

the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, \_\_\_\_\_.

**66B-2.0061 Disaster Relief Emergency Applications.**

Disaster Relief Emergency applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended \_\_\_\_\_.

**66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.**

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

- (1) through (5) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended \_\_\_\_\_.

**66B-2.015 Small-Scale Derelict Vessel Removal Projects.**

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (effective date \_\_\_\_\_), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have an outstanding bid for removal for such vessels, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for profit organization.

(4) District funding shall be limited to \$10,000.00 per county, per year, provided on a reimbursement basis only.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 50% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in, or immediately adjacent to, the Atlantic Intracoastal Waterway.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark T. Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:  
1S-2.0115

RULE TITLE:  
Certification Requirements for  
Supervisors of Elections for  
Special Qualification Salary

**2ND NOTICE OF CHANGE**

Notice is hereby given that Notice of Change which was published in the Florida Administrative Weekly on page 4465, Vol. 31, No. 48, on December 2, 2005, and which included a summary of the changes and a revised proposed text to Rule

1S-2.0115, F.A.C., has been further changed to reflect further comments received. The summary of the new changes are as follows:

1. Revise subsection (2) to state that although the examination is administered by the Florida State Association of Supervisors of Elections, the examination will be forwarded to the Division of Elections for grading and notice of results.
2. Revise subsection (3) to state that for recertification the supervisor of election must earn annually 24 credits for attendance at continuing education activities as provided in Area V under subparagraph (4)(a)5.
3. Revise subparagraph 1. of paragraph (a) of subsection (4) to state that the mandatory orientation workshop may also be held more frequently as needed to the election or appointment of a new supervisor of elections between the general election cycle.
4. Renumber subparagraph 6. of paragraph (a) of subsection (4) as paragraph (b) of subsection (4) and revise to state: Credits shall be earned and accepted as provided in subparagraph 1.-4 of paragraph (a). For purposes of credits earned under subparagraph 5. relating to Area V, if no credit has been pre-approved by the entity for attendance at the continuing education activities, the Division of Elections shall assign one credit for each hour or minimum of fifty (50) minutes of attendance at a continuing education activity prior to acceptance for certification.
5. Revise paragraph (a) of subsection (5) to add that for purposes of receiving timely initial or annual certification, the supervisor of elections must submit a completed certification application to the Division of Elections no later than thirty (30) days prior to the date for which he or she is seeking the issuance of the certification.

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
14-51	Florida's Highway Guide Sign Program
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-51.011	Definitions
14-51.051	Standards
14-51.052	Design
14-51.053	Installation

**NOTICE OF CORRECTION**

This is a technical correction. It has been pointed out by the Joint Administrative Procedures Committee attorney that Rule 14-51.051 Standards was left off the rules index in the notice of rulemaking as published in Florida Administrative Weekly, Volume 31, Number 42, dated October 21, 2005. The text of that rule was included in the actual notice, but not indexed at the top of the notice itself. Likewise, that rule was not listed in the rules listing at the top of the notice of hearing as published in Florida Administrative Weekly, Vol. 31, No. 47, dated November 23, 2005.

The hearing was held:

DATE AND TIME: December 8, 2005, 1:30 p.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

Although the entire text of the proposed rule chapter amendment was the subject of the notice of rulemaking and the notice of hearing, the one rule had not been indexed in the rule listings at the top of the notices as published.

IF ANYONE WISHES TO REQUEST AN ADDITIONAL HEARING BASED UPON THIS CORRECTION NOTICE, PLEASE CONTACT: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458.

**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 CORRECTIONS**

RULE NO.: 33-602.210  
 RULE TITLE: Use of Force  
 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. 46, (11-18-05), issue of the Florida Administrative Weekly:

33-602.210 Use of Force.

(1) Non-lethal force. This subsection applies only to non-lethal levels of force; use of deadly force is addressed in subsections (2) and (3). In accordance with Section 944.35, F.S., employees are authorized to apply physical force, up to and including deadly force, only when and to the degree that it reasonably appears necessary in order:

(a) through (g) No change.

(h) To restrain the inmate when ordered to allow medical treatment in accordance with the provisions of subsection (12)(11) of this rule.

(2) Use of Deadly Force – General. In accordance with Chapter 776, F.S., correctional officers are authorized to use deadly force only when the officer believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or to prevent the imminent commission of a forcible felony. A forcible felony, as defined by Section 776.08, F.S., includes treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery;

aggravated stalking; aircraft piracy; unlawful throwing, placing or discharging of a destructive device or bomb; or any other felony which involves the use or threat of physical force or violence against any individual.

~~(3)(2)~~ Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. through 2. No change.

3. Warning shots are only authorized as provided in subparagraphs ~~(3)(2)(a)~~1. and 2. above. In all other instances where lethal force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. through 2. No change.

3. When an inmate fails to return from a furlough or non-supervised outside assignment or escapes from a department work release center or a contract work release center facility, recapture is a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

(c) No change.

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

~~(7)(6)~~ The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection ~~(22)(24)~~ of this rule.

~~(8)(7)~~ Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the

use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by him or her. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection ~~(22)(24)~~ of this rule.

~~(9)(8)~~ No change.

~~(10)(9)~~ The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection ~~(22)(24)~~ of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection ~~(22)(24)~~ of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in

subsection ~~(22)(21)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to 4-15-98 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection ~~(22)(21)~~ of this rule.

~~(11)(40)~~ Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection ~~(22)(21)~~ of this rule.

~~(12)(41)~~ Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is

claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(22)(21)~~ of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection ~~(10)(9)~~ above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection ~~(8)(7)~~ above will be followed.

(12) through (13) renumbered (13) through (14) No change.

~~(15)(44)~~ Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine whether the inmate has a medical condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization device dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection ~~(22)(21)~~ of this rule.

(f) No change.

(g) As soon as possible following each use of an electronic immobilization device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(22)(21)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next work day to

determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. through 2. No change.

(h) through (l) No change.

~~(16)(15)~~ Use of Chemical Agents.

(a) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection ~~(22)(24)~~ of this rule. Staff designated by the Secretary of the Department shall be issued one, three or four ounce dispenser of OC pepper spray, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection ~~(22)(24)~~ of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) through (m) No change.

(n) Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency

Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(22)(24)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) No change.

(p) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. through 4. No change.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210~~(12)(44)~~, F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

~~(17)(16)~~ No change.

~~(18)(17)~~ No change.

~~(19)(18)~~ Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects.

(a) through (f) No change.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection ~~(16)(45)~~ above shall be completed after the use of the PLS.

(19) through (20) renumbered (20) through (21) No change.

~~(22)(21)~~ No change.

Specific Authority 944.09, FS. Law Implemented 20.315, 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: RULE TITLE:  
61A-2.019 Approved Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 21, May 27, 2005 Florida Administrative Weekly has been withdrawn.

**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 Chiropractic Medicine**

RULE NO.: RULE TITLE:  
64B2-15.002 Solicitation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 31, No. 22, June 3, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:  
67-21.003 Application and Selection Process for Developments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)d)1., F.S., published in Vol. 29, No. 52, December 26, 2003, issue of the Florida Administrative Weekly.

67-21.003 Application and Selection Process for Developments.

(1)(a) The Universal Application Package or UA1016 (Rev. ~~1-06~~ ~~12-05~~) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2006 Universal Application link labeled Instructions and

Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the MMRB Program.

The Application exhibits have been changed as follows:

Verification of Environmental Safety Phase I Environmental Site Assessment has been revised.

The Application instructions have been changed as follows:

Part III.C.5., Environmental Site Assessment, has been revised.

Part IV.A., Local Government Contributions, has been revised.

Section B.4.c., Ranking and Selection Criteria, has been revised.

Section B.5.c., Ranking and Selection Criteria, has been revised.

Section B.6.c.(3)., Ranking and Selection Criteria, has been revised.

Section B.6.c.(4), Ranking and Selection Criteria, has been revised.

Section B.7.b.(1), Ranking and Selection Criteria, has been revised.

Section B.7.e.(3), Ranking and Selection Criteria, has been revised.

Section B.7.e.(5), Ranking and Selection Criteria, has been revised.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.: RULE TITLES:  
67-48.002 Definitions  
67-48.004 Application and Selection Procedures for Developments

**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. 42, October 21, 2005, issue of the Florida Administrative Weekly.

67-48.002 Definitions.

(83) “QAP” or “Qualified Allocation Plan”

Section 3. has been revised to add a new paragraph e.

Section 7. has been revised.

Section 16. has been added.

Section I.A. has been revised.

Section II.A. has been revised.

Section II.G. has been revised.

67-48.004 Application and Selection Procedures for Developments.

(1)(a) The Universal Application Package or UA1016 (Rev. ~~1-06~~ ~~12-05~~) is adopted and incorporated herein by reference and consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, or available, without charge, on the Corporation’s Website under the 2006 Universal Application link labeled Instructions and

Application, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the SAIL, HOME, HC, or SAIL and HC Program(s). The Application exhibits have been changed as follows:

Verification of Environmental Safety Phase I Environmental Site Assessment has been revised.

The Application instructions have been changed as follows: Part III.C.5., Environmental Site Assessment, has been revised. Part IV.A., Local Government Contributions, has been revised. Section B.4.c., Ranking and Selection Criteria, has been revised.

Section B.5.c., Ranking and Selection Criteria, has been revised.

Section B.6.c.(3)., Ranking and Selection Criteria, has been revised.

Section B.6.c.(4), Ranking and Selection Criteria, has been revised.

Section B.7.b.(1), Ranking and Selection Criteria, has been revised.

Section B.7.e.(3), Ranking and Selection Criteria, has been revised.

Section B.7.e.(5), Ranking and Selection Criteria, has been revised.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE NOS.:	RULE TITLES:
68B-14.002	Definitions
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355	Size Limits for Importation and Sale
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rules will now read as follows:

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

- (1) through (13) No change.

(14) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(15) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended 1-1-00, 1-1-03,\_\_\_\_\_.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) through (2) No change.
- (3) Gray triggerfish 12 inches fork ~~total~~ length
- (4) through (7) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05,\_\_\_\_\_.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (b) No change.
- (c) Gray triggerfish 12 inches fork ~~total~~ length.
- (d) through (f) No change.
- (2) through (4) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-03, Amended 9-16-05,\_\_\_\_\_.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

- (1) Snapper.
- (a) through (e) No change.
- (f) Cubera snapper.

1. Cubera snapper of a total length less than 30 inches shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in subsection (7).

2. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 2 cubera snapper 30 inches in total length or larger per day, and no more than 2 such cubera snapper shall be possessed aboard

any vessel in or on state waters at any time. Such larger cubera snapper shall not be included in the aggregate snapper bag and possession limit prescribed in paragraph (a).

(2) through (8) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Snook

RULE NOS.: RULE TITLES:

68B-21.0015 Definitions

68B-21.005 Size Limits

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rules will now read as follows:

68B-21.0015 Definitions.

(1) through (10) No change.

(11) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02,\_\_\_\_\_.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 26 inches or greater than 34 inches in total length (~~measured from the most forward point of the lower jaw to the tip of the tail~~).

(2) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE NO.: RULE TITLE:

68B-22.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-22.002 Definitions.

(1) through (9) No change.

(10) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side length of a fish as measured from the most forward point of the head to the hindmost point of the tail.

(11) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended 3-17-04,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Bonefish

RULE NO.: RULE TITLE:

68B-34.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-34.002 Definitions.

(1) through (3) No change.

(4) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-1-88, Amended 1-1-98, Formerly 46-34.002, Amended 3-1-05,\_\_\_\_\_.



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Black Drum

RULE NO.: RULE TITLE:

68B-36.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-36.002 Definitions.

As used in this chapter:

(1) through (4) No change.

(5) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(6) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-89, Amended 7-15-96, 9-30-96, Formerly 46-36.002, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spotted Seatrout

RULE NO.: RULE TITLE:

68B-37.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-37.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the most forward point of the head to the hindmost point of the tail.~~

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Marine Life

RULE NO.: RULE TITLE:

68B-42.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-42.002 Definitions.

As used in this rule chapter:

(1) through (12) No change.

(13) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(14) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crab

RULE NOS.: RULE TITLES:

68B-45.004 Regulation and Prohibition of

Certain Harvesting Gear

68B-45.007

Blue Crab Limited Entry

Endorsement Program

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. No change was made to the proposed amendment to Rule 68B-45.004, F.A.C. The proposed amendment to Rule 68B-45.007, F.A.C., was changed to include provision for an incidental take endorsement and will now read as follows:

68B-45.007 Blue Crab Limited Entry Endorsement Program.

(1) No change.

(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 (01-06 ~~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 (11)(b) ~~(10)(b)~~.

(3) Except for those qualifying for a non-transferable blue crab limited entry endorsement as specified in subsection (6), the application for issuance of a blue crab limited entry endorsement (Form DMF-SL4500 (01-06), incorporated herein by reference) 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) No change.

(b) Except as specified in subsection (6), 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) No change.

(4) through (5) No change.

(6) Non-transferable blue crab limited entry endorsement (V-N). Persons will qualify for the V-N endorsement if they meet the criteria set forth in paragraph (3)(a), have had no convictions for violations associated with gears defined in subsection 68B-4.002(3) or (4), F.A.C., since July 1, 1995, and have documented landings using such gears pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C. prior to July 1, 1995, or, 2) sold nets to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida. Qualifying landings must have been received by the Marine Information System no later than August 1 1995.

(a) The non-transferable blue crab limited entry endorsement cannot be sold or otherwise transferred to any other person as described in subsection (15) or (16).

(b) The holder of a non-transferable blue crab limited entry endorsement number shall be entitled to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy a like number of hard shell blue crab traps in any state waters.

(c) Applicants qualifying for a V-N blue crab limited entry endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570 (01-06), incorporated herein by reference.

(d) Applicants must submit their application to the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(e) Applicants qualifying pursuant to subsection (6) will only be eligible for one V-N endorsement.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580 (01-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by March 31, 2006.

(g) The Executive Director of the Commission or his designee shall consider disputes or problems of applicants appealing their initial denial of a V-N award.

(h) The burden of proof shall be on the appellant to demonstrate through either: 1) copies of trip tickets or other proof of landings described in paragraph (a) legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer or included in the agencies database, or 2) proof of sales to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida.

(i) The holder of a V-N blue crab limited entry endorsement number shall be subject to the same trap tag requirements described in subsection (7).

(j) The holder of a V-N blue crab limited entry endorsement number shall be subject to the same renewal criteria described in subsection (9).

(k) The holder of a V-N blue crab limited entry endorsement number shall be subject to the renewal criteria described in paragraph (10)(a).

(l) The holder of a V-N blue crab limited entry endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(m) The holder of a V-N endorsement number shall be subject to the requirements of subsections (13) and (14).

(n) If the holder of a V-N blue crab limited entry endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

~~(7)(6)~~ No change.

~~(8)(7)~~ Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab limited entry ~~such~~ endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6), or (11)(10).

~~(9)(8)~~ No change.

(10)(9) Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number, except those qualifying as specified in subsection (18), 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). Except for the V-I endorsement specified in subsection (18), 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 or a V-N 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) No change.

(11)(10) through (17)(16) No change.

(18) Blue crab incidental take endorsement. Persons possessing a valid stone crab endorsement or can demonstrate landings of blue crabs caught as bycatch by shrimp gears that were used to lawfully harvest shrimp pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., will qualify for a blue crab incidental take endorsement (V-I). The holder of an V-I number shall be entitled to harvest and sell blue crab as bycatch, provided the amount does not exceed 200 pounds of blue crabs per vessel per trip.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-26-05, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Weakfish  
RULE NO.: RULE TITLE:  
68B-47.001 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-47.001 Definitions.

As used in this chapter:

(1) through (3) No change.

(4) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side length of a fish as measured from the tip of the snout to the tip of the tail.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-17-95, Amended 1-1-98, Formerly 46-47.001, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Flounder and Sheepshead  
RULE NO.: RULE TITLE:  
68B-48.002 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-48.002 Definitions.

As used in this chapter:

(1) through (4) No change.

(5) “Length” means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(5)(6) “Sheepshead” means any fish of the species *Archosargus probatocephalus*.

(6)(7) No change.

(7) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-48.002, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tripletail  
RULE NO.: RULE TITLE:  
68B-49.001 Definitions

**NOTICE OF CHANGES TO PROPOSED RULE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule held on December 1, 2005, in

Key Largo, Florida. The only change is the addition of a proposed prospective effective date of July 1, 2006. The rule will now read as follows:

68B-49.001 Definitions.

As used in this chapter:

(1) through (5) No change.

(6) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the most forward point of the head to the rear center edge of the tail.~~

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-49.001, Amended\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-62.021  
 RULE TITLE: General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs

**NOTICE OF WITHDRAWAL**

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 45, of the Florida Administrative Weekly, on November 10, 2005, has been withdrawn.

**Section IV  
 Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF 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 FINANCIAL SERVICES**

**Division of Consumer Services**

RULE TITLE: Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage  
 RULE NO.: 69JER05-13

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Section 626.7015(4), F.S., authorizes the Department to adopt special rules implementing a property mediation program that would be applicable in cases of an emergency within the State. This emergency rule is necessitated by the extensive property destruction throughout the State of Florida caused by Hurricanes Dennis, Katrina, Rita, and Wilma. The insured loss estimates from Hurricane Wilma alone are \$8 billion to \$12 billion. The State of Florida sustained \$468 million in insured losses from Hurricane Katrina when it struck the Miami area and one billion dollars in insured losses from Hurricane Dennis when it struck the Panhandle. Hurricane Rita grazed the Florida Keys causing \$23 million in insured losses. The hurricane damage has resulted in the displacement of thousands of people from their homes which were rendered unsuitable for use and habitation, the destruction or loss of personal property, the closing of businesses, and the loss of employment. The people of the State of Florida are still recovering from the impact of the four hurricanes and tropical storms that struck in 2004 and caused billions in dollars of damages. The Governor has found that destruction caused by the 2004 and 2005 hurricanes threaten the State with a major disaster and declared that a state of emergency exists in the State of Florida by Executive Order No. 05-219.

Insurers have currently reported over 500,000 property insurance claims as a result of the 2005 hurricanes. A significant number of these claims remain unresolved throughout the State and as a result, thousands of homes remain in a state of disrepair or are uninhabitable. The failure by insurers to timely process, settle and pay these claims delays the insured's ability to repair damaged structures or replace lost property.

Due to the substantial number of new insurance claims that have been or will be filed as a result of the extensive destruction caused by the recent hurricanes, an emergency rule is needed to immediately establish a mediation program allowing these insurance claims to be settled in a fair and timely manner and in an informal setting. A prompt settlement of these claims will allow insureds to receive insurance money and begin repairs to their homes and other personal property or to replace property that was damaged or lost as a result of the hurricanes. Insureds may also be eligible to recover money for temporary living expenses or emergency repairs.