

34. OIR-B2-1384, "Individual Variable Life Policy Checklist", Rev. 1/04. (iii) Form OIR-B2-1494, "Individual Universal Life," 7/00.

35. OIR-B2-1496, "Individual Whole Life Policy Checklist", Rev. 1/04. (jii) Form OIR-B2-1496, "Individual Whole Life," 7/00.

36. OIR-B2-1350, "Master Group Application Checklist", Rev. 1/04. (kkk) Form OIR-B2-1607, "Discount Medical Plan Organization (DMPO) Contract and Application Checklist", 09/04.

37. OIR-B2-1639, "Out-of-State Group Life Enrollment Application Checklist", 1/05.

38. OIR-B2-1640, "Out-of-State Group Non-Variable Annuity Contract Checklist", 1/05.

39. OIR-B2-1641, "Out-of-State Group Non-Variable Annuity Enrollment Application Checklist", 1/05.

40. OIR-B2-1328, "Out-of-State Group Term Life Policy Checklist", Rev. 1/05.

41. OIR-B2-1330, "Out-of-State Group Universal Life Policy Checklist", Rev. 1/05.

42. OIR-B2-1642, "Out-of-State Group Variable Annuity Contract Checklist", 1/05.

43. OIR-B2-1644, "Out-of-State Group Variable Annuity Enrollment Application Checklist", 1/05.

44. OIR-B2-1643, "Out-of-State Group Variable Life Enrollment Application Checklist", 1/05.

45. OIR-B2-1343, "Out-of-State Group Variable Life Policy Checklist", Rev. 1/05.

46. OIR-B2-1329, "Out-of-State Group Whole Life Policy Checklist", Rev. 1/05.

47. OIR-B2-1646, "Viatical Contract Checklist", 3/05.

48. OIR-B2-1647, "Viatical Settlement Escrow Form Checklist", 3/05.

49. OIR-B2-1648, "Viatical Settlement Purchase Agreement Checklist", 3/05.

50. OIR-B2-1649, "Viatical Settlement Related Form Checklist", 3/05.

Specific Authority 624.308 FS. Law Implemented 624.424(1)(c), 627.410, 636.216 FS. History--New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

Section III Notices of Changes, Corrections and Withdrawals

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 ELDER AFFAIRS

Federal Aging Programs

RULE NO.:	RULE TITLE:
58A-5.0191	Staff Training Requirements and Training Fees
	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. 31, No. 11, March 18, 2005, issue of the Florida Administrative Weekly.

TEXT OF PROPOSED RULE CHANGES:

58A-5.0191 Staff Training Requirements and Competency Test.

(9) ALZHEIMER'S DISEASE AND RELATED DISORDERS ("ADRD") TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with ADRD Alzheimer's disease and related disorders, or who maintain secured areas as described in Rule 58A-5.023, F.A.C., must ensure that facility staff receive the following training.

(a) Facility staff who have regular contact with or provide direct care to residents with ADRD Alzheimer's disease and related disorders, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between April 20, 1998 and July 1, 2003 shall satisfy this requirement. Facility staff who meet the requirements for ADRD Alzheimer's disease and related disorders training providers under paragraph (g) of this subsection will be considered as having met this requirement. "Staff who have regular contact" means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training, entitled, "Alzheimer's Disease and Related Disorders Level I Training," must address the following subject areas:

1. through 6. No change.

(b) Staff who have received both the initial one hour and continuing three hours of ADRD Alzheimer's disease and related disorders training pursuant to Sections 400.1755,

400.5571(1) and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility Alzheimer's Disease and Related Disorders Level I Training.

(c) Facility staff who provide direct care to residents with ~~ADRD Alzheimer's disease and related disorders~~, must obtain an additional 4 hours of training, entitled "Alzheimer's Disease and Related Disorders Level II Training," within 9 months of employment. Facility staff who meet the requirements for ~~ADRD Alzheimer's disease and related disorders~~ training providers under paragraph (g) of this subsection will be considered as having met this requirement. Alzheimer's Disease and Related Disorders Level II Training must address the following subject areas as they apply to these disorders:

1. through 5. No change.

(d) A detailed description of the subject areas that must be included in an ~~ADRD Alzheimer's disease and related disorders~~ curriculum which meets the requirements of subparagraphs (a) and (b) of this subsection can be found in the document "Training Guidelines for the Special Care of Persons with Alzheimer's Disease and Related Disorders," dated March 1999, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(e) No change.

(f) Facility staff who have only incidental contact with residents with ~~ADRD Alzheimer's disease and related disorders~~ must receive general written information provided by the facility on interacting with such residents, as required under Section 400.4178, F.S., within 3 months of employment. "Incidental contact" means all staff who neither provide direct care nor are in regular contact with such residents.

(g) Persons who seek to provide ~~ADRD Alzheimer's disease and related disorders~~ training in accordance with this subsection must provide the department or its designee with documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and:

1. through 3. No change.

(h) No change.

(10) ALZHEIMER'S DISEASE AND RELATED DISORDERS ("~~ADRD~~") TRAINING PROVIDER AND CURRICULUM APPROVAL.

(a) The training provider and curriculum shall be approved by the department or its designee prior to commencing training activities. The department or its designee shall maintain a list of approved ADRD training providers and curricula. Approval as a training provider and approval of the curriculum may be obtained as follows:

1. ~~(a) Applicants~~ Persons seeking approval as ~~ADRD an~~ Alzheimer's disease and related disorders training providers shall complete DOEA form ALF/ADRD-001, Application for Alzheimer's Disease and Related Disorders Training Provider

Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

2. ~~Applicants~~ Persons seeking to obtain approval of ~~ADRD an~~ Alzheimer's disease and related disorder curriculum shall complete DOEA form ALF/ADRD-002, Application for Alzheimer's Disease and Related Disorders Training Three-Year Curriculum Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. ~~Approval must be obtained from the department or its designee for the training provider and the training curriculum prior to commencing training activities. Upon receipt of approval from the department or its designee, the Alzheimer's disease and related disorders training provider shall be considered as an "approved Alzheimer's disease and related disorders training provider" by the Florida Department of Elder Affairs for purposes of meeting the training requirements of Section 400.4178 or Section 400.452, F.S., and Rule 58A-5.0191, F.A.C. The department or its designee shall maintain a list of approved Alzheimer's disease and related disorders training providers and approved curricula. Approval of the curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the department or its designee for re-approval.~~

(b) Approved ~~ADRD Alzheimer's disease and related disorders~~ training providers must maintain records of each course taught for a period of 3 years following each program presentation. Course records shall include the title of the approved ~~ADRD Alzheimer's disease and related disorders~~ training curriculum, the department's curriculum approval number, the number of hours of training, the training provider's name and the department's training provider approval number, the date and location of the course, and a roster of ~~trainees~~ participants.

(c) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the training and the department's curriculum approval number, the number of hours of training, the ~~trainee's~~ participant's name, dates of attendance, location, and the training provider's name, ~~and the department's training provider~~ approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 400.4178, F.S.

(d) The department or its designee reserves the right to attend and monitor ~~ADRD Alzheimer's disease and related disorders~~ training courses, review records and course materials approved pursuant to this rule, and revoke approval on the basis of non-adherence to approved curriculum, the provider's

failure to maintain required training credentials, or if the provider is found to knowingly disseminate any false or misleading information.

(e) Except as otherwise noted, certificates of any ADRD Alzheimer's disease and related disorders training required by this rule shall be documented in the facility's personnel files.

(f) ADRD Alzheimer's disease and related disorders training providers and training curricula which are approved consistent with the provisions of Sections 400.1755, 400. 6045, 400.5571, F.S., shall be considered as having met the requirements of paragraph (9)(a) and subsection (10) of this rule.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.110 Hearing Services
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rulemaking that was published in Vol. 31, No. 14, April 8, 2005, issue of the Florida Administrative Weekly (FAW).

The Notice erroneously stated that the Notice of Proposed Rule Development was published in the FAW on December 17, 2004. The correct date is January 7, 2005.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.030 Payment Methodology for
 Outpatient Hospital Services
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 7, February 18, 2005, beginning on page 677 of the Florida Administrative Weekly has been withdrawn. This proposed rule incorporated Version XIII of the Florida Title XIX Outpatient Hospital Reimbursement Plan by reference.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.: RULE TITLES:
61G17-5.0031 Continuing Education Credit for
 Biennial Renewal
61G17-5.0043 Obligation of Continuing Education
 Providers
61G17-5.0051 Approval of Classes

NOTICE OF CORRECTION

The above-proposed rules were published in the April 1, 2005 issued of the Florida Administrative Weekly, Vol. 31, No. 13. The date notice of proposed rule development that published in FAW reads "January 25, 2005" the date should read "March 25, 2005." The foregoing change does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.: RULE TITLES:
61G17-9.006 Probation
61G17-9.0065 Surrender of Seal and Cancellation
 of Digital Signature

NOTICE OF CORRECTION

The above-proposed rules were published in the April 1, 2005 issued of the Florida Administrative Weekly, Vol. 31, No. 13. The date notice of proposed rule development that published in FAW reads "January 25, 2005" the date should read "March 25, 2005." The foregoing change does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

RULE NO.: RULE TITLE:
64B5-7.0035 Temporary Certificate
 Requirements for Dentists
 Practicing in State and
 Government Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 44, October 29, 2004 Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Oysters

RULE NOS.:	RULE TITLES:
68B-27.017	Apalachicola Bay Oyster Harvesting Restrictions
68B-27.019	Seasons

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 15, 2005, in Tallahassee, Florida. Although the text of the rules has not changed, the Commission has decided to include a proposed effective date of September 1, 2005.

The rules will now read as follows:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

- (1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:
 - (a) On any Friday or Saturday from ~~June July~~ 1 through ~~August 31~~ September 30 of each year.
 - (b) On any Saturday or Sunday from ~~September October~~ 1 through November 15 of each year.
 - (2) through (3) No change.

PROPOSED EFFECTIVE DATE: September 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Formerly 46-27.017, Amended 6-1-99, 9-1-05.

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

(a) In Apalachicola Bay;

1. The harvest or possession of oysters on the public reefs is allowed from ~~June July~~ 1 through ~~August 31~~ September 30 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System ~~paragraph 68D-7.005(6)(c), F.A.C.~~

2. The harvest or possession of oysters on the public reefs is allowed from September 1 through May 31 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.

(b) As otherwise provided in this chapter or in Section 370.16, Florida Statutes.

(c) In Wakulla, Dixie, and Levy Counties, no person shall harvest or possess oysters on public reefs from June 1 through August 31 each year.

(2) The possession of oysters during the closed seasons specified in this chapter constitutes a violation of this rule.

PROPOSED EFFECTIVE DATE: September 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019, Amended 9-1-05.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE NOS.:	RULE TITLES:
68B-45.002	Definitions
68B-45.007	Blue Crab Limited Entry Endorsement Program

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 15, 2005, in Tallahassee, Florida.

The rules will now read as follows:

68B-45.002 Definitions.

(1) through (6) No change.

(7) “Hard shell crab” means any blue crab in intermolt condition that has a shell that is rigid and inflexible.

(8)(7) “Mesh size” means the size of the opening or space within a polygon formed by the wire of a crab trap, to be measured at the largest dimension across such opening or space in an undistorted condition.

(9)(8) “Harvest” means the catching or taking of a blue crab by any means whatsoever, followed by a reduction of such blue crab to possession. Blue crabs caught but immediately returned to the water free, alive, and unharmed are not harvested. Temporary possession of a blue crab for the purpose of measuring it to determine compliance with the size requirements of this chapter shall not constitute the harvesting of such blue crab, provided that it is measured on the water immediately after taking, and immediately returned to the water free, alive, and unharmed if undersized.

(10)(9) “Harvest for commercial purposes” means the taking or harvesting of blue crab for purposes of sale or with intent to sell or in excess of the bag limit.

(11) “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(12) “Offshore” means all state waters seaward of the COLREGS Demarcation Line.

~~(13)~~~~(10)~~ “Peeler crab” means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

~~(14)~~~~(11)~~ “Push scrape” means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

~~(15)~~ “Soft shell crab” means any blue crab that has recently molted and has a shell that is tender and flexible.

~~(16)~~~~(12)~~ “Trotline” means a submerged line with bait at repetitive intervals.

~~(17)~~~~(13)~~ “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.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, _____.

68B-45.007 Blue Crab Limited Entry Endorsement Program.

(1) Beginning in the 2006/2007 license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab limited entry endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab limited entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab limited entry endorsement number by completion of an acceptance application (Form DMF-SL4500 (05-05), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510 (05-05), incorporated herein by reference), as specified in paragraph (10)(b).

(3) The acceptance application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) In order to qualify for a blue crab limited entry endorsement number, an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application and qualify as specified in paragraph (3)(b). A limited entry blue crab endorsement number will not be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application.

(b) Qualification for a blue crab limited entry endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) Qualified blue crab limited entry endorsement number applicants must have documented blue crab landings in quantities as specified in subsections (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab limited entry endorsement considered by the blue crab limited entry endorsement appeals board as specified in paragraph (10).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab limited entry endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) In order to obtain a V-H endorsement on a saltwater products license, an applicant must have documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 500 pounds of hard shell blue crab landings, may qualify for a single V-H endorsement if the sum of hard shell blue crab landings listed on multiple saltwater products licenses that have a restricted species endorsement and current blue crab endorsement is equal to or greater than 500 pounds.

(b) An applicant qualifying for a V-H endorsement pursuant to paragraph (4)(a) may receive a unique endorsement number on each additional saltwater products license with a restricted species endorsement and current blue crab endorsement if the applicant has hard shell blue crab landings equal to or greater than 7,500 pounds on each such license during any one of the qualifying landings years as specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-H endorsement number for each qualifying saltwater products license.

(d) Once eligible, a qualifying applicant shall be entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico per V-H endorsement number.

(e) Persons holding a hard shell V-H endorsement number shall be allowed to land a maximum bycatch of 150 peeler crabs daily and operate up to three peeler crab shedding tanks.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab limited entry endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) In order to obtain a V-S endorsement number on a saltwater products license, an applicant must have documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 750 soft shell or peeler blue crabs, may qualify for a V-S endorsement number if the sum of soft shell or peeler blue crab landings listed on multiple licenses is equal to or greater than 750 soft shell or peeler blue crabs.

(b) An applicant that qualifies for a single V-S endorsement number pursuant to paragraph (5)(a) may receive a unique V-S endorsement number on one additional saltwater products license if such license has documented landings of soft shell blue crab or peeler crab landings equal to or greater than 2,500 crabs during any one of the qualifying landings years specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-S endorsement number for each qualifying saltwater products license.

(d) Once eligible, the holder of a V-S endorsement number as specified in paragraph (a) shall be entitled to fish up to 400 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters.

(e) Persons holding a V-S endorsement number as specified in paragraph (b) shall be entitled to fish up to 250 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters in addition to those specified in paragraph (d).

(6) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab limited entry endorsement number.

(b) Beginning July 1, 2006, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab limited entry endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not

include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab limited entry endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each persons who possess a blue crab limited entry endorsement number must annually submit a blue crab limited entry endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsections (4) or (5).

(e) Blue crab limited entry endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) Additional authorized trap tags not ordered within the time-frame specified in paragraph (e) may only be ordered in blocks of 50 tags.

(g) Blue crab trap tags shall not be issued to blue crab limited entry endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab limited entry endorsement are not otherwise inactive.

(h) Lost or damaged tags may be replaced using Commission Form DMF-SL4530 (05-05), Blue Crab Trap Tag Replacement Application, incorporated herein by reference, and upon proper verification of loss as provided in paragraph (i). Damaged tags must be immediately returned to the Commission.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL-4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license number, blue crab limited entry endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(7) Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued and no such endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (10).

(8) Beginning in the 2007/2008 license year, each holder of a blue crab limited entry endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(9) Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license

years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Any blue crab limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H endorsement number, an applicant for requalification must document landings equal to or exceeding 500 pounds of hard shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) In order to requalify a V-S endorsement number, an applicant for requalification must document landings equal to or exceeding 750 soft crabs or peeler crabs. Persons wishing to also requalify a V-S endorsement number on an additional saltwater products license must document landings equal to or exceeding 2,500 soft crabs or peeler crabs on that license.

(10) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab limited entry endorsement holders or wholesale seafood dealers and one Commission staff member to consider disputes or problems arising from the initial denial of a blue crab limited entry endorsement.

(a) The six members of the appeals board will consist of at least four members that qualify for a V-H endorsement number and at least one that qualifies for a V-S endorsement number. No member may have appealed their initial blue crab limited entry endorsement award.

(b) An appeal of the initial denial of a blue crab limited entry endorsement number is initiated by submission and receipt of a completed appeals application (Form DMF-SL4510 (05-05)) to the Director of the Division of Marine Fisheries Management before September 30, 2005.

(c) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

(d) Criteria for issuance of blue crab limited entry endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

(e) After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive

Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(11) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the trap limitation program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab limited entry endorsement holders and shall not have been convicted of any major fishery violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

(I) Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

(II) Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

(III) Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

(IV) Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

(V) Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) If there are not enough individuals that meet the above-referenced criteria, the Executive Director of the Commission of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph (12)(a)3. However, as soon as individuals are available that meet such requirements, the Executive Director of the Commission may reconstitute the board with qualified appointees. The Executive Director of the Commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-45, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another blue crab fisherman from any region.

(c) Holders of blue crab limited entry endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (05-05), incorporated herein by reference.

(d) The staff member of the Commission appointed by the Executive Director of the Commission shall sit on the board as a voting member. The board shall annually elect a chair and a vice chair the first meeting in the calendar year. The Commission staff member may not serve as either chair or vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership or at the request of the Commission. Official action of the board shall require a majority vote of the total membership of the board members present during a meeting.

(e) Board members shall serve staggered terms of up to three (3) years, provided however, that this shall not apply to the Commission staff member who serves at the pleasure of the Executive Director of the Commission.

(f) Members of the board shall receive no compensation, however, they shall be reimbursed for *per diem* and travel expenses as provided in Section 112.061, Florida Statutes.

(g) Upon reaching a decision on any issue brought before it, the board shall submit such decision as a recommendation to the Executive Director of the Commission. The Executive Director of the Commission may submit said recommendation to the Commission at his or her discretion.

(h) The Board shall have the authority to conduct workshops with fishers to determine what problems exist in the fishery and to make recommendations to the Commission to solve those problems.

(i) On July 1, 2011, the board is dissolved unless extended by the Executive Director of the Commission.

(12) Leasing Prohibited. The leasing or renting of blue crab limited entry endorsement numbers, tags, or traps is prohibited.

(13) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab limited entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(14) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) limited entry endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab limited entry endorsement number. If a buyer does not possess a blue crab limited entry endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab limited entry endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab

limited entry endorsement number holder. As evidence thereof, such person must possess a blue crab limited entry apprenticeship form (DFM-SL4550 (05-05), incorporated herein by reference) signed by the endorsement holder attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL-4560 (05-05), incorporated herein by reference, shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) A blue crab limited entry endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(15) In the event of the death or permanent disability of a person holding a blue crab endorsement number, the endorsement number may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability and upon payment of all outstanding fees, fines, or penalties to the Commission in full.

(16) No Vested Rights. This blue crab limited entry program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

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

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

RULE NO.: 69O-189.015	RULE TITLE: Workers' Compensation Insurer Reporting of Significant Underwriting Change
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed new rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, February 11, 2005, of the Florida Administrative Weekly. These changes are being made to address comments received at the public hearing and concerns expressed by the Joint Administrative Procedures Committee.

Substantial revisions have been made throughout proposed new Rule 690-189.015, F.A.C., and it is being changed to read in its entirety as follows:

690-189.015 Workers' Compensation Insurer Reporting of Significant Underwriting Change.

(1) Purpose: To administer the requirements of Section 624.4315, F.S.

(2) Definitions:

(a) "Insurer Group" means two or more affiliated insurers that are under common ownership and/or management.

(b) "Underwriting" is defined as the insurer selection of policyholders through hazard recognition and evaluation.

(c) "Underwriting Change" is any deliberately planned change in the insurer's administrative policies or procedures that will affect the insurer's acceptance or rejection of applicants for workers' compensation coverage or will affect the insurer's acceptance or rejection of renewal policies or will result in the mid-term cancellation of policies in Florida. An insurer that transfers policyholders to another insurer in the "Insurer Group", with no lapse in coverage occurring for the policyholder, has not made an "Underwriting Change" for purposes of this rule.

(d) "Significant Underwriting Change that materially limits or restricts the number of workers' compensation policies or premiums written in Florida" means an Underwriting Change that is reasonably expected to result in any of the following:

1. For an "Insurer Group" with more than one insurer licensed in Florida for workers' compensation:

a. Will reduce the number of in-force policies in Florida for the "Insurer Group" by at least 750 policies over the 12 months following the change.

b. Will reduce the number of in-force policies in Florida for the "Insurer Group" by at least 250 and will reduce the number of in-force policies in Florida for the "Insurer Group" at the end of the previous calendar year by more than 33% over the 12 months following the change.

c. Will reduce the direct premiums written in Florida by at least \$3 million and the direct written premiums for the "Insurer Group" in Florida for the 12 months following the change will be reduced by more than 33% of the prior calendar year, excluding the impact of rate changes and payroll changes.

d. Will result in the complete elimination of all workers' compensation policies in Florida for any insurer in the group.

2. For an individual insurer with no affiliated insurers licensed in Florida for workers' compensation:

a. Will reduce the number of in-force policies in Florida for the insurer by at least 750 policies over the 12 months following the change.

b. Will reduce the number of in-force policies in Florida for the insurer by at least 250 and will reduce the number of in-force policies in Florida for the insurer at the end of the previous calendar year by more than 33% over the 12 months following the change.

c. Will reduce the direct premiums written in Florida by at least \$3 million and the direct written premiums for the insurer in Florida for the 12 months following the change will be reduced by more than 33% of the prior calendar year, excluding the impact of rate changes and payroll changes.

d. Will result in the complete elimination of all workers' compensation policies in Florida for the insurer.

(e) Notwithstanding any other provision herein, a Significant Underwriting Change does not occur in the following situations:

1. A reduction in the number of policies or premium results for reasons other than an "Underwriting Change".

2. The reduction in premium results solely from conversion to a large deductible policy unless there has been an "Underwriting Change" such that the policyholder can only purchase a large deductible.

3. The reduction in premium results solely from conversion to a policy written under a retrospective rating plan unless there has been an "Underwriting Change" such that the policyholder can only purchase a retrospectively rated policy.

(3) Any insurer authorized to transact workers' compensation insurance in Florida shall notify the Office within 30 days of implementing any Significant Underwriting Change that will materially limit or restrict the number of workers' compensation policies or premiums written in Florida. The notification shall include the following:

(a) Name of Insurer or Insurers.

(b) A detailed description of the change.

(c) Anticipated number of policies that will be impacted by the change.

(d) Anticipated percentage of policies in force as of December 31 of the prior year that will be impacted by change.

(e) Estimated written premium impacted by change.

(f) Estimated annual written premium impacted by the change as a percent of total annual written premium for the previous calendar year, excluding the impact of rate changes or payroll changes.

(g) Does change affect some classes more than others? Yes, No or Unknown. If the answer is yes, describe the affected classes.

(h) Date that insurer implemented or anticipates implementing the change.

(i) Effective dates of new and renewal policies that will be affected by the change.

(j) If the change will result in the mid-term cancellation of existing polices, how long will it take for the change to be fully implemented?

(4) The information required by this rule shall be reported through the Office's website at <http://www.fldfs.com/companies/>.

Specific Authority 624.308(1), 624.4315 FS. Law Implemented 624.4315 FS. History—New _____.

Section IV Emergency Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Course Requirements – Grades 6-12 Basic 6AER05-1
and Adult Secondary Programs – 2005

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The alarming number of students determined not to be reading on grade level has made it critical to provide intensive scientific based methods of providing rigorous course content to ensure every student has the opportunity to learn. The welfare of these students present a challenge for everyone involved. Their welfare is endangered when they lack the skills necessary to graduate and enter the workforce with employable skills, or continue their education in college. Reading is the key component to this continued development. In order to meet the needs of these struggling students, course descriptions including rigorous timelines and intensive course content must be provided to school districts throughout the state. School districts must rely on the adoption of the course descriptions to begin the planning and staffing process to provide these courses. In addition funding must be designated and the assurance that fte generated by the inclusion in state board approved course descriptions pursuant to section 1011.62(1)(r), Florida Statutes. This action must be taken now in order to assure that districts already planning for the 2005-2006 school year can begin to identify the instructors and resources to implement these courses. The course descriptions will be presented for further review in Rule 6A-1.09412, FAC., at the June State Board of Education meeting.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Eighty percent of students who are currently level 1 in sixth grade, will stay there for the rest of their high school career. We cannot afford to wait another year before we serve these children.

SUMMARY OF THE RULE: This emergency rule adopts the 2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education which contain the intensive reading courses for

middle and high school grades to include suggested time allocations and instructional activities, as well as alignment to instruction grounded in scientifically based-reading research. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mary Laura Openshaw, Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE EMERGENCY RULE IS:

6AER05-1 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs – 2005.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publication “2002-2003 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” as incorporated by reference in Rule 6A-1.09412, FAC., and “2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History—New 4-20-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 20, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 591, TRIPLE CASH 53ER05-42

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 591, “TRIPLE CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule