

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-2 Pesticides

RULE NO.: RULE TITLE:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization; Records; Penalties

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to broaden the window of aldicarb application on citrus to alleviate time constraints on aldicarb applicators; add a requirement for intended application sites to be identified to the 1/4 of 1/4 section and drinking wells to be identified to the 1/4 of 1/4 section and with Global Positioning System (GPS) coordinates; clarify rule requirements regarding the 1,000-foot setback and required cased well documentation for exemption from the setback; abolish the 10-day waiting period for aldicarb application to start once a permit is approved to allow more flexibility for applicators; establish justification in rule for permit denials; correct website addresses that have changed; and update forms to match changes in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment changes the time period for application of aldicarb on citrus from January 1 – April 30 to November 15 – April 30; adds a requirement that intended aldicarb application sites must be identified to the 1/4 of 1/4 section and drinking wells must be identified to the 1/4 of 1/4 section and with GPS coordinates in decimal degrees; clarifies that the 1,000-foot setback requirement in citrus applies only if restricted (highly permeable) soils occur within 1,000 feet of any wells; specifies the information required on well construction documentation for exemption from the 1,000-foot setback; abolishes the 10-day waiting period after a permit application is filed before aldicarb application can begin; establishes justification for permit denials in areas where aldicarb or aldicarb residues have been detected in potable wells at concentrations exceeding water quality standards; and updates forms and website addresses.

SPECIFIC AUTHORITY: 570.07(23), 487.051 FS.

LAW IMPLEMENTED: 487.051 FS.

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

DATE AND TIME: July 24, 2006, 1:00 p.m.

PLACE: Eyster Auditorium, Conner Administration Building, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Building 8 (L29), Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization ~~Approval~~; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following restrictions:

(a) Aldicarb shall be applied only during the time period for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at sites ~~the site~~ for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(c) Experimental use must be authorized by the United States Environmental Protection Agency or the department.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of paragraph ~~(1)(f)~~ ~~(4)(e)~~.

~~(e) Aldicarb shall not be used in Florida citrus on any soil series identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil within 1,000 feet of any well, with the exception of wells that meet the provisions of paragraph (1)(f) or (1)(g). Soil series which have been identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil include but are not limited to the following: Aldicarb shall not be used on Florida citrus within 1000 feet of any well when any soil series within the intended site of application is identified by the U.S.D.A. Soil Conservation Service as highly permeable well drained sand, unless the applicator furnishes the department with construction documentation confirming that the well is properly cased to a depth of 100 feet below ground surface or a minimum of 30 feet below the water table. The 1000-foot setback requirement shall not apply to any wells that meet the provisions of paragraph (1)(e). Soils series which have been identified by the U.S.D.A. Soil Conservation Service as highly permeable well-drained sand include, but are not limited to, the following:~~

- Adamsville
- Archbold
- Astatula
- Candler

Cassia
 Lake
 Neilhurst
 Orsino
 Palm Beach
 Paola
 Satellite
 St. Lucie
 Tavares

~~Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a licensed well contractor.~~

~~(f)(e)~~ Any well that meets the following provisions is exempt from the 300-foot and 1,000-foot setback requirements specified in paragraphs (1)(d) and (1)(e):

1. The well is not used for human consumption;
2. The well has been posted with a conspicuous warning notice stating "NOT FOR HUMAN CONSUMPTION"; and
3. If the well is situated on property under different ownership from the property where the aldicarb application is to be made, a signed statement has been obtained from the well owner authorizing the posting of the warning notice specified in subparagraph ~~(1)(f)2.~~ ~~(4)(e)2.~~

(g) The 1,000-foot setback requirement in paragraph (1)(e) shall not apply to wells for which the permit applicant has furnished the department well construction documentation confirming that the well is continuously cased to a depth of at least 100 feet below ground surface or at least to a minimum depth of 30 feet below the top of the shallowest water-producing zone recognized at the time of well construction. Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a Florida-licensed well contractor. The well completion report or statement certified by a Florida-licensed well contractor must contain the following information: name of property owner; well construction permit number (if issued); name and license number of well contractor; well location; well completion date (if available); casing depth; total depth of well; and static water level at time of well completion if not continuously cased to a depth of 100 feet or greater. If available, a driller's log describing the type of subsurface material encountered should also be reported. Well location must be identified by county, range, township, section, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees, and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

~~(h)(f)~~ Warning notices specified in subparagraph (1)(f)2. ~~(1)(e)2. of this subsection~~ shall remain in place subsequent to the aldicarb application until sampling and analysis of the well water performed or approved by the department indicate an aldicarb residue level in compliance with the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C.

~~(i)(g)~~ Citrus grove use is limited to one application per season year. For purposes of this rule, the citrus season is defined as the period November 15 – April 30. Such application may be made only during the period January 1—April 30. Application shall not exceed the rate of 5 pounds active ingredient or 33 pounds of 15G formulation per acre.

~~(j)(h)~~ Any drinking water well found to contain aldicarb residues in excess of the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C., shall have further use of the chemical within 1,000 feet of the well suspended immediately. The suspension shall remain in effect until the well has undergone remedial treatment in a manner acceptable to the department or until subsequent sampling and analyses of the well water performed or approved by the department indicate residue levels in compliance with standards established by the Florida Department of Environmental Protection.

~~(k)(i)~~ Sales documents from any person selling or distributing aldicarb in Florida shall state: "For use only as authorized by Rule 5E-2.028, F.A.C."

(2) Permit Reporting Requirements and Procedures.

~~(a) At least 10 days prior~~ Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.temikpermit.com> ~~www.temikintent.com~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, revised 7/06 4/02, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, revised 5/04 new 2/02, to the address listed on the form.

~~(b) Licensed applicators conducting research with aldicarb and making application to no more than 10 acres per site shall be exempt from the 10-day pre-application requirement, provided a signed statement attesting the application is for research purposes is filed with the permit application and provided a permit is obtained before the application is made.~~

~~(b)(e)~~ Each intended application site shall be listed as a separate entry on the permit application or on a separate permit application. Application sites situated in more than one

township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section.

(c) Each intended application site must be identified with county, range, township, section, and indication on a section diagram of all 1/4 of 1/4 sections in which any part of the intended application site is situated.

(d) Well location must be provided for each well situated inside or within 300 feet of the intended application site. For applications to citrus, well location must also be provided for each well within 1,000 feet of any soil series within the intended application site identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil. Exception: Well location does not need to be provided for any well that meets the provisions of paragraph (1)(f), but the number of such wells within the intended application site must be provided. Well location must be identified by county, range, township, section, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees, and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

(3)(4) Forms.

(a) Form DACS-13317, Application for Permit to Apply Aldicarb (Temik), revised 7/06 1/02, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.flaes.org> ~~www.safepesticideuse.com~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Request for Username and Password for Electronic Temik Permit Application, revised 5/04 new 2/02, hereby adopted and incorporated by reference, may be obtained from the web sites <http://www.temikpermit.com> ~~www.temikintent.com~~ or <http://www.flaes.org> ~~www.safepesticideuse.com~~ from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(4) (3) Department Authorization; Permit.

(a) No person shall apply aldicarb in this state unless written or electronic authorization has been issued by the department by means of an aldicarb permit.

(b) No person shall apply aldicarb in this state to any site in Florida until for at least 10 days after an aldicarb permit has been approved for that site. This subsection shall not apply to

~~licensed applicators who apply aldicarb for research purposes to 10 acres or less per site and who otherwise meet the requirements set forth in this chapter.~~

~~(c) The department shall designate on the permit application the time period dates during which aldicarb is approved for application in this state. The time period authorized for application shall not exceed six (6) months.~~

~~(d) Department authorization is not transferable.~~

(e) The department may deny permit applications that list intended application sites in areas determined by the department to be unsuitable for aldicarb application. Areas unsuitable for aldicarb application are those geographic areas in which potable well water sampling has revealed a pattern of detections of aldicarb or aldicarb residues at concentrations exceeding water quality standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C. Petitions for the reversal of determinations of unsuitability for aldicarb application may be submitted to the department for review and consideration. In reviewing such petitions, the department shall evaluate the adequacy of documentation submitted by the petitioner to demonstrate that proposed reintroduction of aldicarb use would not result in water quality violations in potable wells in the area. Pending approval of the submitted documentation, the department may require the petitioner to provide written permission to reverse the unsuitability determination from all property owners affected by the proposed change.

(5)(4) Records. Each applicator shall maintain a copy of all aldicarb permits approved by the department for that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site <http://www.temikpermit.com>, ~~www.temikintent.com~~ upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

(6)(5) Penalties. The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S. and subject to the penalties described therein.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History—New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE.:

5K-6 Food

RULE NO.: RULE TITLE:

5K-6.010 Grading Services for Shell Eggs

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for shell egg grading services provided by Department graders.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Agriculture and Consumer Services provides egg grading services to food establishments that process shell eggs. The Department charges the shell egg processor an hourly fee to recover the costs of this service. This rule amendment increases the hourly fees charged to a processor.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-6.010 Grading Services for Shell Eggs.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader’s time per hour for:

- 1. Resident location \$30.30 ~~27.50~~
- 2. Overtime \$34.30 ~~31.00~~
- 3. Non-resident location \$37.30 ~~34.00~~
- 4. Non-specified days \$37.30 ~~34.00~~

5. In addition to the charge for the grader’s time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) through (5) No change.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History–New 8-13-92, Formerly 5E-8.010, Amended 9-30-96, 9-5-01,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.:

19-16.001

RULE TITLE:

Florida Commission on Hurricane Loss Projection Methodology Procedures for Adopting Findings Regarding the Accuracy Or Reliability of Hurricane Loss Projections

PURPOSE AND EFFECT: To discuss promulgating a rule or rules for the Florida Commission on Hurricane Loss Projection Methodology.

SUBJECT AREA TO BE ADDRESSED: The Florida Commission on Hurricane Loss Projection Methodology’s procedures used for adopting findings regarding the accuracy or reliability of hurricane loss projections used in residential property insurance rate filings.

SPECIFIC AUTHORITY: 627.0628 FS.

LAW IMPLEMENTED: 627.0628 FS.

TWO RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: July 26, 2006, 9:00 a.m. – 4:00 p.m. ET., July 27, 2006, 9:00 a.m. – 4:00 p.m. ET.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)487-9454 or Suncom 277-9454 on July 26, 2006 and (850)488-4377 or Suncom 278-4377 on July 27, 2006

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1349

Copies of the proposed rule(s) and the agenda for the workshop may be obtained from Ms. Sirmons. Any person requiring special accommodations to participate in this proceeding is asked to advise Ms. Sirmons at least five (5) calendar days before such proceeding.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
 RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate Form NII-0071, Inmate Health and Comfort Items-Issuance, and provide that inmate health and comfort items shall be provided in accordance with the guidelines in the form.

SUBJECT AREA TO BE ADDRESSED: Inmate health and comfort items.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) through (10) No change.

(11) Inmate health and comfort items shall be provided in accordance with the guidelines in the Inmate Health and Comfort Items – Issuance, Form NII-0071. Form NII-0071, Inmate Health and Comfort Items – Issuance, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09 FS. History–New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
 RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-220, Inmate Impounded Personal Property List, to clarify that the original copy of the form shall be forwarded to the inmate property file, rather than the institutional inmate file.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (16) No change.

(17) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) No change.

(b) Form DC6-220, Inmate Impounded Personal Property List, effective date 2-12-01.

(c) through (i) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05,_____.

**APPENDIX ONE
 PROPERTY LIST
 No change.**

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To incorporate by reference the following forms: a conservation restrictive covenant, conservation easements to be granted to the District allowing for standard, passive recreational, and riparian uses, and conservation easements granted to third parties allowing for

standard, passive recreational and riparian uses. The regulated public will benefit by the incorporation of these forms into the District's rules by reducing review time for both the applicants and District staff reviewers and by ensuring that the forms are consistent with the requirements of Section 704.06, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Real Property Conveyances and Restrictions, Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 F.S.

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

DATE AND TIME: August 1, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Natural Resource Management Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866, or by email to abain@sfwmd.gov. For procedural questions please contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to jsluth@sfwmd.gov.

Copies of the forms are located at the District's website at: my.sfwmd.gov/permitting in the right hand column under "rule development". Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells]
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses

0645-G72	8-03	Table J Aquifer Storage and Recovery	1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
0645-G73	8-03	Table K Water Supply System Interconnections			
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit	1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0830	4-94	Special Use Application and License	1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification	1105	6-02	Performance Bond to Demonstrate Financial Assurance
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995	1106 1109 1189	6-02 8-03 2-06	Irrevocable Letter of Credit to Demonstrate Financial Assurance Water Use General Permit Notice of Environmental Resource or Surface Water Management Permit
0889	9-04	Certification of Waiver of Permit Application Processing Fee	1190	—	<u>Deed of Conservation Easement (Standard)</u>
0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity	1191 1192 1194	— — —	<u>Deed of Conservation Easement (Standard Passive Recreational)</u> <u>Deed of Conservation Easement (Standard Riparian)</u> <u>Deed of Conservation Easement (Third Party Standard)</u>
0941	8-95	Environmental Resource Standard/Noticed General Permit No.	1195	—	<u>Deed of Conservation Easement (Third Party Passive Recreational)</u>
0942	8-95	Surface Water Management General Permit No.	1196	—	<u>Deed of Conservation Easement (Third Party Riparian)</u>
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice	1197	—	<u>Restrictive Covenant (Standard)</u>
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction		(2)(a) through (g) No change.	
0970	2-04	Applicant Transmittal Form for Requested Additional Information			Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, <u>704.06</u> FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, <u>704.06</u> FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06,_____.
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit			
0972	8-95	Petition for a Formal Wetland and Surface Water Determination			
0973	8-95	Above Ground Impoundment Inspection/Certification Report			
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System			
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit			
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance			
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance			
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated By Reference

PURPOSE AND EFFECT: To ensure any conservation easements, restrictive covenants or plat restrictions placed over property included in an environmental resource permit will be consistent with Section 704.06, Florida Statutes. In order to accomplish this purpose and ensure that the District's interests are legally protected, the District proposes to specify the language requirements for plat restrictions and to reference forms incorporated into the rules that will constitute consistency with Section 704.06, Florida Statutes, while still allowing flexibility for site specific factors to be considered in finalizing the documents.

SUBJECT AREA TO BE ADDRESSED: Real Property Conveyances and Restrictions, Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 704.06 FS.

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

DATE AND TIME: August 1, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Natural Resource Management Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866, or by email to abain@sfwmd.gov. For procedural questions please contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~2-12-06~~".

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 704.06 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, _____.

(The following represents proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – 2-12-06" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.8 Real Property Conveyances and Restrictions

- (a) All conservation easements shall be granted in perpetuity without encumbrances, unless such encumbrances do not have the potential to adversely affect the ecological viability of the mitigation. All liens against the conservation easement site shall be released, be subordinated to, or joined with the conservation easement. All conservation easements and restrictive covenants shall be consistent with Section 704.06, F.S.; and shall contain restrictions that ensure the ecological viability of the site.
- (b) Plat restrictions proposed to meet the requirements of Section 4.3.2.2 (Preservation) must contain the language contained in Section 704.06(1)(a)-(h), F.S. and provide reasonable assurance of the preservation of the protected area in accordance with the permit in perpetuity. Plat language shall provide the District a third-party right to enforce the plat restrictions and shall further provide that the plat restrictions cannot be altered released or revoked without the prior written consent of the District.
- (c) The use of Form No(s) 1190-1192 and 1194-1197, referenced in Chapter 40E-1.659, F.A.C., shall constitute consistency with Section 704.06, F.S. Where project specific conditions warrant deviation from the language of the accepted forms, alternative language may be accepted as long as it meets the provisions, purpose and intent of Section 704.06, F.S., and this Basis of Review.
- (d)(b) All real property conveyances shall be in fee simple and by statutory warranty deed, special warranty deed, or other deed, without encumbrances that adversely affect the integrity of the preservation objectives. The District shall also accept a quit claim deed if necessary to aid in clearing minor title defects or otherwise resolving boundary questions.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.: 60A-1.026
RULE TITLES: Interagency Planning and Cooperation
 60A-1.041 Solicitation Requirements
PURPOSE AND EFFECT: To update the rules identified to reflect current practices and procedures and to incorporate policies expressed in Chapter 2006-204, Laws of Florida.
SUBJECT AREA TO BE ADDRESSED: Development of procedures to be used by an agency when deciding to contract, particularly when outsourcing services, and to be used when conducting invitations to negotiate, including use of certified contract negotiators.
SPECIFIC AUTHORITY: 287.042(12), 287.057(17)(b) FS.
LAW IMPLEMENTED: 287.042(3)(d), 287.042(4)(a), 287.057(3), 287.057(17)(b), 287.0574 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: July 25, 2006, 1:00 p.m.
PLACE: Department of Management Services, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399-0950
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frederick J. Springer, Department of Management Services, 4050 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950, (850)410-0978, fred.springer@dms.myflorida.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Human Resource Management

RULE CHAPTER NO.: 60L-34
RULE CHAPTER TITLE: Division of Human Resource Management
RULE NO.: 60L-34.0071
RULE TITLE: Administrative Leave
PURPOSE AND EFFECT: To clarify terms for granting administrative leave during emergency facility closures.
SUBJECT AREA TO BE ADDRESSED: The development of rules to address the requirements for granting of administrative leave during emergency facility closures.
SPECIFIC AUTHORITY: 110.201, 110.219(5) FS.
LAW IMPLEMENTED: 110.219 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: Monday, July 21, 2006, 10:00 a.m.

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950
Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting David Faulkenberry, (850)922-5449.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: David Faulkenberry, Director, Division of Human Resource Management, Department of Management Services, 4040 Esplanade Way, Tallahassee, Florida 32399-0950, (850)922-5449
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-75.002
RULE TITLE: Electronic Transmission of Notices
PURPOSE AND EFFECT: The Legislature enacted changes to the Cooperative Act (Chapter 719, Florida Statutes) that permits the use of electronic transmission for purposes of noticing elections and certain meetings with the prior consent of unit owners before electronic transmission may be used for notices of meetings or elections. The proposed rule defines “electronic transmission,” provides for the association’s adoption of bylaws for the electronic notice of meetings and for providing notice when it decides to stop noticing meetings by electronic transmission, describes the method by which unit owners may consent and revoke consent, delivery of notices and attachments, receipt of an electronic transmission, and provides that electronic addresses and other information is part of the association’s official records unless the owner has revoked consent to the use of electronic transmissions.
SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the noticing of cooperative elections and meetings through the use of electronic transmission.
SPECIFIC AUTHORITY: 719.501(1)(f), 719.106(1)(d)1. FS.
LAW IMPLEMENTED: 719.104(2)(a)5., 719.106(1)(c), 719.106(1)(d), 719.106(1)(d)1., 719.106(1)(d)3., 719.106(1)(e)1., 719.106(2)(c) FS.
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.
DATE AND TIME: July 24, 2006, 9:00 a.m.
PLACE: Conference Room, Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. A copy of the rule amendment is available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
 RULE TITLE: Examination and Reexamination

PURPOSE AND EFFECT: The Board proposes to review the existing rule on examination and reexamination.

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Board Construction Industry Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.0065
 RULE TITLE: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes to create the rule.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in Rule 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(g) Submit documents that verify the applicant’s illness or unusual hardship:

(h) Submit a written time-line that chronologically documents when the applicant’s electrical contractor’s certification or registration was last active, when the applicant’s electrical contractor’s certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor’s certification or registration:

(i) Request active or inactive license status and submit all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor’s certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor’s certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History–New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: RULE TITLE:
61G17-9.004 Citations

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is amending Rule 61G17-9.004, F.A.C., to revise what disciplinary offenses may be resolved by citations and also revising the amount of money that may be imposed as citation fines.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 472.008, 455.224 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:
64B1-9.007 Advertising

PURPOSE AND EFFECT: To give notice of permitted methods of advertising, and to address advertising violations.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 456.072, 457.104, 457.109 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m); 457.109(1)(d), (e), (k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:
64B7-33.001 Advertisement

PURPOSE AND EFFECT: To address advertising requirements.

SUBJECT AREA TO BE ADDRESSED: Advertisement.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.046(1)(d), (f), 480.0465 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.002
 RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule.

SUBJECT AREA TO BE ADDRESSED: Violations and Penalties.

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (25) No change.

	MINIMUM	MAXIMUM
(26) Repeated Malpractice as defined in Section 456.50 (459.015(1)(x), F.S.) FIRST OFFENSE	Revocation or denial of license and fine of \$1,000 denial or probation and \$7,500 fine	Revocation or denial of license and fine of \$10,000 denial or revocation and \$10,000 fine
SECOND OFFENSE	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(27) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine with level of care, skill, and treatment recognized by a reasonably prudent physician as acceptable under similar conditions and circumstances. (456.50(1)(g), F.S.) (459.015(1)(x), F.S.) FIRST OFFENSE	One (1) year denial or probation and \$1,000 \$5,000 fine	Denial or revocation suspension to be followed by probation and \$10,000 \$7,500 fine
SECOND OFFENSE	Two (2) year denial or suspension to be followed by probation and \$7,500 fine	No change

(28) through (58) No change.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05,_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.: 67-58
 RULE CHAPTER TITLE: Community Workforce Housing Innovation Pilot Program (CWHIP)

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures for the administration of the Community Workforce Housing Innovation Pilot Program (CWHIP), pursuant to Chapter 2006-69, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons.

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

DATE AND TIME: Friday, July 28, 2006 (immediately following the Board of Directors Meeting, which begins at 9:00 a.m.)

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301, (850)851-0000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Bridget Warring at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries Management

RULE NOS.:	RULE TITLES:
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear
68B-45.007	Blue Crab Effort Management Program

PURPOSE AND EFFECT: The purpose of these rule amendments is to continue the moratorium on issuance of new blue crab endorsements until July 1, 2007, and to delay until that date the implementation of the Blue Crab Limited Entry Program. The Fish and Wildlife Conservation Commission had adopted rules that would have implemented the final effort management plan for the commercial blue crab fishery on July 1, 2006. These rule amendments are necessary to delay the program until penalties applicable to specific requirements and prohibitions in the implementing rules of the Commission and fees to be charged by the Commission under the program can be passed by the Florida Legislature and to replace Emergency Rule 68BER06-1 before its expiration. The effect of these rule amendments would be to maintain the commercial fishery in its current regulatory state until the Florida Legislature establishes the appropriate penalties and fees.

SUBJECT AREA TO BE ADDRESSED: Commercial blue crab endorsements and limited entry program.

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

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (8) No change.

(9)(a) No change.

(b) Notwithstanding Section 370.135(2)(a), F.S., effective July 1, ~~2006~~ ~~2002~~, and until July 1, ~~2007~~ ~~2006~~, no blue crab endorsements, except those endorsements that were active during the ~~2005-2006~~ ~~2001-2002~~ fiscal year, shall be renewed or replaced. ~~In 2002 and in subsequent years until July 1, 2006,~~ Persons or corporations holding a blue crab endorsement that was active in the ~~2005-2006~~ ~~2001-2002~~ fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, ~~2006~~ ~~of each year~~. All provisions of Sections 370.135(2)(c)-(e), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) No change.

(10) No change.

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, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06,_____.

68B-45.007 Blue Crab Effort Management ~~Limited Entry Endorsement~~ Program.

(1) Beginning in the ~~2007/2008~~ ~~2006/2007~~ license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management ~~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 effort management limited-entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab effort management limited-entry endorsement number by completion of an acceptance application (Form DMF-SL4500, Blue Crab Effort Management Limited Entry Endorsement Application (09-06 01-06), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510, Application for Appeal of Blue Crab Effort Management Limited Entry Endorsement (09-06 05-05), incorporated herein by reference), as specified in paragraph (11)(b).

(3) Except for those qualifying for a non-transferable blue crab effort management limited-entry endorsement as specified in subsection (6), the Blue Crab Effort Management Limited Entry Endorsement 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 effort management 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 effort management 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) Except as specified in subsection (6), qualification for a blue crab effort management 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 effort management limited-entry endorsement number applicants must have documented blue crab landings in quantities as specified in subsection (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Rule 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 effort management limited-entry endorsement considered by the blue crab effort management limited-entry endorsement appeals board as specified in subsection (10).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab effort management 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) through (e) No change.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab effort management 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) through (e) No change.

(6) Non-transferable blue crab effort management 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, 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 effort management 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 effort management 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 where blue crab traps are allowed.

(c) Applicants qualifying for a V-N blue crab effort management limited-entry endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570, Non-Transferable Blue Crab Effort Management Limited Entry Endorsement (09-06 01-06), incorporated herein by reference.

(d) Applicants must submit their application to the Commission no later than September 30, 2007 2006. An applicant may be a person, firm, or corporation.

(e) No change.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06 01-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by March 31, 2007 2006.

(g) through (h) No change.

(i) The holder of a V-N blue crab effort management ~~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 effort management ~~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 effort management ~~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 effort management ~~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) No change.

(n) If the holder of a V-N blue crab effort management ~~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) 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 effort management ~~limited entry~~ endorsement number.

(b) Beginning July 1, ~~2007~~ 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 effort management ~~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 effort management ~~limited entry~~ endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each person who possesses a blue crab effort management ~~limited entry~~ endorsement number must annually submit a blue crab effort management ~~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 subsection (4) or (5).

(e) Blue crab effort management ~~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) No change.

(g) Blue crab trap tags shall not be issued to blue crab effort management ~~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 effort management ~~limited entry~~ endorsement are not otherwise inactive.

(h) No change.

(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 effort management ~~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.

(8) Effective September 30, ~~2007~~ 2006, no additional blue crab effort management ~~limited entry~~ endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management ~~limited entry~~ endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the ~~2008/2009~~ 2007/2008 license year, each holder of a blue crab effort management ~~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.

(10) Requalification. Beginning with license year ~~2010/2011~~ 2009/2010, the holder of a blue crab effort management ~~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 effort management ~~limited entry~~ endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) through (b) No change.

(11) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab effort management ~~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 effort management 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 effort management 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.~~

~~(b)(e)~~ 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.

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

~~(d)(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, F.S.

(12) 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 effort management 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 effort management limited entry endorsement holders and shall not have been convicted of any 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) No change.

(c) Holders of blue crab effort management 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 (09-06 ~~05-05~~), incorporated herein by reference.

(d) through (h) No change.

(i) On July 1, 2012 ~~2014~~, the board is dissolved unless extended by the Executive Director of the Commission.

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

(14) 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 effort management limited entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(15) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) effort management 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 effort management limited entry endorsement number. If a buyer does not possess a blue crab effort management 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 effort management 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 effort management limited entry

endorsement number holder. As evidence thereof, such person must possess a blue crab effort management limited entry apprenticeship form (DMF-SL4550 (09-06 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 (09-06 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 effort management 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.

(16) No change.

(17) No Vested Rights. This blue crab effort management 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.

(18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended 3-30-06, _____.

Section II Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 15B-13 Operation of Soundmaking Devices in Motor Vehicles

RULE NO.: RULE TITLE:
 15B-13.001 Operation of Soundmaking Devices in Motor Vehicles

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the 2005 revision to Florida Statute 316.3045, making it unlawful for any person operating or occupying a motor vehicle on a street or highway

to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle instead of 100 feet as previously defined.

SUMMARY: The proposed rule action revises the current rule changing the definition of the term "plainly audible" reducing the unlawful range that a mechanical soundmaking device or instrument can be heard coming from within a motor vehicle from 100 feet to 25 feet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs has not been prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 316.3045 FS.

LAW IMPLEMENTED: 316.3045 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. James D. Wells, Jr., Bureau of Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-13.001 Operation of Soundmaking Devices in Motor Vehicles.

(1) No change.

(2) "Plainly Audible" shall mean any sound produced by a radio, tape player, or other mechanical or electronic soundmaking device, or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle by a person using his normal hearing faculties, at a distance of 25 ~~100~~ feet or more from the motor vehicle.

(3) through (4) No change.

Specific Authority 316.3045 FS. Law Implemented 316.3045 FS. History--New 12-25-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. James D. Wells, Jr., Bureau of Law Enforcement Support Services, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-5799

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Christopher A. Knight, Director, Division of Florida Highway Patrol