

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE TITLE: Purpose and Definitions RULE NO.: 5I-4.002

PURPOSE AND EFFECT: This purpose is to provide guidance to Department staff and information to the public regarding use of lands managed by the Department for specific activities, and to comply with similar existing laws and rules. The effect will improve administration and provide guidance for public use.

SUBJECT AREA TO BE ADDRESSED: Revision to the existing Administrative Rule Chapter 5I-4, F.A.C., regarding the current effective date for scheduled fees administered by the Florida Department of Agricultural and Consumer Services, Division of Forestry.

SPECIFIC AUTHORITY: 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(4), 589.071 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: John Waldron, Forest Recreation Coordinator, Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Blvd., C-25, Tallahassee, FL 32399-1650, (850)414-9852

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code RULE CHAPTER NO.: 5L-1

RULE TITLE: Compliance and Penalties RULE NO.: 5L-1.006

PURPOSE AND EFFECT: This amendment proposes to change the penalties for 'repeat' Other deficiencies.

SUBJECT AREA TO BE ADDRESSED: The proposed change seeks to make enforcement activities for minor "Other" deficiencies in accordance with Rule 5L-1.006, F.A.C., more consistent with enforcement activities required by the National Shellfish Sanitation Program (NSSP).

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Tuesday, July 26, 2005

PLACE: Department of Environmental Protection, Robert Howell Building, Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Monday, August 8, 2005

PLACE: George G. Kirkpatrick Marine Laboratory, 11350 S. W. 153rd Court, Cedar Key, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Tuesday, August 9, 2005

PLACE: Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Wednesday, August 10, 2005

PLACE: Pine Island Public Library, 10700 Russell Road, Bokeelia, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Buddy Levins, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Aquaculture Best Management Practices RULE CHAPTER NO.: 5L-3

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Chapter 5L-3, F.A.C., to reference an updated Aquaculture Best Management Practices Manual, dated January, 2005.

SUBJECT AREA TO BE ADDRESSED: The Aquaculture Best Management Practices Manual, October 2002 will be rearranged and edited to clarify requirements and create a more understandable manual. Specifically, there are new requirements for aquaculture related construction, a new section on aquaculture dock construction and use, a new section on shellfish culture in open water, and new provisions for aquatic animal welfare.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 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: Kal Knickerbocker, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Educational Facilities

RULE NO.: 6A-2.0010

PURPOSE AND EFFECT: The purpose of this rule development is to review the current requirements relating to educational facilities and the current laws to ensure that the rule accurately reflects the implementing laws. The effect will be a rule which is aligned with governing laws.

SUBJECT AREA TO BE ADDRESSED: Requirements for state educational facilities.

SPECIFIC AUTHORITY: Section 1(a) Article IX, State Constitution, 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

TIME AND DATE: 1:30 p.m. – 4:30 p.m., May 16, 2005

PLACE: Department of Education, Turlington Building, 17th Floor, 325 West Gaines Street, Tallahassee, Florida 32399-0400

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Wednesday, May 18, 2005

PLACE: Orange County School Board, Orlando Vocational Technical School, Room 317, 301 West Amelia Street, Orlando, Florida 32801

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Friday, May 20, 2005

PLACE: Broward County School Board, School Board Meeting Room, Kathleen C. Wright Administration Building, 600 S. E. 3rd Avenue, Fort Lauderdale, Florida 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400

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

**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 MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE CHAPTER TITLE: Leases for Real Property

RULE CHAPTER NO.: 60H-1

RULE TITLES: Definitions

RULE NOS.: 60H-1.001

Division Approval; When Required

60H-1.002

Standard Lease Agreement Form

60H-1.003

Filing of Leases

60H-1.004

Escalation Clauses

60H-1.006

Right-to-Terminate Clause Required

60H-1.007

Notice of Renewal

60H-1.009

Fire Code Compliance in Leased Space

60H-1.013

Leases of 5,000 Square Feet or More

60H-1.015

Turnkey (Lease) Construction Program

60H-1.017

Prior Approval of Space Need

60H-1.022

Disclosure Statement-Private Entities

60H-1.025

Disclosure Statement-Public Officials

60H-1.026

Legal Review

60H-1.027

Information and Forms

60H-1.028

Rental Rate Guidelines for Privately Owned Space

60H-1.030

PURPOSE AND EFFECT: To consider amendments to an existing rule chapter to incorporate proposed objections made by the Joint Administrative Procedures Committee and to update and revise outdated and superfluous language contained in the rules.

SUBJECT AREA TO BE ADDRESSED: Amendment of the rule chapter that sets out the procedures and guidelines for state agencies to lease both private and public sector building space.

SPECIFIC AUTHORITY: 255.249(2)(a),(e),(4)(f),(5), 255.25(2), 255.503(11), 120.53(1)(a) FS.

LAW IMPLEMENTED: 255.21, 255.25(1),(2)(a),(b),(3),(4),(5),(7), 255.503, 255.249(1),(2)(b),(e),(h),(i),(j),(k),(3),(4), 255.254 FS.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-20.001 Examination Designated.

(1) No change.

(2) ~~All applicants (except applicants for licensure by endorsement) shall be required to take and pass one of the following:~~

~~(a) A professional interior design examination which shall consist of six parts:~~

PART	NAME OF EXAM	FORM OF EXAM
1.	<del>Building and Barrier Free Codes</del>	<del>Multiple Choice</del>
2.	<del>Identification and Application</del>	<del>Multiple Choice</del>
3.	<del>Practicum: Programming</del>	<del>Client Interview and Graphie</del>
4.	<del>Practicum: Three Dimensional</del>	<del>Graphie</del>
5.	<del>Practicum: Scenario</del>	<del>Graphie</del>
6.	<del>Problem Solving</del>	<del>Multiple Choice</del>

~~(b) National Council for Architectural Registration Boards (NCARB).~~

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 7-4-90, Formerly 21B-20.001, Amended 5-30-95, 5-4-97, 3-8-04,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Child and Farm Labor Program**

RULE CHAPTER TITLE: Florida Farm Labor Registration

RULE CHAPTER NO.: 61L-1

PURPOSE AND EFFECT: To implement the amendment of Chapter 450 Part Three, Florida Statutes (2003), pursuant to Chapter 2004-64, Laws of Florida (2004).

SUBJECT AREA TO BE ADDRESSED: Farm Labor Contractor Registration.

SPECIFIC AUTHORITY: 450.321(1),(2), 450.36, 450.38(3),(7) FS.

LAW IMPLEMENTED: 450.27, 450.271, 450.28, 450.321, 450.33, 450.34, 450.35, 450.37, 450.38, 450.39 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Francisco R. Rivera, 1940 N. Monroe Street, Tallahassee, FL 32399-1044, (850)487-3218 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Regulation and Prohibition of Certain

RULE NO.:

Harvesting Gear Allowable Gear, Incidental Bycatch, Violation

68B-14.005

PURPOSE AND EFFECT: The purpose of this rule is to specify buoy and trap marking for black sea bass traps. The effect will be to allow the prosecution of the black sea bass trap fishery while clearly identifying those traps being used in it.

SUBJECT AREA TO BE ADDRESSED: Identification of black sea bass traps.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap, which shall only be used north of Latitude 27° North. Each such trap shall comply with the following specifications:

1. The outer dimensions do not exceed 2 feet in height, 2 feet in width, and 2 feet in depth, and the throat or entrance does not exceed 5 inches in height and 2 inches in width at its narrowest point.

2. A biodegradable panel shall be part of each trap used to take black sea bass. A black sea bass trap shall be considered to have a "biodegradable panel" or a "degradable panel" if one of the following methods is used in construction of the trap:

a. The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

b. The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

c. The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

d. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

e. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. "Untreated pine" means raw pine wood that has not been treated with any preservative

or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

f. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

g. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

3. Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

a. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

b. A circular vent, 2 inches (5.1 cm) in diameter.

c. A square vent with sides of 1.75 inches (4.4 cm) measured inside the square.

#### 4. Trap marking requirements.

a. Each black sea bass trap used for harvesting black sea bass shall have the trap owner's saltwater products license number permanently attached. Each buoy attached to such trap shall have the letter "B" and the owner's saltwater products license number affixed to it in legible figures at least 1.5 inches high.

b. A buoy or time-release buoy shall be attached to each black sea bass trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be either white in color or the same color as the owner's blue crab or stone crab buoy colors. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a black sea bass trap or attached to a trotline shall float on the surface of the water.

(c) No change.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Death Benefits  
 RULE CHAPTER NO.: 69A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index  
 RULE NO.: 69A-64.005

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2005-2006.

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., May 16, 2005

PLACE: Room 116, Larson Building, 200 East Gaines, Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Kimberly Riordan, (850)413-3170.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, 2005 ~~2004~~ through June 30, 2006 ~~2005~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2005 ~~2004~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

~~(2) On or before July 1, 2003, and each year thereafter, the Division shall adopt by rule the Consumer Price Index adjustment for the next annual period, in accordance with the most recent Consumer Price Index available at the time of such adoption.~~

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Registration  
 RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to delete outdated language no longer applicable to the registration process.

SUMMARY: This rule deletes the language which established the biennial registration period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed revisions do not incur any regulatory costs.

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.

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

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

TIME AND DATE: 10:00 a.m., May 24, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500