as follows:

(10) In addition to the continuing medical education credits authorized above, a physician who serves as a supervising physician for a licensed physician who is under direct supervision for a period of at least one year, shall be entitled to receive 6 hours of continuing medical education credit in the area of risk management. Any physician who serves as a monitoring physician for a licensed physician who is under indirect supervision for a period of at least one year, shall be entitled to receive 3 hours of continuing medical education credit in the area of risk management.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.300                      RULE TITLE: Consultant Pharmacist Registration  
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 1, January 7, 2005, issue of the Florida Administrative Weekly. Upon review, the Rules Committee voted to make the following changes at its December 5, 2004 meeting.

The introductory paragraph of paragraph (2)(c) now reads as follows:

(c) Successfully complete a period of assessment and evaluation under the supervision of a preceptor within one (1) year of completion of the course set forth in paragraph (b) above. This period of assessment and evaluation shall be completed over no more than three (3) consecutive months and shall include at least 40 hours training in the following practice areas, 60% of which shall occur on-site at an institution that holds a pharmacy permit. The training shall include:

Subparagraph 2. of the Minimum Skills Required now reads as follows:

2. Facility Review.

Paragraph (3)(c) now reads as follows:

(c) Maintain all pharmacist licenses in good standing with the Board.

Subsections (4) and (5) now read as follows:

(4) Upon completion of the requirements set forth above, the applicant's preceptor shall confirm that the applicant's assessment and evaluation have met the requirements and that the applicant has successfully completed all required assignments under the preceptor's guidance and supervision.

~~(5)(4) After licensure a consultant pharmacist's license shall be renewed biennially upon payment of the fee set forth in Rule 64B16-26.1003, F.A.C., and upon completing twenty-four (24) Proof satisfactory that a consultant pharmacist, certified pursuant to this section, has met the requirements necessary for initial or biennial renewal certification, which shall be constituted by the following: the applicant for initial certification has completed, at a minimum, a twelve (12) hours of board approved continuing education based upon the provisions of Rule 64B16-26.302, F.A.C. course of an in-depth analysis of approved subject matter based upon the provisions of Rule 64B16-26.301, F.A.C., (initial certification) or a twelve (12) hour course of an in-depth analysis of approved subject matter each calendar year based upon the provisions of Rule 64B16-26.302, F.A.C., (renewal certification) developed by the Tripartite Continuing Education Committee.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Blad Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-17.002                      RULE TITLE: Disciplinary Guidelines  
 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. 45, of the November 5, 2004, Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on January 21, 2005, in Tampa, Florida, determined that changes should be made to the rule.

When changed, subsection (1) shall read as follows:

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Sections 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed from minimum to maximum.

| PENALTY RANGE  |  |   |   |
|--|--|---|---|
| VIOLATION  | FIRST OFFENSE  | SECOND OFFENSE  | THIRD OFFENSE   |
| (a) Attempting to obtain, or renewing a license by bribery or fraudulent misrepresentation. (490.009(1)(a), and 456.072(1)(h), F.S.) | Revocation or permanent denial of licensure and \$10,000 fine.<br><br>If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000. | Revocation or permanent denial of licensure, and \$10,000 fine.<br><br>If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000. | Revocation or permanent denial of licensure, and \$10,000 fine.<br><br>If unintentional, then from granting licensure with Probation to Suspension or denial of licensure for a minimum of 2 years to Revocation or permanent denial of licensure, and fine up to \$10,000. |
| (b) License disciplined by another jurisdiction. (490.009(1)(b), and 456.072(1)(f), F.S.)  | Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of up to \$10,000.  | Imposition of discipline that would have been imposed had the violation occurred in Florida and fine of up to \$10,000.   | Revocation and a \$10,000 fine.   |
| Case of Applicant  | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.   | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.  | Permanent denial of license.  |
| (c) Criminal conviction relating to psychology. (490.009(1)(c), and 456.072(1)(c), F.S.)   | From Suspension and a fine up to \$10,000 to Revocation.   | From Suspension and a \$10,000 fine to Revocation.  | Revocation.   |
| Case of Applicant  | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.   | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000.  | Permanent denial of license.  |
| (d) False, deceptive or misleading advertising. (490.009(1)(d), and 456.072(1)(m), F.S.)   | From Reprimand and Probation to Suspension, and a \$10,000 fine.<br><br>If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to \$5,000.   | From Reprimand and Suspension to Revocation, and a \$10,000 fine.<br><br>If unintentional, from Reprimand, Probation and a \$5,000 fine to Suspension and a fine up to \$10,000.  | Revocation and a \$10,000 fine.<br><br>If unintentional, from Suspension to Revocation, and a \$10,000 fine.  |

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| (e) Advertising, practicing, or attempting to practice under another name.<br>(490.009(1)(e), F.S.)                        | From Reprimand and Probation to Suspension, and a \$10,000 fine.<br><br>If unintentional, from Reprimand and a \$1,000 fine to Probation and a fine up to \$10,000. | From Reprimand and Suspension to Revocation, and a \$10,000 fine.<br><br>If unintentional, from Reprimand, Probation, and a \$1,000 fine to Suspension and a fine up to \$10,000. | Revocation and a \$10,000 fine.<br><br>If unintentional, from Reprimand, Suspension, and a \$10,000 fine to Revocation.    |
| (f) Maintaining a wrongful professional association.<br>(490.009(1)(f), F.S.)  | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Probation, and a \$5,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand and Suspension to Revocation, and a \$10,000 fine.  |
| (g) Knowingly aiding, assisting, procuring, or advising a non-licensed person.<br>(490.009(1)(g), and 456.072(1)(j), F.S.) | From Reprimand, Probation, and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.   | Revocation and a \$10,000 fine.  |
| (h) Failing to perform any statutory or legal obligation.<br>(490.009(1)(h), and 456.072(1)(k), F.S.)                      | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.   | Revocation and a \$10,000 fine.  |
| (i) Willingly making or filing a false report, etc.<br>(409.009(1)(i), and 456.072(1)(l), F.S.)                            | From Reprimand to Revocation, and a \$10,000 fine.  | From Reprimand and Suspension to Revocation, and a \$10,000 fine.   | Revocation and a \$10,000 fine.  |
| (j) Paying or receiving a kickback, etc.<br>(490.009(1)(j), F.S.)  | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.   | Revocation and a \$10,000 fine.  |
| (k) Sexual misconduct or battery on a patient.<br>(490.009(1)(k), F.S.)  | From Suspension followed by Probation to Revocation, and a fine from \$5,000 up to \$10,000.  | Revocation and a fine from \$5,000 up to \$10,000.  | Revocation and a \$10,000 fine.  |
| Case of Applicant  | Permanent denial of licensure.  | Permanent denial of licensure.  | Permanent denial of licensure.   |
| (l) Making misleading, deceptive, untrue, or fraudulent representations, etc.<br>(409.009(1)(l), and 456.072(1)(m), F.S.)  | Reprimand, Probation and a \$10,000 fine.<br><br>If unintentional, Reprimand and a fine from \$1,000 up to \$10,000.  | From Reprimand and Suspension to Revocation, and a \$10,000 fine.<br><br>If unintentional, Reprimand and Probation, and a fine from \$1,000 up to \$10,000.                       | Revocation and a \$10,000 fine.<br><br>If unintentional, Reprimand and Suspension, and a fine from \$5,000 up to \$10,000. |
| (m) Soliciting through fraud, intimidation, undue influence, etc.<br>(490.009(1)(m), F.S.)                                 | From Reprimand to Revocation, and a \$10,000 fine.  | From Reprimand and Suspension to Revocation, and a \$10,000 fine.   | Revocation and a \$10,000 fine.  |
| (n) Failing to provide records, etc.<br>(490.009(1)(n), F.S.)  | From Reprimand to Suspension, and a fine from \$1,000 up to \$10,000.   | From Reprimand to Suspension, and a fine from \$5,000 up to \$10,000.   | From Reprimand and Suspension to Revocation, and a \$10,000 fine.  |

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| (o) Failing to respond to Department within 30 days, etc.<br>(490.009(1)(o), F.S.)               | Suspension until compliance and a fine from \$1,000 up to \$10,000.   | Suspension until compliance and a fine from \$5,000 up to \$10,000.   | From Suspension until compliance to Revocation, and a \$10,000 fine. |
| (p) Incompetence (mental or physical impairment), etc.<br>(490.009(1)(p), F.S.)                  | From Suspension, followed by Probation, mental and physical evaluations to Revocation and a fine from \$1,000 up to \$10,000. | From Suspension, followed by Probation, mental and physical evaluations to Revocation and a fine from \$1,000 up to \$10,000. | Revocation.  |
| (q) Violating provisions of Chapter 490 or 456, F.S.<br>(490.009(1)(w), and 456.072(1)(b), F.S.) | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (r) Experimentation without informed consent.<br>(490.009(1)(q), F.S.)                           | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (s) Negligence.<br>(490.009(1)(r), F.S.)   | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (t) Delegating professional responsibilities.<br>(490.009(1)(s), and 456.072(1)(p), F.S.)        | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (u) Violating any lawful order.<br>(490.009(1)(t), and 456.072(1)(q), F.S.)                      | Suspension until compliance and a fine from \$1,000 up to \$10,000.   | Suspension until compliance and a fine from \$1,000 up to \$10,000.   | Revocation.  |
| (v) Failing to maintain confidence.<br>(490.009(1)(u), F.S.)                                     | Reprimand and a fine from \$1,000 up to \$5,000.  | From Reprimand to Revocation, and a fine from \$5,000 up to \$10,000.   | Revocation and \$10,000 fine.  |
| (w) Identifying or damaging research clients.<br>(490.009(1)(v), F.S.)                           | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (x) Failure to comply with continuing education for domestic violence.<br>(456.072(1)(s), F.S.)  | \$250 fine and Suspension until compliance.   | Reprimand, \$500 fine and Suspension until compliance.  | Reprimand, \$1,000 fine and Suspension until compliance.             |
| (y) Exercising influence on the patient or client for financial gain.<br>(456.072(1)(n), F.S.)   | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |
| (z) Improperly interfering with an investigation.<br>(456.072(1)(r), F.S.)                       | From Reprimand and a \$1,000 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.                                       | Revocation and a \$10,000 fine.                                      |

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| Case of Applicant  | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000. | From granting licensure with Probation or denial of licensure for up to 2 years to permanent denial of licensure, and fine up to \$10,000. | Permanent denial of license.    |
| (aa) Performing or attempting to perform wrong health care services.<br>(456.072(1)(aa), F.S.) | From Reprimand and a \$1,000.00 fine to Revocation and a fine up to \$10,000.  | From Reprimand, Suspension, and a \$5,000 fine to Revocation and a fine up to \$10,000.  | Revocation and a \$10,000 fine. |

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications  
 RULE NO.: 68B-4.0081

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule published in Vol. 30, No. 53, December 30, 2004 issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on February 3, 2005, in Panama City Beach, Florida. Although the text of the rule has not changed, the Commission has decided to include a proposed effective date of July 1, 2005.

The rule will now read as follows:

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications.

(1) This rule is intended to implement prohibitions and restrictions of Article X, Section 16 of the Florida Constitution. As used there and in this rule, the term “net” or “netting” shall be broadly construed to include all manner or combination of mesh or webbing or any other solid or semisolid fabric or other material used to comprise a device that is used to take or harvest marine life.

(2)(+) The following gear specifications shall apply in all state waters:

(a) The use or placement in the water of any gill or entangling nets of any size is prohibited. No person shall fish with, set, or place in Florida waters any gill or entangling net.

(b) Any net constructed wholly or partially of monofilament or multistrand monofilament material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered an entangling net prohibited by Article X, Section 16 of the Florida Constitution, and this rule, unless otherwise authorized by rule of the Commission. The term “multistrand monofilament” does not include braided or twisted twines made of nylon, cotton, linen, or polypropylene.

(c) No person shall take or harvest, or attempt to take or harvest, any marine life in Florida waters with any net that is larger than 500 square feet in mesh area that has not been authorized by rule of the Commission. The use of a shrimp trawl, purse seine, jellyfish paired trawl, or calico scallop otter trawl that is larger than 500 square feet in mesh area, outside nearshore and inshore waters, shall be considered so authorized for purposes of this paragraph.

(d) No person shall fish with, set, or place in the water any net, other than a cast net, landing or dip net, jellyfish paired trawl, or calico scallop otter trawl with a mesh size greater than 2 inches stretched mesh. Any such net, with a mesh size greater than 2 inches stretched mesh shall be considered an entangling net for purposes of paragraph (a).

(e)(b) No person shall soak a net beach or haul seine for more than one hour, beginning when the first mesh is placed in the water and ending when the first mesh is retrieved back aboard the vessel or on shore. Once the first mesh is retrieved, the net seine operation shall be continuous until the net is completely removed from the water. This prohibition shall not apply to shrimp trawls, purse seines, jellyfish paired trawls, or calico scallop otter trawls.

(3)(2) The following net gear specifications shall apply in nearshore and inshore Florida waters:

(a) No person shall fish with, set, or place in the water any net with a mesh area greater than 500 square feet.

(b) The mesh area of a net of uniform construction, other than a cast net or net in the form of an elongated bag, is determined by multiplying the maximum length by the maximum width of the net. The maximum length of such a net is determined by multiplying the number of meshes along the corkline of the net by the bar measurement of the mesh in the net. The number of meshes along the corkline is determined by

counting the number of meshes per tie and multiplying that by the total number of ties along the corkline. The maximum width, or depth, of such a net is determined by multiplying the number of meshes between the corkline and leadline of the net by the bar measurement of the mesh in the net. If a net, other than a cast net or net in the form of an elongated bag, is constructed in a nonuniform manner, the mesh area shall be determined by adding together the mesh area of the component parts.

~~(c)~~(b) No more than two nets shall be fished with, set, or placed in the water from a single vessel at any one time. No more than one net shall be fished with, set, or placed in the water by any person not on a vessel.

~~(d)~~(e) No person shall connect, tie, or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding the 500 square feet limit specified in paragraph (a). Two nets sharing the same corkline or leadline with a combined mesh area exceeding 500 square feet shall be considered connected and a violation of Article X, Section 16 of the Florida Constitution and this rule.

~~(d) Beginning January 1, 1998, No person shall fish with, set, or place in the water any seine with a mesh size larger than 2 inches stretched mesh.~~

(e) No net may have more meshes attached per foot of corkline or leadline than 14 divided by the bar measurement of the mesh in the net. A net with more than this number of meshes attached per foot of corkline or leadline shall be considered an entangling net for purposes of this rule and Article X, Section 16 of the State Constitution.

~~(4)~~(3) Cast Nets.

(a) The Fish and Wildlife Conservation Commission finds that the maximum specifications established for cast nets in paragraph (b) are appropriate to allow the largest cast nets that can be reasonably, practically, and effectively thrown by hand to take marine species in nearshore and inshore Florida waters, within the 500-square foot limit imposed by Article X, Section 16(b) of the State Constitution.

(b) No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) greater than 14 feet. No more than two cast nets shall be fished in such waters from a single vessel at any time.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended 12-2-99, 7-1-05.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE NO.:  
69O-170.013

RULE TITLE:  
Filing Procedures for Property and  
Casualty Insurance Rates, Rules,  
Underwriting Guidelines, and  
Forms

**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. 14, April 2, 2004, of the Florida Administrative Weekly. These changes are being made in response to written material received on or before the date of the final public hearing.

Subsection (7) of Rule 69O-170.013, F.A.C., is changed to read:

(7) This rule applies to that portion of a rate filing relating to terrorism coverage required under the Terrorism Risk Insurance Act of 2002. The Office recognizes the difficulty facing an individual insurer in demonstrating that its rates related to terrorism are not excessive, inadequate, or unfairly discriminatory. An insurer is free to use any methodology the insurer believes demonstrates that the rates requested or implemented are in compliance with Section 627.062, Florida Statutes. If an insurer is unable to demonstrate through its own methodology that the rate requested or implemented complies with Section 627.062, Florida Statutes, then the insurer may, at its option, adopt the methodology, data, and/or rates or loss costs of another insurer or rating or advisory organization that have been previously approved by the Office for similar risks. Section 627.314, F.S., is added as Law Implemented.

**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."