

(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 ~~2011~~, 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.:
5F-13.001

RULE TITLE:
Guidelines for Imposing
Administrative Penalties and Fines
for Violations of Chapter 531,
Florida Statutes

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., Florida Statutes, published in Vol. 32, No. 19,

May 12, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, July 21, 2006, 10:00 a.m.

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #1, Room 105, Tallahassee, Florida 32399-1650

5F-13.001 Guidelines for Imposing Administrative Penalties and Fines for Violations of Chapter 531, Florida Statutes.

(2)(a)2. Second violation within 2 years after the first violation: \$500 fine or the amount of the economic damages, whichever is greater, not to exceed \$2500 fine;

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine.

(b)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$1000 fine.

(c)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$2500 fine.

(d)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$2500 fine.

(e)2. Second violation within 2 years after the first violation: \$100 fine;

3. Third and/or subsequent violation within 2 years after the first violation: \$500 fine per violation.

(3)(a)2. Second violation within 2 years after the first violation: \$500 fine or calculated economic damages, whichever is greater, up to a maximum \$2500 fine. "Calculated economic damages" equals the value of packages (price/package) times the average amount of shortage (% shortage per package) times the number of packages in lot(s);

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount or calculated economic damages not to exceed \$5000 maximum. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(b)2. Second violation within 2 years after the first violation at the same retail location: \$500 fine or calculated economic damages, whichever is greater, not to exceed \$2500 fine. "Calculated economic damages" equals the value of

packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s);

3. Third or subsequent violation within 2 years after the first violation at the same retail location: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(c)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: an increase of \$500 over the previous fine amount, not to exceed \$5,000.

(d)2. Second violation within 2 years after the first violation at the same retail location: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation at the same retail location: an increase of \$500 over the previous fine amount, but not to exceed \$5,000.

(e)2. Second violation within 2 years after the first violation: \$1000 fine or 50% of total retail value of packages (up to \$2500), whichever is greater;

3. Third or subsequent violation within 2 years after the first violation: total retail value of packages or \$5000 fine, whichever is less.

(4)2. Second violation within 2 years after the first violation at the same business location: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation at the same business location: an increase of \$500 over the previous fine amount, but not to exceed \$5000 maximum.

(b)2. Second violation within 2 years after the first violation: \$1000 fine;

3. Third or subsequent violation within 2 years after the first violation: \$5000 fine.

(5)2. Second violation within 2 years after the first violation: \$500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$1000 fine.

(6)2. Second violation within 2 years after the first violation: \$2500 fine;

3. Third or subsequent violation within 2 years after the first violation: \$5000 fine.

(7) For Other Violations of Chapter 531, Florida Statutes, not listed in subsections 5F-13.001(1) through (6), F.A.C.:

~~(a) Violations not specifically addressed in subsection 5F-13.001(1) through (6) that result in non-compliance with Chapter 531, Florida Statutes, will be assessed a warning letter or fine according to whether it is a first violation, a second violation within two years of the first violation, or a third or~~

~~subsequent violation within two years of the first violation, the potential harm caused, the amount of money in which the violator benefited by non-compliance, and the compliance record of the violator. First occurrence fines shall not exceed \$1000; second occurrence fines shall not exceed \$2500; and in subsequent occurrences the fines shall not exceed \$5000.~~

~~1. First violation: Warning letter;~~

~~2. Second violation within 2 years of the first violation: \$500 fine;~~

~~3. Third or subsequent violation within 2 years of the first violation: an increase of \$500 over the previous fine amount, but not to exceed \$5000 maximum.~~

~~(b) Any violations of Chapter 531, Florida Statutes, committed willingly or knowingly, including those covered in 5F 13.001 (1) through (6), will be assessed the maximum fines authorized in Section 531.50 (1), Florida Statutes.~~

~~(8)(e)~~ A violator's failure to respond to an administrative complaint will ~~may~~ result in a waiver of rights to a hearing and the Department will ~~may~~ enter a Final Order imposing fines equal to twice the amount imposed in the administrative complaint, not to exceed the maximum amount allowed by law, for each violation.

Specific Authority 531.41(3) FS. Law Implemented 531.50(1) FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, phone: (850)488-9140

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.504
 RULE TITLE: Criteria for Assignment to Staff Housing

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. 32, No. 20, (May 19, 2006), issue of the Florida Administrative Weekly:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

- (1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

- 1. Warden.
- 2. Assistant Warden.
- 3. Chief of Security.

4. Regional Directors.

~~5.4.~~ Licensed Medical Representative, who is either a Physician, Clinical Associate, or Registered Nurse, or Licensed Practical Nurse.

~~6.5.~~ Maintenance Representative, who is qualified to respond to varied maintenance emergencies.

~~7.6.~~ Fire Chief or Firefighter Supervisor, where such position is authorized.

~~8.7.~~ Senior or Supervising Chaplain.

(b) No change.

(2) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.005
 RULE TITLE: Teaching Permits

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. 32, No. 17, April 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 23, 2006, in Tampa, Florida. The rule shall read as follows:

(1) A teaching permit shall be issued by the Board of Dentistry to a full time dental instructor of a dental program accredited by the Commission on Dental Accreditation of the American Dental Association and, except for the orthodontic specialty program at Jacksonville University, shall be located within a dental school as defined herein or in a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean if the faculty member:

(a) Has a degree in dentistry and either: 1) is eligible to take the Florida dental licensure examination and has not failed the examination on three occasions or; 2) was at one time eligible to take the Florida examination, and has not failed the Florida dental licensure examination on three occasions or; 3) has successfully completed a post-doctoral training program of at least two years in duration and accredited by the Commission on Dental Accreditation of the American Dental Association or; 4) is not eligible to take the Florida examination, but obtained the degree from a foreign dental education program and agrees to practice dentistry only under the general supervision of a Florida licensed dentist; and

(b) Is a full-time faculty member; and

(c) Does not engage in the practice of dentistry, except at the teaching facilities under the accredited dental program.

(2) through (4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin C-08, Tallahassee, Florida 32399-3250

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-4.2082 State Temporary Recovery Assistance Program

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 13, March 31, 2006, Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: RULE TITLES:
69O-149.005 Reasonableness of Benefits in Relation to Premiums
69O-149.006 Actuarial Memorandum
69O-149.007 Annual Rate Certification (ARC) Filing Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., FS., published in Vol. 32, No. 17, April 28, 2006, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing.

Rule 69O-149.005, subsections (12) and (13)(a) have been changed to read as follows:

(12) Upon request of the Office, the company shall provide an actuarial demonstration that benefit and premium relativities provided on a form currently available for sale are reasonable in relation to benefit and premium relativities provided in other forms currently available for sale in the same rating pool, given actuarial considerations generally used in pricing a product.

(13)(a) Whenever a company makes a non-contractual offering to existing insureds, without underwriting, to replace or exchange their policy with alternate coverage where the original policy is priced on an issue age rate schedule, the rate charged to the insured for the new policy shall recognize the policy reserve buildup, due to the prefunding inherent in the use of an issue at rate basis, to the benefit of the insured. The method proposed by the company must be filed for approval. The rate for the conversion shall be at the most similar rating class as was the original coverage. A statutorily required conversion provision would be considered contractual.

The remainder of the rule reads as previously published.

Rule 69O-149.006 remains as previously published.

Rule 69O-149.007, subsection (4) is changed to read as follows:

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years and are in compliance with the reasonableness standards of Rule 69O-149.005, F.A.C., shall be exempt from the filing requirements of this rule. If a company is subsequently discovered not to have met the standards, they shall, in addition to other administrative remedies, be required to enhance benefits and make premium refunds to bring the form into full compliance with the loss ratio standards of Rule 69O-149.005, F.A.C.

Rule 69O-149.007(4), subsections (a) and (b) are deleted. The remainder of the rule reads as previously published.