

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-43.007	Application Requirements
1A-43.009	Application Review

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule existing policies and procedures; amend existing language for clarity; and to reflect the recommendations of the Historical Museums Task Force.

SUBJECT AREA TO BE ADDRESSED: The proposed rule describes the procedures for application and administration; adds REDI language to the rule, and deletes non-existent programs.

SPECIFIC AUTHORITY: 267.031 FS.

LAW IMPLEMENTED: 267.072, 267.071, 286.031 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: May 25, 2007, 2:30 p.m.

PLACE: Division of Cultural Affairs, 500 South Bronough St., RA Gray Building, Room 307, Tallahassee, FL

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 72 hours before the workshop/meeting by contacting: Scott Moore at (850)245-6478. 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: Scott Moore at (850)245-6478

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.027	Clear Indication of a Voter's Choice on a Ballot

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rule to reflect more accurately the process, in the event of a manual recount, for determining whether a person has made a definite choice on an optical scan ballot for a candidate, issue choice or judicial retention choice.

SUBJECT AREA TO BE ADDRESSED: Determination of Voter's Choice on a Ballot.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

DATE AND TIME: Wednesday, May 23, 2007, 4:30 p.m. – 6:00 p.m.

PLACE: Village of Baytowne Wharf, 9300 Emerald Coast Parkway, West, Azalea Ballroom, Sandestin, Florida 32550

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 7 days before the workshop (May 16, 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 (AVAILABLE UPON REQUEST) IS: Amy Tuck, Director, Division of Elections, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.030	Electronic Transmission of Absentee Ballots

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rule to reflect legislative changes in Chapter 2005, 277, Laws of Florida, relating to the requisite oath in the voter's certificate, and to the acceptance of electronically transmitted voted ballots from voters under the Uniform Overseas Citizens Absentee Voting Act.

SUBJECT AREA TO BE ADDRESSED: Electronic Transmission of Absentee Ballots.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 101.697 FS.

LAW IMPLEMENTED: 101.64, 101.64, 101.697 FS.

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

DATE AND TIME: Wednesday, May 23, 2007, 4:30 p.m. – 6:00 p.m.

PLACE: Village of Baytowne Wharf, 9300 Emerald Coast Parkway, West, Azalea Ballroom, Sandestin, Florida 32550

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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 (AVAILABLE UPON REQUEST) IS: Amy Tuck, Director, Division of Elections, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.032
 RULE TITLE: Uniform Primary and General Election Ballot

PURPOSE AND EFFECT: The purpose of the proposed rule is to update and clarify uniform ballot design and content requirements for current certified voting systems.

SUBJECT AREA TO BE ADDRESSED: Uniform Ballot Design and Content Requirements.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 101.151(8) FS.

LAW IMPLEMENTED: 101.151(8) FS.

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

DATE AND TIME: Wednesday, May 23, 2007, 4:30 p.m. – 6:00 p.m.

PLACE: Village of Baytowne Wharf, 9300 Emerald Coast Parkway, West, Azalea Ballroom, Sandestin, Florida 32550

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 7 days before the workshop (May 16, 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 (AVAILABLE UPON REQUEST) IS: Amy Tuck, Director, Division of Elections, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043
 RULE TITLE: Report Requirements for Elections Results and Voting Activity

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to prescribe the content and format in which certain reports are to be submitted by the supervisors of elections on such matters as precinct-level election results,

absentee ballot request information, early voting statistics, and other voting activity as required by changes in the Florida Election Code that became effective in January 2006.

SUBJECT AREA TO BE ADDRESSED: Requirements for Reports Submitted on Election Results and Voting Activity.

SPECIFIC AUTHORITY: 20.10(3), 101.001(3), 101.573(2), 101.62(3), 101.657(2), 102.141(9) FS.

LAW IMPLEMENTED: 98.0981, 101.001, 101.62, 101.657, 101.573, 102.141(9) FS.

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

DATE AND TIME: Wednesday, May 23, 2007, 4:30 p.m. – 6:00 p.m.

PLACE: Village of Baytowne Wharf, 9300 Emerald Coast Parkway, West, Azalea Ballroom, Sandestin, Florida 32550

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 7 days before the workshop (May 16, 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 (AVAILABLE UPON REQUEST) IS: Amy Tuck, Director, Division of Elections, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: 1T-1.001
 RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to change in rule policies for the Division’s grant programs and the Cultural Support Grant Program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule adds that administrative overhead/indirect costs are not allowed for any Division grant programs and adds to the Cultural Support Grants Program that museums must be open 180 days a year on a regular basis to be eligible to apply to any discipline, the maximum request amount for multidisciplinary museums submitting 2 applications, deletes the listing of Cultural Support Grants Program disciplines, and also deletes REDI Points.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861 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: May 25, 2007, 1:30 p.m.

PLACE: R. A. Gray Building, Division of Cultural Affairs, 500 South Bronough, Room 307, Tallahassee, Florida 32301

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 72 hours before the workshop/meeting by contacting: Sarah Stage or Scott Moore at (850)245-6459. 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: Sarah Stage or Scott Moore at (850)245-6459

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
 RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to make changes in rule for the Division’s Arts in Education Grant Program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule creates a new category serving REDI/Underserved counties, eliminates an existing one and expands one already established. It will also allow uniformity in the criteria used to evaluate the Arts in Education grant applications, will replace the funding levels in the Artist Residency program and will also delete REDI/Underserved Bonus Points.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861 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:

TIME AND DATE: May 25, 2007, 3:30 p.m.

PLACE: R. A. Gray Building, Division of Cultural Affairs, 3rd Floor, 500 S. Bronough Street, Tallahassee, Florida 32399

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 72 hours before the workshop/meeting by contacting: Laura L. Stone, Division of Cultural Affairs,

(850)245-6475. 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: Laura L. Stone, Division of Cultural Affairs, (850)245-6475

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-9.001	Purpose
5M-9.002	Approved BMPs
5M-9.003	Presumption of Compliance
5M-9.004	Notice of Intent to Implement
5M-9.005	Record Keeping

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a Water Quality and Quantity Best Management Practices manual for Florida Sod farms. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the development of practices that protect water resources, the procedures for filing a Notice of Intent, and associated recordkeeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: May 23, 2007; 1:00 p.m.; May 30, 2007; 1:30 p.m.

PLACE: May 23rd – UF-IFAS North Florida Research and Extension Center, 155 Research Road, Quincy, Florida 32351-5677, phone:(850)875-7100

May 30th – Highlands County Agri-Civic Center, 4509 George Blvd., Sebring, Florida 33875-5837, phone: (863)402-6540

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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.: 6A-1.09401 **RULE TITLE:** Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule development is to review the Reading and Language Arts Standards to ensure they are consistent with content students are expected to know in order to be successful on the FCAT. The effect will be standards consistent with expectations.

SUBJECT AREA TO BE ADDRESSED: Reading and Language Art Standards.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 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: Kate Kemker, Chief, Bureau of Instruction and Innovation, Department of Education, 325 West Gaines Street, #434, Tallahassee, Florida 32399-0400; (850)245-9868

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

DEPARTMENT OF REVENUE

RULE NOS.: 12-13.0074 **RULE TITLES:** Willful Neglect and Willful Negligence

12-13.0076 Calculation of Penalty Subject to Compromise for Reasonable Cause

PURPOSE AND EFFECT: The purpose of the creation of Rule 12-13.0074, F.A.C. (Willful Negligence and Willful Neglect), is to incorporate the provisions of the Expert System for determining Willful Negligence or Willful Neglect. This system is currently under development by the Department for purposes of determining whether a taxpayer’s noncompliance was not due to willful negligence or willful neglect based on the facts and circumstances of the specific case. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Willful Negligence or Willful Neglect will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

The purpose of the creation of Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), is to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines for determining the amount of compromise of penalty. The effect of the proposed

amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of proposed Rules 12-13.0074 and 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise and the Expert System for Determining Willful Negligence or Willful Neglect currently under development by the Department.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.21(3) FS.

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

DATE AND TIME: May 23, 2007, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas K. Butscher, Senior Counsel, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 12-13.0074 Willful Neglect and Willful Negligence.
- (1) Scope and Definitions.
- (a) Section 213.21, F.S., prohibits the Department from compromising a taxpayer’s liability for penalty when the taxpayer’s noncompliance is due to willful neglect or willful negligence. In order to ensure consistency in the determination of whether a taxpayer’s noncompliance is due to willful neglect or willful negligence and whether the Department may exercise the authority to compromise penalty contained in Section 213.21, F.S., the Department will use the provisions of this rule to determine whether a taxpayer’s noncompliance is due to willful neglect or willful negligence.

(b) For purposes of this rule, “willful neglect or willful negligence” means that the taxpayer was aware of the taxpayer’s duties and obligations under the revenue laws of this state and possessed the ability to comply, but did not.

(2) Determination of Willful Neglect or Willful Negligence. The Department will determine whether a taxpayer’s noncompliance is due to willful neglect or willful negligence by answering the questions listed in subsection (3).

(a) If the answer to question 1 in the table provided in subsection (3) is yes, the Department will compromise all penalty in excess of 25 percent, and the Department will use the provisions of Rule 12-13.0076, F.A.C., to determine whether to compromise any of the remaining 25 percent of

penalty. If the answer to question 1 in the table provided in subsection (3) is no, the Department will proceed to question 2 in the table provided in subsection (3).

(b) If the answer to any of questions 2.a. through f. in the table provided in subsection (3) is yes, the Department will not compromise any penalty, and the provisions of Rule 12-13.0076, F.A.C., do not apply. If the answers to questions 2.a. through f. in the table provided in subsection (3) are no, the Department will compromise all penalty in excess of 25 percent, and the Department will use the provisions of Rule 12-13.0076, F.A.C., to determine whether to compromise any of the remaining 25 percent of penalty.

(3) Willful Neglect/Willful Negligence Table.

<u>Step</u>	<u>Decision Question</u>	<u>Yes</u>	<u>No</u>
<u>1.</u>	<u>Did the death, illness, or incapacity of the taxpayer, a member of the taxpayer’s family, a person solely responsible for maintaining information necessary to comply, or of a person with sole authority to prepare required returns or reports, directly prevent compliance, or did circumstances beyond the taxpayer’s control, such as acts of war, natural disaster, or accidental destruction by fire or other casualty directly prevent compliance?</u>	<u>Compromise penalty in excess of 25 percent.</u>	<u>Proceed to question (2).</u>
<u>2.</u>	<u>Is there evidence to establish by clear proof that the taxpayer had knowledge of the duties and requirements of the law and the ability to comply, but failed to:</u>	<u>Go to Rule 12-13.0076, F.A.C.</u>	
<u>— 2.a.</u>	<u>Register one or more locations after notification in writing by the Department of the requirement to register each business location?</u>		
<u>2.b.</u>	<u>Collect tax at least two or more times after notification in writing by the Department of the requirement to do so?</u>		
<u>2.c.</u>	<u>File a tax return two or more times after notification in writing by the Department of the requirement to do so?</u>		
<u>2.d.</u>	<u>Remit tax two or more times after notification in writing by the Department of the requirement to do so?</u>		
<u>2.e.</u>	<u>Pay tax at least two or more times after notification in writing by the Department of the requirement to do so?</u>		
<u>2.f.</u>	<u>Collect tax at the proper tax rate two or more times after notification in writing by the Department of the requirement to collect tax at the proper rate?</u>		

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(3) FS. History—New _____.

12-13.0076 Calculation of Penalty Subject to Compromise for Reasonable Cause.

(1) Scope and Definitions.

(a) Section 213.21, F.S., authorizes the Department to compromise a taxpayer's liability for penalty when the taxpayer's noncompliance is due to reasonable cause and not willful negligence, willful neglect, or fraud. In order to ensure consistency in the exercise of the authority to compromise penalty contained in Section 213.21, F.S., the Department will use the provisions of this rule to calculate the amount of penalty that will be compromised under its discretionary authority to compromise penalty on the grounds of reasonable cause pursuant to Section 213.21, F.S. The Department will apply the provisions of this rule in all instances, regardless of whether the taxpayer requests a compromise of penalty.

(b) The provisions of this rule do not apply to an issue when:

1. The taxpayer's noncompliance is due to willful negligence, willful neglect, or fraud;

2. The assessment of penalty is mandatory under Florida law and may not be waived by the Department;

3. The compromise of penalty is mandatory under Florida law (for example, under Sections 212.05(1)(a)2., 212.07(9), 212.085, 212.096(11), 212.097(14), 212.098(10), 212.11(5), 212.12(14), 213.21(9) and (10), F.S., the Department has no discretion regarding whether penalty should be compromised); or

4. Tax has been compromised upon grounds of doubt as to liability (see Rule 12-13.005, F.A.C.).

(c) The provisions of this rule are not to be construed to prohibit the Department from exercising its delegated authority to compromise tax, penalty, and interest to prevent an unreasonable result due to unique specific facts and circumstances that would affect the relative value of the factors under consideration.

(d) For the purposes of this rule, the term "issue" means the application of the same statutory provisions, rule provisions, and other applicable authority to substantially identical facts and circumstances, where there has been no change in the Department's position as to the correct tax treatment subsequent to a prior assessment.

(2) Determination of the Amount of Penalty Compromise.

(a) If the Department determines that a taxpayer's noncompliance is not due to willful negligence, willful neglect, or fraud, the Department shall compromise all penalty in excess of 25 percent of the taxpayer's tax liability pursuant to Rule 12-13.0074, F.A.C. The Department shall determine the amount of compromise authority to exercise with regard to the remaining 25 percent of penalty by using the Penalty Scoring Table provided in subsection (3). The Penalty Scoring Table and the provisions of this rule will be applied to each issue to determine the percentage of the penalty related to that issue that will be compromised. If all issues under consideration

involve the same responses to the Penalty Scoring Table, the Penalty Scoring Table and the other provisions of this rule will only be applied once, and the resulting penalty compromise percentage will be applied for all issues.

(b) The penalty compromise percentage is calculated based upon the response to each question listed within the Penalty Scoring Table. Point values are assigned to the questions based upon whether the question is answered "yes" or "no."

(c) Questions 3(a) through 3(i) of the Penalty Scoring Table each list various facts and circumstances, which will be considered in answering those questions. If one or more of the facts and circumstances listed under each question are determined by the Department to apply to an issue, an affirmative response will be entered for that question and a corresponding point value will be assigned. When the facts and circumstances listed do not apply to an issue, a negative response will be entered and the corresponding point value will be assigned.

(d) When the Department determines that facts and circumstances exist that require an affirmative answer to any Question 3(a) through 3(i) but the specific fact or circumstance is not listed, the Department will identify that fact or circumstance and provide an affirmative answer to the relevant question.

(e) The percentage to be applied to the penalty amount under consideration is controlled by the following schedule:

1. If the sum of the point values assigned is not greater than 7 points, the Department will compromise all penalty that is subject to compromise on the grounds of reasonable cause.

2. If the sum of the point values assigned is greater than 7 points but not greater than 14 points, the Department will compromise all penalty in excess of 5 percent.

3. If the sum of the point values assigned is greater than 14 points but not greater than 22 points, the Department will compromise all penalty in excess of 10 percent.

4. If the sum of the point values assigned is greater than 22 points but not greater than 29 points, the Department will compromise all penalty in excess of 15 percent.

5. If the sum of the point values assigned is greater than 29 points but not greater than 36 points, the Department will compromise all penalty in excess of 20 percent.

6. If the sum of the point values assigned is greater than 36 points, the Department will only compromise penalty in excess of 25 percent pursuant to paragraph (2)(a) of this rule.

(f) If the application of this rule results in a full compromise of all penalty subject to compromise on the grounds of reasonable cause, the Department will not provide the taxpayer with the results of the Penalty Scoring Table unless the results are requested by the taxpayer. However, the Department shall provide the results of the Penalty Scoring

Table when the application of this rule results in less than a full compromise of penalty subject to compromise on the grounds of reasonable cause.

(3) Penalty Scoring Table.

Step	Decision Question	YES/NO	Pts. For <u>YES</u> <u>20</u>	Pts. For <u>NO</u> <u>0</u>
1.	<u>Has the Department previously assessed this issue against the taxpayer in an assessment for which the taxpayer's appeal rights have expired or has there been a final determination of this issue?</u>		<u>20</u>	<u>0</u>
1.a.	<u>Has the Department issued at least two such assessments?</u>		<u>20</u>	<u>0</u>
1.b.	<u>Did the taxpayer take action that materially corrected this issue in a reasonable time after the taxpayer's appeal rights expired or the issue was ultimately adjudicated against the taxpayer?</u>		<u>-10</u>	<u>0</u>
2.	<u>For this issue, did the taxpayer collect but fail to send tax to the Department?</u>		<u>30</u>	<u>0</u>
3.	<u>Do one or more of the following apply to this issue in this audit?</u>			
3.a.	<u>Did the taxpayer reasonably rely on and follow the express terms of a written advice issued by the Department after the Department was apprised of all relevant facts, and is it now possible to verify such advice? For the purposes of this rule, the term "written advice" shall not include a "written determination" as provided in Rule 12-13.005, F.A.C. In addition, solely for the purposes of this rule, the term "written advice" shall include a Letter of Technical Advice.</u>		<u>-5</u>	<u>0</u>
a.1.	<u>Yes. The taxpayer was issued written advice unassociated with an audit.</u>			
a.2.	<u>Yes. The taxpayer was issued advice on this issue during conduct of a prior audit. Explain:</u>			
a.3.	<u>Yes. Other. Explain:</u>			
a.4.	<u>No.</u>			
3.b.	<u>Did the assessment result from the taxpayer's limited knowledge of business, limited education, or limited experience in Florida tax matters?</u>		<u>-2.5</u>	<u>0</u>
b.1.	<u>Yes. The taxpayer has a limited knowledge of business.</u>			
b.2.	<u>Yes. The taxpayer has limited education.</u>			
b.3.	<u>Yes. The taxpayer has limited experience in Florida tax matters.</u>			
b.4.	<u>Yes. Other. Explain:</u>			
b.5.	<u>No.</u>			
3.c.	<u>Did the taxpayer timely meet filing requirements?</u>		<u>-2.5</u>	<u>0</u>
c.1.	<u>Yes. The taxpayer timely filed complete returns.</u>			
c.2.	<u>Yes. Other. Explain:</u>			
c.3.	<u>No.</u>			
3.d.	<u>Were there any changes in law or the Department's administration of law that directly affected compliance for this issue?</u>		<u>-5</u>	<u>0</u>

d.1.	<u>Yes. The applicable law changed. Explain:</u>		
d.2.	<u>Yes. The Department's administration of the applicable law changed. Explain:</u>		
d.3.	<u>Yes. Other. Explain:</u>		
d.4.	<u>No.</u>		
3.e.	<u>Are the tax issues, their application, or the taxpayer's operational or financial situation complex?</u>	-2.5	0
e.1.	<u>Yes. The situation is complex. Explain:</u>		
e.2.	<u>Yes. There is contradictory written information provided by the attorney general's office, the Department, or a Florida court. Explain:</u>		
e.3.	<u>Yes. Other. Explain:</u>		
e.4.	<u>No.</u>		
3.f.	<u>Has the taxpayer instituted remedies to correct this issue?-</u>	-5	0
f.1.	<u>Yes, and the taxpayer provided supporting documentation showing that the error has been corrected.</u>		
f.2.	<u>Yes. Other. Explain:</u>		
f.3.	<u>No.</u>		
3.g.	<u>Did the taxpayer reasonably rely on written advice of a person competent in Florida tax matters, and did the taxpayer solicit the advice timely and with full disclosure of all relevant facts?</u>	-2.5	0
g.1.	<u>Yes. The taxpayer relied upon verifiable advice from a Certified Public Accountant, attorney, or trade association.</u>		
g.2.	<u>Yes. The taxpayer relied upon verifiable advice from an outside consultant or outside bookkeeping service.</u>		
g.3.	<u>Yes. Other. Explain:</u>		
g.4.	<u>No.</u>		
3.h.	<u>Is the additional tax due less than 5% of the total tax reported/remitted during the audit period?</u>	-2.5	0
3.i.	<u>Did any extenuating or uncontrollable circumstances exist that prevented the taxpayer from complying?</u>	-10	0
i.1.	<u>Yes. There was a disaster or catastrophic events beyond the control of the taxpayer.</u>		
i.2.	<u>Yes. There was a death, illness or incapacity of the taxpayer, the taxpayer's immediate family, or a key employee which had an effect on compliance.</u>		
i.3.	<u>Yes. There were other facts that affected compliance. Explain:</u>		
i.4.	<u>No.</u>		

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(3) FS. History--New _____.

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-1.001	Purpose and Intent
18-1.002	Definitions
18-1.003	General Requirements
18-1.004	Title

- 18-1.005 Appraisal Map and Survey
- 18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts
- 18-1.007 Designated Appraisal Organizations and Appraiser Selection
- 18-1.008 Negotiations
- 18-1.009 Purchase Instruments
- 18-1.010 Exchanges
- 18-1.011 Board Action
- 18-1.012 Closing
- 18-1.013 Donations
- 18-1.014 Multi-Party Acquisitions

PURPOSE AND EFFECT: The Board published a Notice of Rule Development on January 5, 2007, to amend Rules 18-1.002, 18-1.003, 18-1.005, 18-1.006, 18-1.007 and 18-1.008, F.A.C. As those Rules were developed, it became clear that it may be necessary to open every rule in the chapter to update and clarify them. The purposes of this amendment are to clarify the rules and implement statutes and policies adopted by the Board for land acquisition and appraisal procedures. These rule amendments will implement recommendations of the Auditor General’s Office in a June 2005 operational audit. Please see also the Notice of Rule Development published January 5, 2007.

SUBJECT AREA TO BE ADDRESSED: The rule amendments will do the following: clarify appraisal-related terms by adding or amending definitions; clarify the use of federal procedures, including when it is acceptable or required; add references to Chapter 259, Florida Statutes, for conservation lands procedures; incorporate by reference the “Supplemental Appraisal Standards for Board of Trustees Land,” and reduce redundancy and inconsistency between it and the current rule; update the rule to conform, to the extent practicable, to technical changes of the Appraisal Foundation, as published annually in the “Uniform Standards of Professional Appraisal Practice”; clarify the meaning of “approved appraiser organization”; and update the appraiser selection procedures to reflect current practice for land acquisitions. Please also see the Notice of Rule Development for Rule 18-1.002, F.A.C., et al., published on January 5, 2007.

SPECIFIC AUTHORITY: 253.025(6), 253.025(7), 253.025(12), 253.03(7). 253.034(6), 259.041(2), 259.041(7) FS.

LAW IMPLEMENTED: 253.025, 259.041 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: Kerry Drakes, Division of State Lands, MS 110, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2658, e-mail Kerry.Drakes@dep.state.fl.us. 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: Kerry Drakes at the address/phone above

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60P-2 Division of Retirement

RULE NO.: RULE TITLE:

60P-2.011 Retirees

PURPOSE AND EFFECT: Subsection (3) of Rule 60P-2.011, F.A.C., provides that an employee who does not elect to continue coverage as provided in the rule or terminates coverage after retirement shall not be eligible to reenter the Health Program at a later date unless subsequently reemployed by the State. The purpose of this proposed rule amendment is to include in the citations a reference to an additional section of the Florida Statutes (110.12312) that is implemented by subsection 60P-2.011(3), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Citation of an additional statute that is implemented by subsection 60P-2.011(3), F.A.C.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123, 110.12312 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: June 11, 2007, 9:00 a.m.

PLACE: Department of Management Services, Conference Room Suite 101, 4050 Esplanade Way, Tallahassee, Florida

Pursuant to the American with Disabilities Act, persons needing special accommodations to participate in the meeting should advise the Department of Management Services at least two (2) calendar days before the workshop, by contacting Division of State Group Insurance at (850)921-4600

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeff Dykes, Interim Director, Division of State Group Insurance, 4050 Esplanade Way, Tallahassee, Florida 32399, (850)921-4600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60P-2.011 Retirees.

(1) An employee who retires on regular retirement or who has received approval of disability retirement prior to his or her last day of employment and is covered under the Health Program as of the last day of employment, must elect one of the following options:

(a) To continue coverage by submitting an application in accordance with subsection 60P-2.002(2), F.A.C. Such application and a personal check or money order for one month's full premium must be received by the employee's former agency personnel office and forwarded to the Department no later than thirty-one (31) calendar days after the employee's last day of employment; or

(b) To terminate coverage under the Health Program.

(2) An employee who applies for disability retirement and who has not been approved or rejected prior to his or her last day of employment, but was covered under the Health Program as of the last day of employment, shall have the following options:

(a) The employee may continue coverage in the Health Program pending such approval or rejection by paying the full monthly premium by personal check or money order to the Department in accordance with Rule 60P-2.006, F.A.C. If coverage is continued and:

1. The disability retirement is subsequently approved, the employee must complete an application in accordance with paragraph 60P-2.011(1)(a), F.A.C.

2. The disability retirement is subsequently rejected, coverage under the Program will terminate the end of the month in which such application is rejected. However, the subscriber may apply for continuation coverage offered by the administrator or convert to a direct pay plan offered by the Servicing Agent pursuant to Rule 60P-2.015, F.A.C.

(b) The employee may elect not to continue coverage in the Health Program pending the determination of disability retirement and thereby allow such coverage to terminate on the last day for which contributions have been paid. If coverage is allowed to terminate and:

1. The disability retirement is subsequently approved, the employee may apply for reenrollment in the Health Program subject to the following requirements:

a. The employee shall complete an application in accordance with paragraph 60P-2.011(1)(a), F.A.C., indicating the disability retirement status and submit to the former agency personnel office who must forward such application to the Department no later than thirty-one (31) calendar days after the date of approval of the disability retirement;

b. The retiree shall pay all back premiums from the date of termination of coverage within thirty-one (31) calendar days after the date of approval of the disability retirement since coverage must be continuous.

2. The disability retirement is subsequently rejected, coverage under the Program will terminate on the last day for which premiums had been paid and the subscriber shall not be eligible for reenrollment in the Health Program, continuation coverage nor conversion to a direct pay plan.

(3) An employee who does not elect to continue coverage as provided in this Section or terminates coverage after retirement shall not be eligible to reenter the Health Program at a later date unless subsequently reemployed by the State.

Specific Authority 110.123(5) FS. Law Implemented 110.123, 110.12312 FS. History--New 10-8-78, Amended 7-1-80, 9-13-82, Formerly 22K-1.24, Amended 7-16-86, Formerly 22K-1.211, Amended 8-22-96, Repromulgated 1-31-02, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-5.001
 RULE TITLE: Obtaining of Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the mailing address and add the web address for the Division of Alcoholic Beverages & Tobacco to better allow interested citizens to obtain forms from the division.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08 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: Wednesday, May 30, 2007, 10:00 a.m. – 12:00 p.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

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: DeeAnna Owens, Division of Alcoholic Beverages and Tobacco, (850)414-8125. 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: Lisa

Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: RULE TITLES:
 61A-5.0105 Beverage Licenses, New Quota Issue
 61A-5.747 Quota License Drawing Application

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to make changes to the preliminary drawing application and drawing process for new quota alcoholic beverage licenses.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.08, 561.11 FS.

LAW IMPLEMENTED: 561.08, 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 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: Wednesday, May 30, 2007, 10:00 a.m. – 12:00 p.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

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: DeeAnna Owens, Division of Alcoholic Beverages and Tobacco, (850)414-8125. 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: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-5.0105 Beverage Licenses, New Quota Issue.

The division will follow the below listed procedures when applications entry forms are accepted for inclusion in the drawing for the right to apply issuance ~~of~~ for new state liquor licenses authorized by Florida Law, when they become available by reason of an increase in the population of a county ~~or city~~, voting to permit the sale of intoxicating beverages when such sale had previously been prohibited, or by revocation of a license under Section 565.02(1)(a)-(f), F.S., or issued by Special Act prior to 1981:

(1) The application period for each quota alcoholic beverage drawing shall begin on the third Monday in August of each year issuance of quota alcoholic beverage licenses has been authorized, and last ~~45~~ 90 days. The division shall publish legal notices in ~~newspapers of general circulation within the counties in which licenses become available and~~ the Florida Administrative Weekly and on AB&T's page of the Department of Business and Professional Regulation's web site at: <http://www.state.fl.us/dbpr/abt/contact/index.shtml>. ~~In the event there is no newspaper of general circulation in the county where a new liquor license is authorized, the alternative posting procedure, found in Section 49.11, F.S., shall be used.~~ Each legal notice published will include the deadline for filing applications, the number of licenses available for issuance in each county ~~or city~~, and the location of the division's office where applications may be obtained and filed.

(2) All persons seeking entry into each drawing to apply for a new license shall file DBPR form ABT ~~-60334000-033L~~, QUOTA LICENSE DRAWING APPLICATION Entry Form, effective ~~1/98~~ and incorporated herein, together with the non-refundable filing fee stated on the application form. The application entry form shall be delivered to the division ~~or postmarked~~ on or before the final date, set forth in the legal notice, ~~and shall be date stamped by the division on the date the form is received.~~ Forms not complete, not signed, or not accompanied by the required non-refundable filing fee shall result in a deficiency letter ~~be returned to the applicant's mailing address by regular mail. Corrected applications must be delivered to the division on or before fourteen (14) days from the date of the deficiency letter. The division will not grant any other extensions of time. Applicants shall not be granted extensions for filing applications except by petition showing good cause and no negligence by the applicant.~~

(3) A list of all applicants selected may be obtained from any of the division's offices.

(4) The division shall notify those applicants who are selected as a result of the double random selection drawing by certified mail. Such notification will be sent to the mailing address listed on the application entry form or subsequently filed with the division. It shall be the applicant's responsibility to maintain a correct mailing address with the division.

(5) All applicants selected for the opportunity to apply for licenses shall file a completed application, referenced in Rule 61A-5.010, F.A.C. Failure to file a completed application package within 45 days of the date of the selection notice, shall result in the denial of the application filed.

(6) When any application has been disapproved and all hearings and appeals, pursuant to Sections 120.57 and 561.19(5), F.S., have been completed, the division shall notify the next person in order of priority from the random drawing by certified mail of their opportunity to obtain an available license in accordance with the procedures for notifying the originally selected parties. The division shall follow such procedure until all available licenses have been awarded.

(7) Any person or persons who have been selected for licenses shall not be prohibited from having the license issued in the name of a corporation, or other legal entity, if 100% of the business is owned by the person or persons listed on the winning entry form for inclusion in the drawing.

(8) For the purposes of this section, "more than one applicant" shall mean that an applicant may have a direct or indirect interest in only one application in each county or city for which a license is available, but may file separate applications entry forms for licenses in different counties or cities for an opportunity to obtain an available license.

(9) For the purposes of this section, "method of double random selection by public drawing" shall mean a computer program which determines the order of selection for the director as prescribed in Section 561.19(2)(a), F.S.

~~(10) Notwithstanding subsection (2) above, persons applying for the application period beginning April 1, 1998 through June 29, 1998, shall use Form ABT 4000-999L, Quota License Entry Form, effective 10/16/97 and incorporated herein.~~

Specific Authority 561.11 FS. Law Implemented 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS. History-New 1-20-97, Amended 1-8-98,_____.

61A-5.747 Quota License Drawing Application Preliminary Application for a New Quota Alcoholic Beverage License.

(1) DBPR form ABT-603342-033, QUOTA LICENSE DRAWING APPLICATION PRELIMINARY APPLICATION FOR A NEW QUOTA ALCOHOLIC BEVERAGE LICENSE, incorporated herein by reference and effective _____ 5-24-92, must be used by an applicant to gain entry into a quota license drawing.

(2) The information contained in the form must be affirmed sworn to and must be completed by all parties listed on the application or an authorized representative.

(3) The division will only accept applications for filing which are complete. A complete application includes the payment required to enter the drawing. Incomplete applications delivered to the division will result in a deficiency be returned

~~with the application fee to the applicant with a letter advising the reason the application is incomplete being returned. Applicants must deliver corrected applications to the division on or before fourteen (14) days from the date of the deficiency letter. The division will not grant any other extensions of time for applications.~~

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, ~~561.14~~, 561.17, 561.19, 561.20 FS. History-New 3-6-90, Amended 6-28-90, 5-24-92, Formerly 7A-5.747, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add the definitions of lightning rods and related systems.

SUBJECT AREA TO BE ADDRESSED: The definitions of lightening rods and related systems.

SPECIFIC AUTHORITY: 489.503(22), 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 489.503(22), 489.505(10), (12), 489.511(2)(a)3.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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.001 Definitions.

As used in this chapter:

(1) through (16) No change.

(17) "Lightning rods or related systems" means:

(a) Lightning rod – a strike termination device that is a receptor for attachment of flashes to the lightning protection system.

(b) Related system – a conductor system connecting the strike termination device(s) to the ground terminal(s).

Specific Authority 489.503(22), 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.503(22), 489.505(10), (12), 489.511(2)(a)3.c. FS. History-New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, 10-1-03, 3-26-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0061
 RULE TITLE: Registration of Additional New Business Entity or Transfers

PURPOSE AND EFFECT: The Board proposes to promulgate the rule in order to provide instruction for registration of additional new business entity or transfers.

SUBJECT AREA TO BE ADDRESSED: Registration of Additional New Business Entity or Transfers.

SPECIFIC AUTHORITY: 489.507(3), 489.511(3), 489.521(2), (3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2), (3)(a), (8) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001
 RULE TITLE: Specialty Electrical Contractors

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) 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: Anthony

Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.002
 RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes to amend the rule for consideration of exempting the Department of Community Affairs from the provider fee.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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 ENVIRONMENTAL PROTECTION

RULE NO.: 62-343.110
 RULE TITLE: Duration of Permits

PURPOSE AND EFFECT: The existing rule requires the Department to inspect a permitted system upon receipt of the permittee's notice of completion of construction prior to converting to the operation phase. The Department is proposing to change this so that the Department can authorize conversion to the operation phase with or without the Department's inspection.

SUBJECT AREA TO BE ADDRESSED: Amend the procedures for converting an Environmental Resource Permit from the construction phase to the operation phase. (OGC No. 07-0642).

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118, 373.414, 373.418, 373.421 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.426 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: Alice Heathcock, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8483, or e-mail: Alice.Heathcock@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-343.110 Duration of Permits.

(1) Unless revoked, extended or otherwise modified, the duration of a permit under this chapter is:

(a) through (c) No change.

(d) Perpetual for the operation and maintenance phase of a standard general or individual permit. Unless otherwise specified in the permit, the operation phase of a permit shall not become effective until:

1. The permittee or authorized agent has, within 30 days after completion of construction of the permitted activity, filed a written statement of completion and certification by ~~a~~ the appropriate registered professional engineer or other individual as required by Chapter 471, 472, 481 or 493, F.S., utilizing Form 62-343.900(5), indicating that the system is constructed and ready for inspection, and complied with all other general and specific conditions of the permit; and

~~2. The Department has inspected and determined that the permitted system meets all the provisions of the permit; and~~

~~2.3.~~ No change.

(2) No change.

Specific Authority 373.026(7), 373.043, 373.118, 373.414, 373.418, 373.421 FS. Law Implemented 373.413, 373.414, 373.416, 373.426 FS. History—New 7-4-95, Amended 8-14-96,_____.

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:

63D-6.001

63D-6.002

63D-6.003

63D-6.004

63D-6.005

63D-6.006

63D-6.007

63D-6.008

63D-6.009

63D-6.010

63D-6.011

RULE TITLES:

Purpose and Scope

Definitions

Conditions and Safety in Facility-Based Programs

Operation and Administration of Facility-Based Programs

Program Design Components in Facility-Based Programs

Admission and Orientation

Needs Assessment and Supervision Plans

Progress Reports

Provision of Services

Supervision in Community-Based Programs

Release

PURPOSE AND EFFECT: The rule establishes the standards and procedures for the provision of services to youths on probation or committed to a minimum-risk nonresidential program.

SUBJECT AREA TO BE ADDRESSED: Facility-based day treatment programs and non-facility-based community supervision programs.

SPECIFIC AUTHORITY: 985.435, 985.601, 985.64 FS.

LAW IMPLEMENTED: 985.03, 985.433, 985.435, 985.601 FS.

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

DATE AND TIME: Tuesday, May 22, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:

64B32-6.004

RULE TITLE:

Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify what is required in continuing education courses for emergency preparedness.

SUBJECT AREA TO BE ADDRESSED: Procedures for approval of continuing education courses for emergency preparedness.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) 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: Susan Love, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-8.001 RULE TITLE: Use of Restraints and Seclusion (tentative)

PURPOSE AND EFFECT: This rule will implement Section 393.13(4)(h), Fla. Stat. by establishing standards and procedures relating to the use of restraint and seclusion.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for the use of restraint and seclusion that establish limitations on the use and duration of restraint and seclusion; establish measures to ensure the safety of clients and staff during an incident of restraint or seclusion; establish professional qualifications of and training for staff who may order or be engaged in the use of restraint or seclusion; and other factors identified in Section 393.13(4), Fla. Stat.

SPECIFIC AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.13(4)(h)2. FS.

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

DATE AND TIME: Wednesday, June 13, 2007, 1:30 p.m.

PLACE: Room 301, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Coleman, Behavior Analyst, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, or telephone number (850)414-8695

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-9.001 RULE TITLE: Use of Restraints and Seclusion (tentative)

PURPOSE AND EFFECT: This rule will implement Section 916.1093(2), Fla. Stat. by establishing standards and procedures relating to the use of restraint and seclusion in forensic client facilities and services.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for the use of restraint and seclusion that establish limitations on the use and duration of restraint and seclusion; establish measures to ensure the safety of clients and staff during an incident of restraint or seclusion; establish professional qualifications of and training for staff who may order or be engaged in the use of restraint or seclusion; and other factors identified in Section 916.1093(2), Fla. Stat.

SPECIFIC AUTHORITY: 916.1093(2) FS..

LAW IMPLEMENTED: 916.1093(2) FS.

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

DATE AND TIME: Wednesday, June 13, 2007, 1:30 p.m.

PLACE: Room 301, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Coleman, Behavior Analyst, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, or telephone number (850)414-8695

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0024	Commercialization of Captive Wildlife; Public Contact; Bonding Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.003	Requirement for Class I, II and III Wildlife
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; Prohibited Reptile Species

- 68A-6.0071 Record Keeping and Reporting Requirements
- 68A-6.0072 Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide clarification and address inconsistencies between rules and statutes. The proposed rules will clarify facility inspection requirements for capuchin, spider and woolly monkeys; address bonding requirements for the exhibition of venomous reptiles and Class I wildlife; address facility requirements for Class I wildlife facilities; and address inconsistencies between statutes and rules upon the passage of statutory language. Rule 68A-6.0024 is a new rule. Rules 68A-6.0022, 68A-6.003, 68A-6.007, 68A-6.0071 and 68A-6.0072, F.A.C., adopted on April 6, 2007, are effective January 1, 2008. This rule development effort is designed to amend those rules prior to their effectiveness on that date.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be covered in the proposed rules include possession and housing of captive wildlife, venomous reptiles and reptiles of concern.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.87, 372.89, 372.92, 372.921, 372.922 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Linda Harrison, Division of Law Enforcement, Investigations Section, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

- RULE NO.: 68A-23.016
- RULE TITLE: Take of Crayfish Within the Range of the Panama City Crayfish

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish rule provisions to govern the taking of crayfish within the range of the Panama City crayfish in the event of the reclassification of the Panama City crayfish to threatened.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include prohibitions pertaining to crayfish within the range of the Panama City crayfish.

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.

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

- RULE NO.: 68A-27.003
- RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to remove the Florida manatee from the list of endangered species in the event it is reclassified as threatened.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule is the classification of the Florida manatee.

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.

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

RULE NO.: 68A-27.004
 RULE TITLE: Designation of Threatened Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions associated with threatened species, specifically to reclassify the Florida manatee, gopher tortoise and the Panama City crayfish as threatened upon approval of the Commission and to promulgate the necessary implementing rule language to govern take in accordance with the management plans.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include designations, prohibitions, and permits pertaining to threatened 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.

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

RULE NO.: 68A-27.005
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to remove the gopher tortoise and the Panama City crayfish from the list of species of special concern in the event the Commission approves their reclassification to threatened.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include designations, prohibitions, and permits pertaining to species of special concern.

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.

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-21.0015	Definitions
68B-21.003	Prohibition of Sale of Snook
68B-21.004	Seasons
68B-21.005	Size Limits
68B-21.006	Bag and Possession Limits
68B-21.007	Restrictions on Gear and Methods Used to Take Snook

PURPOSE AND EFFECT: The primary purpose of these rule amendments is to protect the snook resources in Florida by modifying the allowable months for harvesting snook on the Gulf coast, modifying the existing size limit for snook on both the Gulf and Atlantic coast, decreasing the bag limit to one snook per day on the Atlantic coast, and allowing the possession of stowed multiple cast nets on board a vessel from which snook fishing is occurring. The effect is to maintain a high quality fishery for snook and try to achieve the Commission's management goal of 40% spawning potential ratio (SPR). Additional secondary purposes are to revise definitions and update a reference to the rule governing snook aquaculture Special Activities Licenses.

SUBJECT AREA TO BE ADDRESSED: Snook.

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-45.002	Definitions
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear
68B-45.007	Blue Crab Limited Entry Endorsement Program

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission adopted rules that would have implemented the final effort management plan for the commercial blue crab fishery on July 1, 2007. The purpose of these rule amendments is to continue the moratorium on issuance of new blue crab endorsements until July 1, 2008, and to delay until that date the implementation of the Blue Crab Limited Entry Program, if legislation implementing appropriate penalties and fees is not passed in the 2007 Legislature. Otherwise, if such legislation is passed, the rules will be amended to make minor changes to aid in the program’s implementation. The effect of these rule amendments, depending on the passage of legislation, will be to maintain the commercial fishery in its current regulatory state until appropriate penalties and fees are established or provide for the smooth implementation of this limited entry program. A secondary purpose of this rule development effort is to revise a definition of the term “folding trap” to allow for traps with other than those shaped as a pyramid. The effect of this change is to allow additional gear for the recreational harvest of blue crabs.

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

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 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 Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.027	Approval of Liquefied Petroleum Gas Containers
5F-11.050	Installation of Unvented Room Heaters

PURPOSE AND EFFECT: These rule revisions are proposed for the purposes of adopting the 2006 edition of National Fire Protection Association Standard No. 54, the National Fuel Gas Code; to revise references within the existing rules to be consistent with this code; and to specify safety requirements for the sale of propane containers to the end user or consumer.

SUMMARY: This rule amends specific sections of Chapter 5F-11, F.A.C., to adopt and be consistent with current code requirements. References to specific sections of the code have been changed, to reflect changes in the code numbers and sections.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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