

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1S-5.002

RULE TITLE:

Voting System Equipment

Regulations Supplement: Minimum
Standards for Voter Verifiable Paper
Audit Records

PURPOSE AND EFFECT: The purpose of the amendments is to create a rule that supplements the practices and procedures associated with the certification of voting systems for the State of Florida by providing minimum standards for voter verifiable paper audit records.

SUBJECT AREA TO BE ADDRESSED: Florida Voting Systems Standards.

SPECIFIC AUTHORITY: 101.015, 101.294 FS.

LAW IMPLEMENTED: 101.5605, 101.5606, 101.5602, 101.5607, 102.141, 102.166 FS.

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

DATE AND TIME: Saturday, March 17, 2007, 11:00 a.m.

PLACE: Museum Theatre, Ground Level, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State at 1(850)245-6500 no later than March 14, 2007. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Amy Tuck, Director, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-2500.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-5.002 Voting System Equipment Regulations Supplement: Minimum Standards for Voter Verifiable Paper Audit Records.

(1) PURPOSE. To establish minimum standards for assessing the suitability and effectiveness of printer and paper items that produce voter verifiable paper audit records from direct recording electronic voting devices.

(2) DEFINITIONS. The following words and phrases shall be construed as follows when used in this rule:

(a) A "Ballot" when used in reference to:

1. "Paper audit record" means that printed strip of paper created by a voting device that serves as an independent verification tool to assist the voter in determining that the voter's electronic vote selections are correctly indicated. This paper record serves as an unalterable storage media that may be used as the official ballot for the purposes of a recount or audit.

2. "Electronic or electromechanical device" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) A "Voted Ballot" means a ballot as defined above, which an elector casts by positive action.

(c) "Voting System" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) "Voting Device" means any apparatus by which votes are registered electronically.

(e) "Election Materials" means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.

(f) "Verifiable" means the capability for the voter to independently take positive action to confirm that either the electronic record and/or the paper record correctly reflects the voter's selections.

(g) "Thermal printer" means an electromechanical device that produces a printed image by selectively heating coated thermal paper when the paper passes over the thermal print head.

(h) "Contact storage container" refers to a container that prevents exposure of thermal paper to vinyl, plastics, shrink wraps, adhesives, wet-toner, or carbon papers. The container may also prevent or minimize the content's exposure to ultraviolet (UV) light and humid conditions.

(i) "Shelf life" means the maximum length of storage from the date of manufacture of thermal paper with unopened factory wrap within the specified environment that does not impact the paper's satisfactory performance or the specified image life.

(j) "Image life" refers to the expected life of a fully developed image produced by a thermal printer on thermal paper that has not exceeded its shelf life and is stored in a compatible contact storage container within the specified environment.

(k) "Useful life" refers to the retention of voting records as defined by Florida Statutes.

(3) PAPER REQUIREMENTS. Paper audit records must meet the following requirements:

(a) Must be produced by a thermal printer or other suitable print technology that minimizes the number of mechanical elements, consumables, and print failures.

(b) The minimum thermal paper grade, if applicable, should equal or exceed the grade requirements of Alpha@ 200.

(c) Paper and ink, other than thermal paper, must be compatible and meet the same equivalent requirements as specified for the thermal paper grade relative to shelf life, durability, stability, fade resistance, and storage.

(d) Paper quality must retain a fully developed image for a minimum of 7 years when stored under archival dark environmental conditions in a compatible contact storage container.

(e) Paper must be of sufficient quality and reliability to permit the paper record to be audited at least twice; at the start of the initial archival storage period and once again at the end of its useful life. To demonstrate compliance with this requirement, the record produced by the mass ballot count test [see paragraph (6)(a)] must be readable before and after an accelerated life exposure test.

(4) PAPER STORAGE REQUIREMENTS PRIOR TO USE. Storage of voter verifiable paper must be compatible with the following requirements:

(a) Shelf life must meet or exceed a minimum of 3 years of storage from the date of manufacture within its unopened factory wrap under the following environmental conditions:

1. Relative humidity between 45% to 65%; maximum absolute humidity not to exceed 0.010 lbm dry air / lbm H₂O.

2. Maximum temperature not to exceed 77°F (25°C).

(b) Paper that has exceeded its maximum storage life shall not be used in an election.

(c) Paper that has experienced an environment exceeding the maximum temperature and/or humidity requirements shall not be used in an election.

(5) ARCHIVAL STORAGE REQUIREMENTS FOR PAPER AUDIT RECORD. Storage of voter verifiable paper audit records must be compatible with the following requirements.

(a) Image life must meet or exceed a minimum of 7 years after producing a fully developed image when stored in a compatible contact storage container under the following dark environmental conditions:

1. Relative humidity between 45% to 65%; maximum absolute humidity not to exceed 0.014 lbm H₂O / lbm dry air.

2. Maximum temperature not to exceed 77°F (25°C).

(b) Paper that has exceeded its maximum storage prior to nine months from the end of its useful life must be duplicated by any suitable means.

(c) Paper that has experienced an environment exceeding the maximum temperature and/or humidity requirements prior to nine months from the end of its useful life must be duplicated by any suitable means.

(6) PRINTER REQUIREMENTS. A printer that produces voter verifiable paper audit records must meet the following requirements:

(a) Satisfies the mass ballot count test of 9,900 ballots cast on a single precinct voting device with total number of votes exceeding 100,000.

(b) Minimizes the number of mechanical elements and consumables. To satisfy this requirement, the use of thermal paper printers is strongly recommended.

(c) Maintains the audit record as a continuous spool of paper or provides the audit record as cut sheets. However, each cut sheet must be a complete record of a cast ballot. In the event that the last ballot record on the spool does not represent a complete record, the voting device must void that record and allow the voter to continue voting once the paper has been refilled. This voided record must not count against the voter's allowed number of spoiled records. The audit record must not be touched by the voter or otherwise be capable of being in the possession of the voter.

(d) Does not permit the voting device or system to alter the paper record once the ballot is cast.

(e) Prints the audit record in a variable font size not to fall below 12 pt on the E-scale as measured using a type gauge. The maximum font size that may be selected by either the voter or the poll worker should not exceed 36 pt on the E-scale. The choice of a font size must not impede the readability of the audit record. Increasing the font size may force a line-wrap but must not wrap more than once.

(f) Permits the paper record to be temporarily stored in a sealable canister that is to serve as a pseudo ballot box.

1. Permit a full canister to be replaced by an empty canister without exposing the paper audit record. This requirement may be met by complete removal and replacement of the printer and paper canister assembly.

2. Election officials must secure and control the pseudo ballot box canister and its contents in a fashion similar to that of an optical scan ballot box containing cast ballots. The description of this control must be included in the county's security procedures in accordance with Rule 1S-2.015, Florida Administrative Code.

(g) Prevents a voter from spoiling more than two audit records.

(h) Prints the audit record in the same language as the electronic record.

1. Clearly indicates a spoiled audit record.

2. Clearly indicates a provisional audit record.

3. Clearly indicates an undervoted contest.

4. Clearly indicates an accepted audit record.

(i) Uses a standard, publicly documented printer port using a standard communication protocol.

(j) Provides a capability to use tamper-evident seals or other physical security to protect the connection between the printer and voting machine except by authorized election officials.

1. Provides a means to detect and make known when the connection between the voting device and the printer has been broken and log this event in the voting device’s audit record.

2. Prevents the communication of the printer with any system or machine other than the voting device to which it is connected.

(k) Limits the printer’s functionality to printing only the paper audit record. The printer should not be used to print the zero or results tapes. The printer must not be networked or used for any other purpose.

(l) Provides a capability to detect errors, malfunctions, and/or low consumables and suspend further usage of the voting device until the error condition is corrected. Either the voting device and/or the printer must indicate the error condition to the voter. This error condition must be in the voter’s selected language and must inform the voter to seek immediate resolution from a poll worker. Actions taken by election officials to correct an error condition must be in accordance with Florida Statutes that protect the ballot from disclosure. Failure to resolve an error condition must permit that active ballot from being cast either electronically or as an audit record. The voter must be permitted to cast their ballot on another voting device regardless of the number of spoiled ballots already consumed.

(m) Provides a means to protect the paper audit record when displayed to the voter. The display or protective covering must be maintainable and/or replaceable. The display must not obscure the paper audit record. There must be a method for periodically cleaning the surface.

(n) Provides the voter with the means to compare the electronic record and the paper record side-by-side and inform the voter if scrolling the record is necessary to complete this comparison.

(o) Informs the voter that scrolling in reverse is either possible or not possible.

(n) Optionally:

1. May use a unique identifier that provides a capability to link a voter verifiable paper audit record to the electronic record. However, this link may not circumvent voter secrecy.

2. Allows the voter to privately and independently verify the content of the permanent paper ballot through the conversion of printed content into an accessible media. Accessible voting equipment should provide an automated reader that converts the paper record contents into audio output.

3. Permits an alternate and independent method to tabulate the votes cast from the paper audit record.

4. Identifies multiple review pages, such as page x of y.

(7) USE OF THE VOTER VERIFIABLE PAPER RECORD. The voter verifiable paper record must:

(a) Provide the voter the option to verify that the paper audit record matches the electronic summary record prior to allowing the voter to cast the ballot.

(b) Serve as an official ballot for the purposes of an audit and/or recount.

(c) Store a duplicate of the audit record in another format in addition to the human readable form.

(d) Not reveal the identity of the voter.

Specific Authority 101.015, 101.294 FS. Law Implemented 101.5605, 101.5606, 101.5602, 101.5607, 102.141, 102.166 FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.117	Application for Examination for Pest Control Operator’s Certificate and Special Identification Card
5E-14.132	Certificate Issuance and Renewal Fees
5E-14.1421	Identification Card – Training Verification

PURPOSE AND EFFECT: The purpose of the rule amendment is to increase the number of supervised jobs necessary to qualify for the certified operators examination, clarify the requirements for verification of identification card training, and establishing limitations on non-classroom continuing education units obtained for certificate renewal. The Department’s purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Training and verification of training for pest control operators and identification card holders.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

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

DATE AND TIME: April 13, 2007, 10:00 a.m.

PLACE: The Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-7447

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.099822 School Improvement Rating for
Alternative Schools

PURPOSE AND EFFECT: The purpose of the rule development is to define the terms and process used to calculate a school improvement rating for alternative schools. The effect of the rule will be the definition of an alternative school for the purpose of calculating an improvement rating; the establishment of a process to identify alternative schools; and the establishment of a process for calculating a school improvement rating that fulfills statutory requirements for school accountability.

SUBJECT AREA TO BE ADDRESSED: School Improvement Ratings for Alternative Schools.

SPECIFIC AUTHORITY: 1008.34, 1008.341 FS.

LAW IMPLEMENTED: 1008.34, 1008.341 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: March 20, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juan Copa, Director, Office of Evaluation and Reporting, 325 West Gaines Street, Room 445, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-2.0010 Educational Facilities

PURPOSE AND EFFECT: The purpose of the rule development is to update code references that apply to educational facilities construction in Florida and incorporate by reference the new building codes.

SUBJECT AREA TO BE ADDRESSED: The purpose of this rule development workshop is to update code references that apply to educational facilities construction in Florida

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

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1013.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 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: John Hamrick at (850)245-9230 or Spessard Boatright at (850)245-9229, Florida Department of Education, 325 West Gaines Street, Suite 1014, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-20.019 Children and Spouses of Deceased or
Disabled Veterans or Children of
Servicemen Classified as Prisoners
of War or Missing in Action
Scholarships

PURPOSE AND EFFECT: The purpose of the rule development is to include spouses of deceased or disabled veterans as those eligible for scholarships consistent with Section 295.01, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Scholarships for spouses of deceased or disabled veterans.

SPECIFIC AUTHORITY: 1001.02(1), 295.01(3), 295.02 FS.

LAW IMPLEMENTED: 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-20.019 Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 1009.40, 1009.42, 295.01, 295.02, 295.03, 295.04, and 295.05, Florida Statutes,

and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, as incorporated by reference in Rule 6A-20.020, F.A.C., and Form CDDV-1, Scholarships for Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Certification Form. Form CDDV-1 is hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-1 and CDDV-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. However, the amount of the scholarship in combination with other student aid shall not exceed the student's cost of education. A student who receives a Children and Spouses of Deceased or Disabled Veterans Scholarship, who is enrolled in nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.

Specific Authority 1001.02(1), 295.01(3), 295.02 FS. Law Implemented 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS. History—New 12-28-86, Amended 3-22-89, 5-16-90, 3-24-92, 10-18-94, 11-3-02, _____.

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."

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.041	Permits Required
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.051	Exemptions from Permitting
40E-4.301	Conditions for Issuance of Permits

40E-4.302	Additional Conditions for Issuance of Permits
40E-4.361	Conversion from Construction Phase to Operation Phase

PURPOSE AND EFFECT: To develop more specific Exemptions or Noticed General Permits or other rule or criteria revisions for Florida Department of Transportation Projects for adding paved shoulders to meet safety standards, extending existing culverts, in kind bridge replacements, addition of pedestrian or bicycle facilities, and other existing design criteria that are not necessarily appropriate for roadway projects. The proposed rule will also amend existing design criteria within the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District" for roadway projects.

SUBJECT AREA TO BE ADDRESSED: Exemptions, Noticed and/or No Notice General Permits and existing design criteria within the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District".

SPECIFIC AUTHORITY: 373.043, 373.044, 373.113, 373.171, 373.406(5), 373.414(9), 373.421(2) FS.

LAW IMPLEMENTED: 373.042, 373.103, 373.406, 373.409, 373.413, 373.414, 373.416, 373.421(2), 373.426, 380.23, 403.813(2) FS.

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

DATE AND TIME: March 27, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District Headquarters, Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

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 days before the workshop/meeting by contacting: South Florida Water Management District Clerk's Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.041 Permits Required.

(1) through (3) No change.

(4) The District issues two types of mitigation bank environmental resource permits: conceptual approvals and individual permits, pursuant to Section 4.4 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C. November 1996. A conceptual approval does not authorize the establishment or operation of the mitigation bank. A mitigation bank individual permit authorizes the establishment and operation of a mitigation bank and constitutes authorization pursuant to Chapters 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, to construct any surface water management system proposed as part of the mitigation bank.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.103, 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-4.03(1), 16K-4.07(1), 16K-4.09(1), Amended 1-23-94, 4-20-94, 10-3-95, 4-1-96, 1-7-97, _____.

40E-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (2) No change.

(3) The process and procedures for filing a petition for a formal determination of wetlands and other surface waters are set forth in Section 4.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~August 1995~~”, and are incorporated by reference in Rule 40E-4.091, F.A.C. this rule.

(4) through (5) No change.

Specific Authority 373.043, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended _____.

40E-4.051 Exemptions from Permitting.

(1) through (10) No change.

(11) Minor Roadway Safety Projects.

The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other stormwater management systems is not reduced; the projects are not located within wetlands or other surface waters; and the projects include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation:

(a) Sidewalks that have a width of six feet or less.

(b) Turnlanes less than 0.25 miles in length and other intersection improvements.

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(12) Recreational Paths.

Recreational paths that are not located within wetlands or other surface waters; include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation; that have a width of eight feet or less for unidirectional paths and twelve feet or less for bidirectional paths; and which do not allow motorized vehicles powered by internal combustion engines except for maintenance and emergency vehicles.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History–New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, 4-14-03, _____.

40E-4.301 Conditions for Issuance of Permits.

(1) No change.

(2) If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant must comply with the requirements set forth in subsection 4.2.4.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C. November 1996

(3) The standards and criteria, including the mitigation provisions, and the provisions for elimination or reduction of impacts, contained in the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, incorporated November 1996” adopted by reference in Rule 40E-4.091, F.A.C., shall determine whether the reasonable assurances required by subsection 40E-4.301(1) and Rule 40E-4.302, F.A.C., have been provided.

(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(2), 16K-4.30, Amended 7-1-86, 3-24-87, 4-14-87, 7-9-87, 4-21-88, 4-20-94, 10-3-95, 4-1-96, 1-7-97, _____.

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3. through 4.2.3.7 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.:

1. through 7. No change.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8. through 4.2.8.2 of the “Basis of Review for

Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 62R-7, F.A.C., will comply with the additional criteria in subsection 4.2.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated adopted by reference in Rule 40E-4.091, F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated adopted by reference in Rule 40E-4.091, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History–New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00,_____.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) No change.

(a) through (b) No change.

(2) No change.

(a) No change.

(b) The professional engineer or other individual authorized by law shall certify that:

1. The system has been constructed substantially in accordance with approved plans and specifications, or;

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C. The professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C., has been established to operate and maintain the system. The entity must be provided with

sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History–New 10-3-95, Amended 1-7-97, 4-14-03, 9-16-03,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-400.443	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: To develop more specific Exemptions or Noticed General Permits or other rule or criteria revisions for Florida Department of Transportation Projects for adding paved shoulders to meet safety standards, extending existing culverts, in kind bridge replacements, addition of pedestrian or bicycle facilities, and other existing design criteria that are not necessarily appropriate for roadway projects. The proposed rule will also amend existing design criteria within the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District” for roadway projects.

SUBJECT AREA TO BE ADDRESSED: Exemptions, Noticed and/or No Notice General Permits and existing design criteria within the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

DATE AND TIME: March 27, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District, Bill Storch Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

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 days before the workshop/meeting by contacting: South Florida Water Management District Clerk’s Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The replacement, ~~or~~ modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

(b) No change.

(2)(a) through (k) No change.

(l) This general permit authorizes dredging and filling for the replacement, ~~or~~ modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended_____.

40E-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing ~~FDOT~~ Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, municipalities and counties to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing location ~~(project site)~~. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(c) through (g) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended 6-26-02,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE NOS.:	RULE TITLES:
60H-1.003	Standard Lease Agreement Form
60H-1.015	Leases of 5,000 Square Feet or More
60H-1.017	Turnkey (Lease) Construction Program
60H-1.022	Prior Approval of Space Need

PURPOSE AND EFFECT: To amend subsections 60H-1.003(3), 60H-1.017(2) and 60H-1.022(2), F.A.C., to remove the 10 day passive approval provisions contained therein so as to require active approvals by the Department of Management Services prior to the leasing of space. Also to amend subsection 60H-1.015(1), F.A.C., to provide for approval by the Department of Management Services of lease extensions for leases 5,000 square feet or more, if such extensions are determined to be in the best interest of the state.

SUBJECT AREA TO BE ADDRESSED: Required approvals of the Department of Management Services for leases.

SPECIFIC AUTHORITY: 255.249(4) FS.

LAW IMPLEMENTED: 255.249, 255.25 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: Spencer Kraemer, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, spencer.kraemer@dms.state.fl.us

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.005
 RULE TITLE: Salon License Fee
 PURPOSE AND EFFECT: To address fees.
 SUBJECT AREA TO BE ADDRESSED: Salon License Fee.
 SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(c) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-24.005 Salon License Fee.

The salon license fee shall be fifty dollars (\$50.00). In addition, a non-refundable application fee of ~~fifty forty five~~ fifty dollars (~~\$45.00~~ \$50.00) shall be submitted with the salon license application.

Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(c) FS. History—New 11-2-80, Amended 5-3-82, 10-1-85, Formerly 21F-24.05, 21F-24.005, Amended 12-27-95,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-11.002
 RULE TITLE: Examination and Licensure
 PURPOSE AND EFFECT: The proposed rule amendment acknowledges the name change of the referenced Physician’ Manual to the Practitioner’s Manual.
 SUBJECT AREA TO BE ADDRESSED: Examination and Licensure.
 SPECIFIC AUTHORITY: 455.217, 474.206, 474.2065, 474.207 FS.

LAW IMPLEMENTED: 455.217, 474.2065, 474.207 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-11.002 Examination and Licensure.

(1) through (2) No change.

(3) Effective on November 1, 2000, there shall be two examinations. The first examination will be the North American Veterinary Licensing Examination (NAVLE) developed by the National Board of Veterinary Medical Examiners. The second examination concerns laws and rules related to the practice of veterinary medicine. The context of the second test shall include the following subjects: The Veterinary Medical Practice Act, Chapter 474, F.S.; Chapter 455, F.S., relating to the Department of Business and Professional Regulation; Chapter 61G18, F.A.C., the rules promulgated by the Board of Veterinary Medicine; Chapters 465, 499, 585, 828 and 893, F.S.; and the most recent revision of the “Practitioner’s ~~Physician’s~~ Manual,” an informational outline of the Controlled Substances Act of 1970, published by the Drug Enforcement Administration of the United States Department of Justice.

(4) through (6) No change.

Specific Authority 455.217, 474.206, 474.2065, 474.207 FS. Law Implemented 455.217, 474.2065, 474.207 FS. History—New 11-14-79, Amended 5-11-80, 7-9-80, 5-4-81, 12-10-81, 12-5-82, 5-15-83, 11-5-84, 5-7-85, 11-5-85, Formerly 21X-11.02, Amended 3-1-88, 11-24-88, 4-3-89, 4-13-92, 3-30-93, 7-13-93, Formerly 21X-11.002, Amended 7-4-94, 3-20-95, 3-29-95, 5-1-95, 5-27-99, 12-25-05,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016
 RULE TITLE: Voluntary Certification Categories
 PURPOSE AND EFFECT: The proposed rule amendment updates and provides modification relating to the voluntary certification category of Modular Inspector and Modular Plans Examiner.

SUBJECT AREA TO BE ADDRESSED: Voluntary Certification Categories.

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

(1) through (3) No change.

(4) Modular Inspector. This license is required for inspection of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Inspector means a person who is authorized to inspect any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part I, Chapter 553, Florida Statutes, and is qualified to inspect and determine that modular buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws. A person shall be entitled to take the examination for certification as a modular inspector if the person has three (3) years experience as an inspector with local government and/or state government or three years experience as an inspector with an independent inspection/plans review agency under contract with a state agency or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) Responsibilities: Verify the state approved plans are in the factory. Assure the buildings being manufactured comply with the approved plans and the applicable Florida Building Code building codes. Compare the approved plans to the modular building and identify any deviations. Determine the reason for the deviations and investigate repetitive deviations in other buildings. Discuss the deviations with the in-plant quality control supervisor and establish a procedure to resolve the deviations. Verify the appliances and equipment installed in the building are consistent with those identified in the quality control manual. Verify the data plates have all the information as required ~~for the data plate~~ in Chapter 9B-1, F.A.C. Assure the state insignia is affixed to the correct building. The modular inspector shall monitor quality control procedures to verify the in-plant quality control personnel are conducting quality control reviews at the proper times. The modular inspector shall notify the Department of Community Affairs contracted inspection agency of any problems with the in-plant quality

control procedures. The inspector shall follow-up on quality control procedures to verify that the in-plant quality control inspector is making the inspection of the buildings at the proper time. Persons qualified as one and two family dwelling inspectors may also inspect one and two family modular residences regulated under Chapter 9B-1, F.A.C. Persons qualified as Standard Building Inspectors in all four disciplines of building, electrical, mechanical and plumbing may also inspect all modular buildings regulated under Chapter 9B-1, F.A.C.

(5) Modular Plans Examiner. This license is required for plans reviews of all modular buildings constructed to the Florida Building Code and administered under Chapter 553, Part I, F.S., unless otherwise provided for in Florida Statutes.

(a) Modular Plans Examiner means a person who is authorized to review plans for any manufactured (modular) building and systems incorporated therein designed and built to comply with the Florida Building Code pursuant to Part I, Chapter 553, Florida Statutes, and has three (3) years experience as a plans examiner with local and/or state government. As an alternative, the applicant must have three (3) years experience as a plans examiner with an independent inspection/plans review agency under contract with a state department or three (3) years experience as a registered or certified state general, building, or residential contractor or job superintendent, project manager or quality control manager, the latter as provided for in Chapter 9B-1, F.A.C., in a supervisory capacity that included operational control and direction of building, mechanical, electrical and plumbing personnel or subcontractors on residential or commercial projects.

(b) Responsibilities: Examine building construction plans for compliance with the applicable Florida Building Code building codes. Assure compliance with Florida's Manufactured Buildings Act, Chapter 553, Part IV, F.S., along with Chapter 9B-1, F.A.C. Resolve code problems with the local personnel on behalf of the agency's clients. Research the code changes upon adoption of the current edition of the codes. Review the proposed amendments to Chapter 9B-1, F.A.C., and provide input accordingly. Persons qualified as a one and two family dwelling plans examiner may also review and approve plans for one and two family modular residences regulated under Chapter 9B-1, F.A.C. Persons qualified as Standard Building Plans Examiners in all four disciplines of building, electrical, mechanical and plumbing may also review all modular buildings regulated under Chapter 9B-1, F.A.C.

(6) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03, 3-7-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.003
 RULE TITLE: Registration of Course Providers
 PURPOSE AND EFFECT: The proposed rule amendment clarifies the renewal date which is applicable to Course Providers.
 SUBJECT AREA TO BE ADDRESSED: Registration of Course Providers.
 SPECIFIC AUTHORITY: 468.606, 468.627(1)(7) FS.
 LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.003 Registration of Course Providers.

(1) Registration for Course Providers is required May 31 of every odd year. All providers are required to register with the Board, before providing continuing education courses, on Board-approved registration form DBPR/BCAI/10 Rev. 04/01. The instructions and form, entitled Provider Approval Application, which is hereby incorporated by reference and will be effective June 5, 2001, may be obtained from the Board office. Renewal for course providers is required May 31 of every odd year.

(2) through (8) No change.

Specific Authority 468.606, 468.627(7) FS. Law Implemented 468.627 FS. History New 5-23-94, Amended 11-28-95, 10-1-97, 6-5-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.006
 RULE TITLE: Course Syllabus
 PURPOSE AND EFFECT: The proposed rule amendment clarifies the components of a provider's course syllabus.
 SUBJECT AREA TO BE ADDRESSED: Course Syllabus.
 SPECIFIC AUTHORITY: 468.606 FS.
 LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.006 Course Syllabus.

(1) Each course provider shall prepare a course syllabus for each course. The syllabus shall state the name of the course, the course number assigned by the Board, the name and address of the course provider and a detailed description or outline with timeframes of the contents of the course.

(2) No change.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History New 5-23-94, Amended 4-23-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.011
 RULE TITLE: Continuing Education Course Provider Fees

PURPOSE AND EFFECT: The proposed rule amendment clarifies the applicability of the fee for a continuing education provider.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Course Provider Fees.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.2179(3), 455.219, 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.011 Continuing Education Course Provider Fees.

(1) The fee for registering or renewing each continuing education provider shall be \$100.00.

(2) through (3) No change.

Specific Authority 468.606 Law Implemented 455.2179(3), 455.219, 468.627 FS. History--New 5-23-94, Amended 4-12-95, 4-23-01,_____.

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 Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-2.002	Clinical Laboratory Personnel
64B3-2.003	Definitions

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the clinical laboratory personnel profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Qualifications for clinical laboratory personnel licensure.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

DATE AND TIME: March 2, 2007, 9:00 a.m.

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-5.0011	Definitions
64B3-5.002	Supervisor
64B3-5.003	Technologist
64B3-5.004	Technician
64B3-5.007	Director; Limitations and Qualifications
64B3-5.008	Public Health Laboratory Personnel

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the clinical laboratory personnel profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Qualifications for clinical laboratory personnel licensure.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.809(2), 483.811(2), 483.812, 483.815, 483.823, 483.823(1), 483.824 FS.

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

DATE AND TIME: March 2, 2007, 9:00 a.m.

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Board's Call Center at (850)488-0595

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-4.011	Dispensing Practitioners

PURPOSE AND EFFECT: The purpose of the amendment is to eliminate the registration fee.

SUBJECT AREA TO BE ADDRESSED: Dispensing Practitioners.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 465.0276, 464.012(3), (4) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.011 Dispensing Practitioners.

(1) Those ARNP's whose protocols permit them to dispense medications for a fee as contemplated by Section 465.0276, F.S., must register with the Board of Nursing.

~~(2) The fee for registration shall be \$25.00, payable upon initial registration and subsequently at each biennial renewal of the ARNP license.~~

~~(2)(3)~~ The ARNP dispensing practitioner must comply with all state and federal laws and regulations applicable to all dispensing practitioners under Section 465.0276, F.S.

Specific Authority 464.006 FS. Law Implemented 465.0276, 464.012(3), (4) FS. History--New 9-16-91, Formerly 21O-16.003, 61F7-4.011, 59S-4.011, Amended.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-7.001 Fees

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

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$23~~ \$15 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

~~(b) For licensed practical nurse ninety dollars (\$90.00) of which \$15 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.~~

~~(b)(e)~~ Applicants for the NCLEX-CAT examination must pay the fee for sitting for the examination directly to the examination vendor.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

~~(a)~~ For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$23~~ \$15 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

~~(b) For licensed practical nurse ninety dollars (\$90.00) of which \$15 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.~~

(3) ~~Effective July 1, 2000, for issuance of~~ Initial license as a registered nurse or a licensed practical nurse the fee shall be ~~eighty seven~~ eighty seven five dollars (~~\$80.00~~) (\$75.00).

(4) For application for ARNP certification as provided in Section 464.012, F.S., one hundred seventy five dollars (~~100.00~~) (\$75.00).

(5) For renewal of RN or LPN license as provided in Section 464.013, F.S., eighty fifty five dollars (~~\$80.00~~) (\$55.00).

(6) For renewal of a dual RN/ARNP license certificate, one hundred thirty five dollars (~~130.00~~) (\$105.00).

(7) through (16) No change.

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History--New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-6.006 AIDS Education and Medical Error
Prevention Education

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language regarding Aids Education and Medical Error Prevention Education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.006 AIDS Education and Medical Error Prevention Education.

Pursuant to Section 456.033, Florida Statutes, any Category I, American Medical Association (AMA) continuing medical education course, any Category I or Category III, American Association for Respiratory Care (AARC) continuing education course offered by an AMA approved respiratory therapy program and any courses approved by any board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, Florida Statutes, which includes topics on the transmission, infection control procedures, clinical management and prevention of Human Immunodeficiency Virus and Acquired

Immune Deficiency Syndrome, shall satisfy the requirements of Section 456.033, Florida Statutes, as part of the first renewal of the license as part of biennial relicensure or recertification. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(1) The required AIDS education can be completed with one course divided in incremental blocks of time, as long as each increment is at least one contact hour in length and the cumulative total equals a minimum of 3 contact hours, and all of the topics stated above are covered; or by one course which is at least 3 contact hours in length and covers all of the topics stated above; or by multiple courses which are each at least 1 contact hour in length and each cover all of the topics stated above. New licensees must complete three contact hours taken within the last five years prior to either initial licensure or first renewal but only one contact hour shall be necessary for biennial renewal.

(2) An appropriate course as described above may be used to fulfill up to 3 ~~5~~ hours of a licensee's continuing education requirement for the first biennial renewal.

(3) No change.

(4) Each applicant and all licensees shall take attend and certify attending a Board approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for each license renewal.

The course shall include medication errors, including missed treatments, documentation errors, equipment errors, patient errors and communication errors.

Specific Authority 456.033 FS. Law Implemented 456.013(7), 456.033 FS. History--New 6-20-89, Amended 7-28-92, Formerly 21M-38.006, Amended 1-2-94, Formerly 61F6-38.006, 59R-75.006, 64B8-75.006, Amended 4-27-00, 7-22-02, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-7.001	Definitions
65G-7.002	Determination of Need for Assistance with Medication Administration; Informed Consent Medication Administration Training Course
65G-7.003	Validation Requirements Medication Administration Procedures
65G-7.004	Medication Errors
65G-7.005	Storage Requirements
65G-7.006	Documentation and Record Keeping
65G-7.007	Off-site Medication Administration
65G-7.008	
65G-7.009	

PURPOSE AND EFFECT: To provide Developmental Services (DS) waiver direct service providers, or direct service staff employed by DS waiver providers, who do not currently hold a professional medical license and who provide direct services to DS waiver recipients while in their own or family homes, foster homes, group homes, independent living arrangements, supported living arrangements, and adult day training facilities, with guidelines for: medication administration training and medication administration skills validation requirements for unlicensed direct service providers; requirements for administration of medications; requirements for the supervision of the self-administration of medication by validated direct service providers; special requirements for recipients who require medication while traveling or away for a visit; informed consent; request for exemption; and additional requirements.

SUMMARY: The rules will implement uniform standards for unlicensed direct service providers' supervision of self-administration of medications by DS waiver recipients, and administration of medications to DS waiver recipients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 393.506(5) FS.
 LAW IMPLEMENTED: 393.506(1) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A 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: Michelle Ledbetter, Registered Nurse Consultant, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, or telephone number (850)488-4879
 A PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

<p>RULE NOS.:</p> <p>68-5.001</p> <p>68-5.002</p> <p>68-5.003</p>	<p>RULE TITLES:</p> <p>Introduction of Non-Native Species into the State</p> <p>Conditional Non-Native Species</p> <p>Prohibited Non-Native Species</p>
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PURPOSE AND EFFECT: The purpose of this proposed new rule chapter is to consolidate regulatory provisions relating to non-native species currently existing in different rule chapters in Title 68A into a new chapter within Title 68 of the Florida Administrative Code. In addition, the proposed rule adds species previously referenced only in statute, and substitutes the term “conditional” for the term “restricted” to refer to non-native with special requirements. The proposed new rules will list two additional species and add conditions for the possession of a previously restricted genus of freshwater fishes. The effect of this new rule title will be to consolidate related regulatory provisions in the same place and allow citizens easier access to them.

SUBJECT AREA TO BE ADDRESSED: Regulatory restrictions on the introduction, possession and take of non-native species.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

<p>RULE NO.:</p> <p>68A-4.005</p>	<p>RULE TITLE:</p> <p>Introduction of Carriers of Disease; Inspection</p>
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PURPOSE AND EFFECT: The proposed rule change deletes provisions prohibiting the importation and release of non-native fish and wildlife without a permit; these provisions will be incorporated into proposed new Rule Chapter 68-5, F.A.C. The proposed rule change incorporates provisions currently in Rule 68A-23.008, F.A.C. regarding inspection of facilities that might harbor diseased aquatic organisms. Rule 68A-23.008, F.A.C., will be repealed effective July 1, 2007. The effect of this rule amendment will be to consolidate related regulatory provisions in the same place and allow citizens easier access to them.

SUBJECT AREA TO BE ADDRESSED: Regulatory restrictions on the introduction of non-native species; restrictions on introduction of diseased fish and wildlife; inspection of diseased fish and wildlife.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.26, 372.265 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.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

~~68A-4.005 Introduction of Foreign Wildlife or Freshwater Fish or Carriers of Disease; Inspection.~~

~~(1) No person shall release or introduce in the state any wildlife, freshwater fish or any other organism that might reasonably be expected to transmit any disease to wildlife or freshwater fish. It shall be unlawful for any person to possess, transport or otherwise bring into the state or to release or introduce in the state any wildlife or freshwater fish that is not native to the state unless such person shall first secure a permit from the Commission. Such permit shall be granted only after duly authorized agents have made such investigation and inspection of the wildlife or freshwater fish as may be deemed necessary, provided that this rule shall not apply to ring-necked or Mongolian pheasants or coturnix quail.~~

~~(a) Any representative of the Commission may inspect all records, ponds, pools, vehicles and other facilities used to produce, grow, store or transport freshwater aquatic organisms. Inspection may be made of such facilities wherein foreign or non-native species of freshwater aquatic organisms are propagated for any commercial purpose so as to determine that such species or their eggs are not allowed to escape into the waters of the state or to determine whether freshwater aquatic organisms are infected or diseased. In the event that an epizootic aquatic disease among cultured aquatic freshwater organisms presents a threat to public health or to fish or wildlife resources, freshwater aquatic organisms exposed to or exhibiting such disease may be quarantined, confiscated or destroyed as a public nuisance without compensation to anyone having a financial interest in such organisms.~~

~~(b) Any freshwater aquatic organism that may be discovered in ponds, pools, vehicles or other facilities and which in the determination of the executive director would be detrimental to fish or wildlife resources if released or placed in the waters of the state, shall be confiscated and destroyed as a public nuisance.~~

~~(2) Nothing in this rule shall prohibit the Commission or its duly authorized agents from bringing into the state or releasing or introducing any wildlife or freshwater fish.~~

~~(3) No person shall release or introduce in the state any wildlife, freshwater fish or any other organism that might reasonably be expected to transmit any disease to wildlife or freshwater fish.~~

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.26, 372.265 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-4.05, 39-4.005, Amended 7-1-07.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-23.008	Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish

PURPOSE AND EFFECT: This proposed rule repeal eliminates provisions relating to introduction of non-native aquatic species, which will be moved to proposed new Rule Chapter 68-5, F.A.C. The repealed provisions relating to diseased fish will be moved to Rule 68A-4.005, F.A.C. The effect of this rule repeal will be to consolidate related regulatory provisions in the same place and allow citizens easier access to them.

SUBJECT AREA TO BE ADDRESSED: Regulatory restrictions on the introduction of non-native aquatic species; restrictions on introduction of diseased fish and wildlife; inspection of diseased fish and wildlife.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

68A-23.008 Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish.

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.08, Amended 4-13-88, 7-1-89, 10-30-89, 7-1-92, 7-1-94, 4-12-98, Formerly 39-23.008, Amended 10-10-00, 7-1-01, 7-1-02, 7-1-04, Repealed 7-1-07.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.002	General Provisions for Taking, Possession and Sale of Reptiles
68A-25.006	Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species

PURPOSE AND EFFECT: The Purpose of this rule amendment and rule repeal is to delete provisions regarding the importation of certain tortoises and provide for the continuation of permit requirements for possession of venomous reptiles until January 1, 2008, at which time superseding requirements will become effective in new Rule 68A-6.007, F.A.C. The rule repeal will eliminate on January 1, 2008, provisions for caging and exhibition of venomous reptiles. Those provisions will be replaced by Rule 68A-6.007, F.A.C., on that date. The effect of this rulemaking will be to consolidate related regulatory provisions in the same place and allow citizens easier access to them.

SUBJECT AREA TO BE ADDRESSED: Importation of non-native tortoises; possession and exhibition requirements for venomous reptiles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution., 372.6672, 372.6673, 372.86, 372.921, 372.922 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.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) through (13) No change.

(14) On or after July 1, 1990, and until January 1, 2008, any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

(a) Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(c), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.

(b) Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.

(c) Must be at least 18 years old at the time of application.

~~(15) No leopard tortoise (*Geochelone pardalis*) or African spurred tortoise (*Geochelone sulcata*) shall be imported or transported into this state, without a special permit issued by the Commission. The basis for the issuance of such permit shall include:~~

~~(a) That each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;~~

~~(b) That all shipping containers used to transport such tortoises are incinerated within 24 hours;~~

~~(c) Such other conditions as may be necessary to insure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.~~

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 7-1-07.

68A-25.006 Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 370.081, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.06, Amended 5-10-87, 4-1-96, 9-15-96, Formerly 39-25.006, Amended 11-17-99, Repealed 1-1-08.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-14.001	Purpose and Intent, Designation as Restricted Species
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355	Size Limits for Importation and Sale
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption
68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
68B-14.005	Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become consistent with federal reef fish regulations in the South Atlantic and Gulf of Mexico. The South Atlantic Fishery Management Council developed regulatory actions in Amendment 13C to their Snapper Grouper Fishery Management Plan, which became effective October 13, 2006. Amendment 13C addresses recreational and commercial harvest of snowy grouper, golden tilefish, vermilion snapper, black sea bass, and red porgy, and establishes bag limits, size limits, quotas, and trip limits. The Gulf of Mexico Fishery Management Council developed regulatory actions for black, gag, and red grouper that became effective on November 17, 2006, which includes the prohibition of the possession of the recreational bag limit of grouper by the captain and crew of for hire vessels. The Council developed a Red Snapper Individual Fishing Quota Program that took effect on January 1, 2007, which eliminates the need for Class I and Class II permits. The Council is also moving forward as quickly as possible with a framework amendment to address vermilion snapper management regulations in Amendment 23. This amendment reduces the minimum size limit for 11 inches to 10 inches TL and removes the commercial closed harvesting season.

Another rule amendment not related to federal consistency is clarification of state regulatory intent by affirmatively prohibiting persons harvesting reef fish species for commercial purposes from possessing the recreational bag limit of the reef fish species on the same trip. The state allows commercial grouper fishers in the Gulf of Mexico to possess commercially harvested grouper (black and gag) with a 24-inch minimum size limit and recreationally caught grouper (black and gag)

with a 22-inch minimum size on the same trip. This presents a problem to law enforcement and allows the potential sale of undersized fish

The effect of these rule amendments will be that federal and state regulations are consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability. A further effect will be to remove inconsistency in state regulations regarding reef fish size limits as applied to commercial and recreational harvest.

SUBJECT AREA TO BE ADDRESSED: Reef Fish.

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-28.003	Diving: Open and Closed Areas
68B-28.0035	Commercial Sponge Size Limit

PURPOSE AND EFFECT: The purpose of these rule amendments is to expand the area where the taking of commercial sponges by diving in the waters of the State of Florida is allowed and to specify the method by which they may be harvested. The effect is to provide commercial sponge harvesters additional territory in which to work, while assuring that sponges harvested by diving are cut, rather than pulled, from the bottom to allow regrowth.

SUBJECT AREA TO BE ADDRESSED: Commercial Sponge Harvest.

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

LAW IMPLEMENTED: At. 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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.003
RULE TITLE: Labels or Tags

PURPOSE AND EFFECT: The purpose of this rule modification is twofold. First is the clarification of existing verbiage, and second to establish labeling criteria for urban lawn or turf fertilizer products and adoption of Best Management Practices for Nitrogen applications for the Green Industry and Golf Course Industry.

SUMMARY: Establishes labeling criteria for fertilizer products distributed in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 576.181 FS.

LAW IMPLEMENTED: 576.021 FS.

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

DATE AND TIME: March 29, 2007, 1:30 p.m.

PLACE: Plant Science Research and Education Unit, 2556 West Highway 318, Citra, Florida 32113

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.003 Labels or Tags.

(1) LABEL REQUIREMENTS FOR ALL FERTILIZER PRODUCTS.

(a) Labels setting forth the information specified in this section shall be attached to or accompany any fertilizer distributed in the state. For packaged products, this information shall either (1) Appear on the front or back of the package, (2) occupy at least one-third (1/3) of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this information in printed form shall accompany delivery and five analysis tags attached to the delivery ticket shall be supplied to the purchaser at time of delivery. The following information is required on labels for all fertilizer products.

1. ~~Brand name~~ The net weight
2. ~~The grade (Provided that the grade shall not be required when no primary nutrients are claimed)~~ Brand name
3. ~~Guaranteed analysis, in the following format (Provided that the grade shall not be required when no primary nutrients are claimed)~~ The grade
4. ~~Guaranteed analysis in the following format: Name and address of licensee~~
5. ~~Guaranteed analysis in the following format:~~

Total Nitrogen (N).....___%

___ percent Nitrate Nitrogen

___ percent Ammoniacal Nitrogen

___ percent Water Soluble Nitrogen

___ percent ~~Other/Water Soluble~~

___ percent Urea Nitrogen

___ percent Nitrogen (and/or Urea Nitrogen)

___ percent Water Insoluble Nitrogen

Available Phosphorus (P₂O₅).....___%

Soluble Potassium (K₂O).....___%

Secondary and Micro Plant Nutrients
(list all claimed or advertised).....___%

Derived From:

5. Name and address of licensee.
6. The net weight (The term "Bulk" shall suffice for bulk products).