

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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com. 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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-164.030  
RULE TITLE: Application of Rule 69O-164.020, F.A.C., to Various Product Designs

PURPOSE AND EFFECT: To provide direction as to the application of Rule 69O-164.020, F.A.C., to various product designs.

SUBJECT AREA TO BE ADDRESSED: The application of Rule 69O-164.020, F.A.C.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5) 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 5, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com. 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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NOS.: 6E-1.003  
RULE TITLES: Definition of Terms  
6E-1.0032 Fair Consumer Practices

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

SUMMARY: These rules are amended to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

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: 1005.22(1)(e), 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 1005.32(5), 1005.34 FS.

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

DATE AND TIME: June 19, 2007, 8:30 a.m.

PLACE: Miami Dade (Please contact Sonya Morris for location at (850)245-9614)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) through (5) No change.

(6) “Applied General Education” means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree as described in subparagraph 6E-2.004(4)(n)1., F.A.C., in natural and physical sciences, social and behavioral sciences, language, composition and writing skills, and humanities and the arts.

(7) through (9) No change.

(10) Change in Control means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner’s family or to a person with a pre-existing ownership interest in the institution.

(10) through (12) renumbered (11) through (13) No change.

(14) “Clock Hour” means a period of Sixty (60) minutes with a minimum of Fifty (50) minutes of instruction in the presence of an instructor.

(13) through (14) renumbered (15) through (16) No change.

(17)(15) “Compressed Time Period” means delivery of required contact clock hours or credit hours in a significantly shorter period than those described in the definitions of “Semester” and “Quarter”.

(18) “Contract Training” means providing a program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(16) through (18) renumbered (19) through (21) No change.

(22)(19) “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, College Math Algebra II, or Introduction to Computers.

(20) through (26) renumbered (23) through (29) No change.

(30)(27) “Enrollment” means registering a student to take programs or courses at an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(28) through (32) renumbered (31) through (35) No change.

(36)(33) “General Education Courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but are ~~is~~ not limited to, English, History, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(34) through (39) renumbered (37) through (42) No change.

(43)(40) “Minor Modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program; or providing a previously approved program as contract training to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(41) through (54) renumbered (44) through (57) No change.

(58) “Transcript” means the form maintained by an institution on student academic information which minimally shall include the following:

(a) Student name, street address, telephone number, date of birth;

(b) Enrollment date(s);

(c) Graduation date(s);

(d) Required hours for completion;

(e) Grade scale;

(f) Courses taken

1. Attempted credit or clock hours

2. Scheduled start date

3. Dates of course completion;

4. Grades;

(g) Total hours attended; and

(h) Credit given for courses transferred in from other institutions.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05, 6-13-05, 2-20-06, \_\_\_\_\_.

6E-1.0032 Fair Consumer Practices.

(1) through (3) No change.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. A copy of each advertisement shall be available to the Commission upon request for inspection at each location providing administrative services. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. ~~Salaries shall not be used in advertising.~~ If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the students will have upon graduation. If advertising violations occur, the Commission shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to Sections 1005.34 and 1005.38, Florida Statutes. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

(5) Any licensed institution offering a program which does not qualify the graduate to take required professional examinations in that field or to practice regulated professions in that field in Florida must publish a disclosure statement ~~which is determined by the Commission~~ to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (e) No change.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's

responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(g) through (k) No change.

(7) through (10) No change.

(11) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students ~~in Florida~~, whether verbally, electronically, or by other means of communication.

(12) Institutions shall maintain a file or keep a recordd for each student at each location, translated into English and conforming to the requirements of Rule 6E-2.004, F.A.C., and containing the following at a minimum:

(a) Academic transcript;

(b) All documents evidencing a student's eligibility for enrolled programs;

(c) Any certificates or diplomas earned;

(d) Copies of applications or contractual agreements;

(e) Financial records;

(f) Student counseling or advising records; and

(g) Records of progress.

Specific Authority 1005.22(1)(e)1., 1005.34 FS, Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS, History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-19-05, 6-21-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Samuel L. Ferguson, Executive Director, Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peter Crocitto, Chair, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.307                      RULE TITLE: Disciplinary Hearings

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to specify that an inmate shall be present at disciplinary hearings unless a confirmed medical condition makes the inmate unable to attend, the inmate demonstrates disruptive behavior, either before or during the hearings, that impedes the process or poses a threat to the safety of others or the security of the institution, or the inmate waives his right to be present and to clarify that inmates who waive the right to be present at the hearing may not submit a written closing statement to the disciplinary team or hearing officer in place of the oral closing statement permitted in paragraph (1)(g).

SUMMARY: Amends the rule to specify that an inmate shall be present at disciplinary hearings unless a confirmed medical condition makes the inmate unable to attend, the inmate demonstrates disruptive behavior, either before or during the hearings, that impedes the process or poses a threat to the safety of others or the security of the institution, or the inmate waives his right to be present and to clarify that inmates who waive the right to be present at the hearing may not submit a written closing statement to the disciplinary team or hearing officer in place of the oral closing statement permitted in paragraph (1)(g).

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: 944.09 FS.

LAW IMPLEMENTED: 944.09, 945.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless a confirmed medical condition makes the inmate unable to attend, the inmate demonstrates disruptive behavior, either before or during the hearing, that impedes the process or poses a threat to the safety of others or the security of the institution, substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate may not submit also waives the right to submission of a written closing statement to the disciplinary team or hearing officer in place of the oral closing statement permitted in paragraph (1)(g). If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of decision section of the disciplinary report.

(c) through (i) No change.

(2) through (5) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315,~~ 944.09, ~~944.34,~~ 945.04 FS. History–New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, 3-22-05, 10-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistance Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.602                      RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings and incorporate revisions to DC6-127, Checklist for Transfers to Work Release Centers. Form DC6-127 is revised to correct titles, delete obsolete information and amend some criteria for eligibility.

SUMMARY: Amends the rule to provide that inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings and incorporate revisions to DC6-127, Checklist for Transfers to Work Release Centers to correct titles, delete obsolete information and amend some criteria for eligibility.

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: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

- (1) No change.
- (2) Inmate Conduct While On Community Release.
  - (a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126. Form DC6-126 is incorporated in subsection (16) of this rule.
    - 1. through 7. No change.
    - 8. Contact the officer in charge when ~~in case~~ any unusual circumstances arise.
      - 9. through 10. No change.
      - (b) through (e) No change.
      - (3) through (9) No change.
      - (10) Disbursement of Earnings.
        - (a) through (c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. Inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings ~~the amount provided by the current contract between the Department of Corrections and the contractor.~~

- 2. No change.
- (e) through (l) No change.
- (11) through (15) No change.

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

- (a) through (h) No change.
- (i) DC6-127, Checklist for Transfers to Work Release Centers, effective 2-22-07.
- (j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.721  
RULE TITLE: Visiting Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend to rule to permit wardens to accept donations of games, small toys and other suitable items from individuals or the community to ensure that these items are available for small children during visitation.

SUMMARY: Amends the rule to permit wardens to accept donations of games, small toys and other suitable items from individuals or the community to ensure that these items are available for small children during visitation.

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: 944.09, 944.23 FS.  
 LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.721 Visiting Operations.
- (1) No change.
  - (2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities are ~~is~~ authorized from the General Revenue Fund. Wardens may also accept donations of games, small toys and other suitable items from individuals or the community. Visitors shall not be charged for damaged or broken games or toys.
  - (3) through (11) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20.315,~~ 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-16-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.731  
 RULE TITLE: Revocation or Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to clarify that an inmate’s visiting privileges may be suspended for up to two-years for possessing or using drugs; correct grammatical errors and revise language for consistency throughout the rule; and correct a reference to another rule.

SUMMARY: Amends the rule to clarify that an inmate’s visiting privileges may be suspended for up to two-years for possessing or using drugs; correct grammatical errors and revise language for consistency throughout the rule; and correct a reference to another rule.

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: 944.09, 944.23 FS.  
 LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.731 Revocation or Suspension of Visiting Privileges.
- (1) No change.
  - (2) Indefinite suspension of an inmate’s visiting privileges shall be considered by the ICT as a management tool ~~by the ICT is available as a management tool by the ICT~~ when an inmate is found guilty of the following offenses:
    - (a) through (b) No change.
    - (3) Suspension of an inmate’s visiting privileges for up to two-years shall be considered shall be considered by the ICT as a management tool ~~by the ICT for the following disciplinary offenses are authorized up to two-years~~ when inmate is found guilty of the following disciplinary offenses:
      - (a) No change.
      - (b) Possessing ~~drugs or~~ money.
      - (c) Possessing or using drugs.
      - (d)(e) Possessing Possession of any article or instrument that aids in escape or attempted escape.
      - (4) Suspension of an inmate’s visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, shall be considered by the ICT as a management tool ~~by the ICT for the following disciplinary offenses are limited to three months for a first offense, six months for a second offense and two years for a third or subsequent offense~~ when an inmate is found guilty of possessing possession of any of the following contraband or illegal items:
        - (a) through (c) No change.
        - (5) Suspension of an inmate’s visiting privileges for three months shall be considered by the ICT as a management tool when an inmate is rated “unsatisfactory” for the work or program performance rating, including part-time assignment or security assessment. Such three month suspension and shall

~~begin be considered for suspension of visiting privileges for three months beginning with the month the rating was entered and run consecutively for each unsatisfactory rating.~~

~~(6) Refusing to participate or is removed from a mandatory program due to negative behavior. Inmates The inmate shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior following the removal or refusal.~~

(7) No change.

(8) In lieu of suspending an inmate’s visiting privileges, the ICT ~~is shall be~~ authorized to consider placement of an inmate in non-contact visitation status as provided in paragraph 33-601.735(2)(c), F.A.C., for offenses listed in subsections 33-601.731(1) through (6), F.A.C.

(9) Suspension of Visitor’s Visiting Privileges.

(a) A visitor’s visiting privileges shall be revoked by the warden or designee when the visitor:

1. through 3. No change.

4. Commits ~~For~~ repeated visiting rule or procedure infractions.

5. through 6. No change.

(b) Visiting privileges shall be suspended by the warden or designee for up to two years when the visitor:

1. through 3. No change.

4. Commits ~~For~~ criminal activity, serious rule violations or infractions or any security breach.

5. No change.

(c) Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2) ~~33-601.724(9)~~, F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.

(10) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20-315-~~ 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistance Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**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 Medicine**

RULE NO.: 64B8-3.003  
RULE TITLE: Renewal Fees

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the reduction of renewal fees for physicians.

SUMMARY: The proposed rule amendment reduces the biennial renewal fees for physicians to \$360.00.

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: 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$360.00 ~~\$424.00~~. However the following exceptions shall apply:

1. through 4. No change.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History–New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, 10-19-03, 12-2-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Finance and Statistics Committee, Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 31, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.:                   RULE TITLES:  
64B8-30.011                 Advertising  
64B8-30.0111               Disclosure of Licensure Status

PURPOSE AND EFFECT: The Board proposes the development of rules to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed rule amendments and proposed new rule set forth the criteria for appropriate disclosure of a physician assistant’s licensure status to patients.

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: 458.347 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.011 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation “PA-C” next to his or her name.

(5) No person licensed pursuant to Section 458.347, F.S., shall disseminate or cause the dissemination of any advertisement or advertising that contains the licensee’s name without clearly identifying the licensee as a physician assistant (P.A.).

~~(6)(5)~~ Failure to abide by the provisions of this rule shall constitute a violation of Sections 458.331(1)(d) and (nn) and 456.072(1)(cc), Florida Statutes.

Specific Authority 458.347(13) FS. Law Implemented 456.072(1)(t), 458.331(1)(d) FS. History–New 9-25-03, Amended \_\_\_\_\_.

64B8-30.0111 Disclosure of Licensure Status.

All persons licensed pursuant to Section 458.347, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as a physician assistant (P.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as a physician assistant (P.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is a physician assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as a physician assistant (P.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as a physician assistant (P.A.).

Specific Authority 458.347, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 3, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 30, 2007



DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.008
RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes to add language that may allow another member on the panel.

SUMMARY: The amendment will allow another person to serve on the panel.

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: 456.073(4), 484.005 FS.

LAW IMPLEMENTED: 456.073(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.008 Probable Cause Panel.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 484, F.S., or of the rules promulgated thereunder has occurred, shall be made by majority vote of the probable cause panel.

(2) The probable cause panel must have a minimum shall be composed of 2 members, one of which may be a former Board member who holds an active valid license to practice opticianry.

Specific Authority 456.073(4), 484.005 FS. Law Implemented 456.073(3) FS. History--New 12-6-79, Formerly 21P-8.08, Amended 1-26-88, 9-21-92, Formerly 21P-8.008, 61G13-8.008, 59U-8.008, Amended 8-6-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.001
RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The amended language will modify examinations procedures.

SUMMARY: The rule amendment will modify examination procedures.

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: 456.017(1), (5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1), (5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.001 Examination for Licensure.

(1) There shall be five three parts to the examination for Florida Licensure in opticianry: a national written opticianry competency examination; a national written contact lens examination; a neutralization examination; a dispensing problems examination; and a state board approved practical examination.

(2) through (5) No change.

(6) Applicants, who have been certified eligible by the board, having completed all requirements, will be admitted to take the neutralization, the dispensing problems, and the practical examinations. An applicant who has completed all the requirements for the state board approved practical examination and who has been certified eligible by the Board will be admitted to the practical examination.

(7) The neutralization portion of the practical examination for opticianry licensure shall require candidates to neutralize lenses within the tolerances set out in the American National Standard (Z80.1-1987) A score of at least seventy percent (70%) shall be required to pass the neutralization examination which is incorporated herein by reference to achieve a score of seventy percent (70%).

(8) The dispensing problems examination for opticianry licensure shall be taken via computer at a testing center. A score of at least seventy percent (70%) shall be required to pass the dispensing problems examination.

~~(9)(8)~~ The remainder of the practical examination for opticianry licensure shall consist of ~~and be graded as to each part as follows, as relates to all optical devices:~~

~~(a) Measuring and Calipering 20%~~

~~(b) Lens Identification~~

~~(c) Fitting and Adjusting~~

~~(d) Pupillary Distance~~

~~Taking a P.D., Lens I.D., and Fitting~~

~~and Adjustments 40%~~

~~Practical Dispensing 40%~~

Grading tolerances for measuring and calipering shall be as follows: ~~For each section of the practical, grading tolerances shall be as follows:~~

Measuring and Calipering

thickness ± .2mm

base curve ± .25 diopters

length ± 2mm

mechanical ± 1mm

width ± 1mm

decentration ± 1mm

Grading tolerances for pupillary distance shall be as follows:

Monocular Distance P.D.

Left and right ± 1mm

Binocular P.D.

Distance and near ± 2mm

~~Fitting and Adjustment, Taking a P.D.~~

~~Fitting Examiner's judgment of pantoscopic tilt and symmetrical angling~~

~~Monoocular Distance~~

~~P.D.:~~

~~Left ± 1mm~~

~~Right ± 1mm~~

~~Practical Dispensing~~

~~The transposition, decentration, prism, slaboff and vertex shall be exact.~~

A score of at least seventy percent (70%) shall be required in order to pass the practical ~~portion of the~~ examination.

~~(10)(9)~~ No change.

~~(11)(10)~~ No change.

Specific Authority 456.017(1), (5), 484.005 FS. Law Implemented 456.017(1), (5) FS. History--New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99, 1-7-03, 8-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: RULE TITLE:

64B14-3.001 Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to limit approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

SUMMARY: The proposed rule amendment limits approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

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: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-3.001 Definitions.

(1) through (24) No change.

(25) Qualified Supervisor – an individual licensed or certified as required by the applicable rule who has not had action taken against his or her license or certification by a licensing jurisdiction or certifying body.

~~(26)(25)~~ Residency – a training program that meets the requirements of Rule 64B14-4.100, F.A.C.

~~(27)(26)~~ Shoe Modification – additions to footwear that alter the forces applied to the foot, making the footwear therapeutic.

~~(28)(27)~~ Soft – composed of materials such as fabric or foams having a porous cellular structure without any rigid support either internal or external other than flexible supports used to maintain proper fit.

~~(29)(28)~~ Therapeutic – applying forces to the body to modify structural alignment, correct a deformity or alleviate pain.

Specific Authority 468.802 FS. Law Implemented 468.802, 468.803 FS. History—New 10-21-99, Amended 2-19-04, 5-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.100  
RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: In Rule 64B14-4.100, F.A.C., the purpose and effect of the rule development is to provide a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists, and to set a limit on the amount of time an intern/resident can practice without a license in the state of Florida.

SUMMARY: In Rule 64B14-4.100, F.A.C., a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists is provided, and a limit is set on the amount of time an intern/resident can practice without a license in the state of 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: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) To meet the requirements for licensure as an orthotist or prosthetist, the applicant must document an internship that meets the requirements of this rule, or must complete a

residency program accredited by NCOPE. An applicant for combined licensure as a prosthetist/orthotist must document a discrete internship or residency in each field.

(2) An internship must consist of ~~1900 hours~~ of orthotic or prosthetic clinical experience practicing under the supervision of a licensed or ABC-certified orthotist or prosthetist, respectively. The internship must consist of a minimum of 1900 hours and may not exceed 2700 hours. The intern is eligible to take the approved licensure examination upon completion of 1900 hours. If the intern has not taken and passed the applicable licensure examination at the expiration of 2700 hours of clinical experience, the intern may not practice as an orthotist or prosthetist in the state.

(3) Internships must be completed at facilities primarily engaged in providing orthotic and prosthetic patient care. Interns must provide direct patient care, but only under the supervision of a licensed orthotist or prosthetist; the educational mission must not be compromised by an excessive reliance on residents to fulfill facility service obligations. Students should progress from observing to actually providing direct patient care. Sufficient amounts of lab and technical experience must accompany the clinical training.

(4) The internship must require the intern to meet the following objectives:

(a) Clinical Assessment. Determine the orthotic or prosthetic needs of the patient by integrating the information obtained from history, examination, measurement and observation; develop a treatment protocol for the patient through review of patient data in order to formulate an orthotic or prosthetic recommendation and treatment plan.

(b) Patient Management. Apply a properly fitting prosthetic/orthotic device by using accepted prosthetic/orthotic techniques to achieve optimum outcomes; inform the patient of the various procedures to be performed by using appropriate communication skills; provide continuing patient care and periodic evaluation to ensure proper fit and function of the prosthetic/orthotic device.

(c) Professional Responsibility. Select the most appropriate course of action when faced with patient-related problems while adhering to the laws and rules applicable to practice in Florida and the standards of care of the profession.

(d) Practice Management. Demonstrate proper documentation of a patient's history and financial records by using established record-keeping techniques and demonstrate an understanding of the facility's financial and safety policies and procedures.

(e) Technical Implementation. Interpret patient data and modify a patient model to ensure optimal fit and function; demonstrate the ability to fabricate or repair a prescribed device, selecting appropriate materials and components based on patient criteria to ensure optimum strength, durability and function.

(5) The objectives must include experience in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations, and shall include experience in lower and upper extremity and spinal orthoses or lower and upper extremity prostheses.

(6) Each intern shall keep a daily patient log, subject to review by the Board. Each intern shall be evaluated by his/her supervising practitioner on a quarterly basis and at the conclusion of the internship.

~~The internship must be of sufficient variety and volume to afford the intern adequate educational experience in orthotics or prosthetics to include clinical assessment, patient management, technical implementation, practice management and professional responsibility in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations. This shall include experience in lower extremity, upper extremity and spinal orthoses, or upper and lower extremity prostheses. Each intern shall keep a daily patient log, subject to audit by the Board.~~

(7)(3) Clinical experience in prosthetics and orthotics, to satisfy the requirements of internship or to satisfy the experience requirements of Section 468.803(4), F.S., may not be achieved concurrently.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE NO.: 64B15-6.015      RULE TITLE: Disclosure of Licensure Status  
PURPOSE AND EFFECT: The Board proposes the development of rules to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed rule amendments and proposed new rule set forth the criteria for appropriate disclosure of a physician assistant’s licensure status to patients.

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: 459.022, 456.072(1)(t) FS.

LAW IMPLEMENTED: 456.072(1)(t) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.015 Disclosure of Licensure Status.

All persons licensed pursuant to Section 459.022, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as a physician assistant (P.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as a physician assistant (P.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is a physician assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as a physician assistant (P.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as a physician assistant (P.A.).

Specific Authority 459.022, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.: 65C-32.001      RULE TITLES: Definitions  
65C-32.002      Parenting Course Delivery  
65C-32.003      Required Components of the Parenting Course  
65C-32.004      Parenting Course Evaluation  
65C-32.005      Parenting Course Approval

65C-32.006 Parenting Course Approval Process  
 65C-32.007 Complaints  
 65C-32.008 Revocation of Course Approval

PURPOSE AND EFFECT: This rule outlines the procedures regarding parenting courses for divorcing parents of minor children in the State of Florida.

SUMMARY: Rules provide for administration of provider and course requirements.

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: 61.21(2), (3) FS.

LAW IMPLEMENTED: 61.21 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 26, 2007, 9:00 a.m.

PLACE: Winewood Office Complex, 1317 Winewood Blvd., Building 6, Room 164, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Liz Wynn

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-32.001 Definitions.

(1) “Complaint” means an allegation of a violation of Section 61.21(3), F.S. and the rules adopted pursuant to Rule 65C-32.007, F.A.C.

(2) “Department” means the Department of Children and Family Services.

(3) “Distance learning” means instruction provided through correspondence or via the Internet, pursuant to Rule 65C-32.002, F.A.C.

(4) “Instructor” means the individual(s) qualified to provide instruction in a live classroom setting.

(5) “Letter of Non-Compliance” means a written notification advising the provider of the specified rule violation(s).

(6) “Parenting Course” means the Parent Education and Family Stabilization Course designated pursuant to Section 61.21(2)(a), F.S., to provide information to parents as that information relates to court actions between the parents involving custody, care, visitation, and support of a child or children.

(7) “Provider” means an individual or legal entity qualified to develop and implement the Parent Education and Family Stabilization Course meeting the qualifications for approval pursuant to Chapter 65C-32, F.A.C.

(8) “Revocation” means to withdraw approval of that which has been approved.

(9) “Verified finding” means to substantiate a complaint of non-compliance with Section 61.21, F.S. and rules thereunder.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New \_\_\_\_\_.

65C-32.002 Parenting Course Delivery.

(1) A parenting course shall be a minimum of 4 hours, including the time required for instruction, participant exercises and course evaluation.

(2) The conveyance of the specific live parenting course content shall include a variety of methods, such as lectures, group discussions, role-plays, videotapes, or other instructional activities.

(3) Each provider offering a parenting course shall incorporate a means for participants to communicate with the course instructor for questions.

(4) The provider(s) of a parenting course and the instructor of a live parenting course shall possess the following qualifications:

(a) Master’s Degree in counseling, social work, psychology, education or related field and have a minimum of 2 years experience in dealing with family, parenting, and divorce related issues; or

(b) Bachelor’s degree in counseling, social work, psychology, education or related field and have at a minimum 2 years experience in dealing with family, parenting and divorce related issues; or

(c) Has a minimum of 4 years related work experience in dealing with family, parenting, and divorce-related issues.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New \_\_\_\_\_.

65C-32.003 Required Components of the Parenting Course.

(1) The Provider(s) of a parenting course shall provide to each participant a printed disclaimer in written form which states the following: “The components of the parenting course are intended for educational purposes only. The presentation of this material is not intended to constitute mental health therapy, give information on specific mental health disorders nor medications to treat mental health disorders. Participants are encouraged to discuss specific mental health questions with a licensed mental health therapist of their choice.”

The legal component of the parenting course shall provide general Florida family law principles. The presentation of this material is not intended to constitute legal advice and the course material must direct the participant to consult with a licensed attorney for answers to specific legal questions.

(2) The components required for the parenting courses for divorcing parents in the state of Florida shall include, but are not limited to the following:

(a) Divorce as Loss. This component shall include a recognition of divorce as the loss of the current family structure and processes experienced by adults and children in working through loss. In addition, a distinction shall be made between loss of the current family structure and the continuing parental role;

(b) Permanency of Parental Role / Shared Parenting. This component shall include information about how children are positively impacted by a continuing relationship with both parents and the types of support children need from both parents;

(c) Developmental Stages of Childhood. This component shall include information on the developmental stages of childhood, as well as how a divorce may impact development, what parents can do to minimize the impact of the divorce and when to seek additional help for a child experiencing problems;

(d) Communicating with Children In a Divorce Situation. This component shall include information about discussing divorce-related issues with children in reference to the developmental stage of the child;

(e) Communicating with the Other Parent. This component shall include the negative impact of a parent expressing anger toward the other parent in front of the children, the benefits to children of keeping them out of the middle of parental conflict and how to establish a relationship with the other parent which shall minimize the children's exposure to parental conflict;

(f) Abuse. This component shall include information on the power and control dynamics of domestic violence and the statewide toll-free domestic violence hotline telephone number where services may be accessed. An explanation of child abuse and neglect and the statutory mandate to report such incidences to the Child Abuse Hotline must also be included in addition to the penalties for false reporting;

(g) Legal Concepts. This component shall include general information about Florida family law, including references to statutory definitions as they relate to court issues involving divorcing parents with minor children and financial responsibilities to the child (ren);

(h) Parenting Time. This component shall include information about the benefits to children of maintaining a stable and consistent relationship with both parents and suggestions about how to develop a parenting plan and effective communication between the parents about parenting time.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

#### 65C-32.004 Parenting Course Evaluation.

(1) Each parenting course shall include a demonstration of the level of comprehension of the learning objectives by the participants following the conclusion of the training.

(2) A certificate of completion shall be distributed to each participant who completes a 4 hour minimum Parent Education and Family Stabilization Course.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

#### 65C-32.005 Parenting Course Approval.

(1) To ensure the legislative intent is maintained, each applicant seeking approval of a parenting course shall submit the following documentation for review:

(a) Letter of Introduction;

(b) Course components pursuant to Rule 65C-32.003, F.A.C.;

(c) Course Learning Objectives;

(d) All course materials including instructor's manuals and videos;

(e) Definitions of Key Terms: The key terms include legal and mental health terms to be introduced in a parenting course;

(f) References: The provider(s) of a parenting course shall include a list of resources or a bibliography to reference the source(s) of information of the course content and a list of resource(s) for the divorcing parents and their minor children which is beyond the scope of the course;

(g) Accessibility. The course provider shall provide a means for the department to access their course for the approval process;

(h) Communication: Each distance learning provider shall submit to the department its means of communicating with the participant to answer questions or interact with the participant;

(i) Instructional Techniques. This requirement requires a list of all instructional techniques implemented by a provider or instructor;

(j) Language. This requirement shall include availability of different languages in which the course is offered;

(k) Registration Information. This requirement shall include course name, delivery sites of the course, address and phone number of the provider and web-site address if available;

(l) Evaluation form. The provider shall provide a copy of the evaluation form for participants upon completion of the parenting course;

(m) Indigent status fees. This requirement shall include a means for indigent divorcing parents to complete their course such as scholarships, acceptance of court waivers, and sliding fee scales if available;

(n) Resource list. A list of available resources in and around the community shall be furnished to each course participant.

(2) The department is under no obligation to accept a packet for approval of a parenting course advertised as "Approved by the Department" before department approval has been granted.

(3) The provider(s) shall provide documentation of the approval requirements pursuant to Rules 65C-32.002 and 65C-32.003, F.A.C. at each delivery site.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.006 Parenting Course Approval Process.

(1) The approval process shall be:

(a) The department shall notify the provider within five working days of receipt of the packet, either in writing or personally;

(b) The department shall review the packet within 30 working days of notification to the applicant(s);

(c) After a review of the packet, the department shall notify the applicant(s) of the determination of approval or denial of approval of a course or course provider;

(d) The applicant(s) shall have up to 90 days to make the specified corrections necessary for approval of a course;

(e) The applicant shall have the opportunity to resubmit completed packets and begin the process over after corrections are completed.

(2) The department shall deem as approved all Parent Education and Family Stabilization Courses submitted and approved prior to the effective date of Chapter 65C-32, F.A.C. The exception is any Parent Education and Family Stabilization Course which has had its approval status revoked.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.007 Complaints

(1) All complaints shall be in writing to the department and shall include the following information:

(a) Date of the alleged violation of statute 61.21 F.S., or rules thereunder;

(b) Name of the parenting course;

(c) Name of the provider or lead instructor of the course;

(d) Basis and content of the complaint.

(2) The department shall handle the complaints of non-compliance in the following manner:

(a) The department shall review the rule and designate the rule violation(s) as specified in the complaint;

(b) The department shall notify the provider of the specified rule violation(s) within five working days of receipt of the complaint;

(c) The provider shall have the opportunity to respond to the rule violation within 15 days of the receipt of notice of the rule violation;

(d) The department shall determine the validity of the rule violation(s) within 45 days of receipt of the provider's response to the complaint.

(3) A "notice of non-compliance" shall be issued to the provider of the course if the complaint is founded.

(4) The provider shall have corrections completed within 60 days of the receipt of the "notice of non-compliance"

(5) Except as otherwise provided in this rule, prior to the final action of denying, suspending or revoking approval of a course, the provider shall have the opportunity to request either a formal or informal Administrative Hearing to show cause as to why the action should not be taken.

Specific Authority 61.21(3)(d), (e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.008 Revocation of Course Approval.

(1) Section 61.21(3)(d), F.S. says the Department of Children and Family Services may remove a provider who violates this section of the Florida Statutes or its implementing rules, from the approved list of providers.

(2) The following shall subject a parenting course to revocation of approval:

(a) A verified finding that course approval or certification was obtained by fraudulent means such as providing documentation for approval which was based on false documentation;

(b) A verified finding that a course has been altered in any manner such as course contents or change of course materials that are contrary to course requirements per Section 61.21(2), F.S., without written approval from the department;

(c) Providing mental health therapy to participants;

(d) Providing individual legal advice to participants;

(e) Solicitation of participants from the sessions to become private clients or patients;

(f) The use of the Department of Children and Family Services past or present logo.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Patricia A. Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:  
68A-15.004

RULE TITLE:  
General Regulations Relating to Wildlife Management Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas

to privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-15.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission's regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Nick Wiley, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.004 General Regulations Relating to Wildlife Management Areas.

- (1) through (5) No change.
- (6) Guns:

(a) through (b) No change.

(c) Notwithstanding the provisions of paragraphs (a), (b), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise preempted pursuant to state or federal law.

(d) through (g) No change

(h) Notwithstanding the provisions of paragraph (a), (b), (e), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a wildlife management area, provided they are transporting guns directly to or from said private lands, and

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a wildlife management area and the only legal means of vehicular access is through the wildlife management area, provided they are transporting guns directly to or from said private lands.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-17.004  
 RULE TITLE: General Regulations Relating to Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental



Areas to privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-17.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission's regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Nick Wiley, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (5) No change.

(6) Guns:

(a) through (b) No change.

(c) Notwithstanding the provisions of paragraph (a), (b), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise preempted pursuant to state or federal law.

(d) through (g) No change.

(h) Notwithstanding the provisions of paragraph (a), (b), (e), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a wildlife and environmental area, provided they are transporting guns directly to or from said private lands, and

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a wildlife and environmental area and the only legal means of vehicular access is through the wildlife and environmental area, provided they are transporting guns directly to or from said private lands.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History--New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-20.004  
 RULE TITLE: Regulations in Fish Management Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Fish Management Areas to

privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-20.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Fish Management Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Fish Management Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission’s regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Darrell Scovell, Director, Division of Freshwater Fisheries Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.004 Regulations in Fish Management Areas.

(1) through (8) No change.

(9) Guns:

(a) Notwithstanding the specific area regulations in Rule 68A-20.005, F.A.C., generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a fish management area, provided they are transporting guns directly to or from said private lands;

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a fish management area and the only legal means of vehicular access is through the fish management area, provided they are transporting guns directly to or from said private lands.

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, Formerly 39-20.04, Amended 5-10-87, 7-1-92, 7-1-94, 4-1-96, 7-1-97, 7-1-98, Formerly 39-20.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell Scovell, Director, Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
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.

SUMMARY: The definitions in Rule 68B-21.0015, F.A.C. are amended to more clearly specify the regions of the state where different regulations apply. Rule 68B-21.003, F.A.C. is amended to update a reference to the rule governing snook aquaculture Special Activities Licenses. Rule 68B-21.004, F.A.C. is amended to reduce the length of the existing open season for snook on the Gulf coast by eliminating the first half of December and the month of February. This proposed rule change would result in an open season for snook on the Gulf coast consisting of March, April, September, October and November. Rule 68B-21.005, F.A.C. is amended to adjust the legal size limit for snook on the Gulf coast from 27-34" to 28-33" and on the Atlantic coast from 27-34" to 28-32". Rule 68B-21.006, F.A.C. is amended to decrease the daily bag limit for snook on the Atlantic coast from two (2) fish to one (1) fish. Rule 68B-21.007, F.A.C. is amended to allow the possession of multiple cast nets on board a vessel while fishing for snook.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 13-14, 2007, 8:30 a.m. until 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, FL 32903

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 RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.0015 Definitions.

(1) "Atlantic Region" means all state waters of the Atlantic Ocean north and east of the Dade-Monroe County line, and all inland waters or part of the counties encompassed by the St. Johns Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County, but including all waters of Lake Okeechobee and the Kissimmee River.

(2) No change.

(3) "Gulf Region" means all state waters of the Gulf of Mexico, the inland waters of Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County and all ~~or part of~~ counties encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District, and all waters of Everglades National Park, but excluding all waters of Lake Okeechobee and the Kissimmee River.

(4) through (8) No change.

~~(9) "State waters of the Atlantic Ocean" means all waters of the state in the Atlantic Region, including all state waters of the Atlantic Ocean and all inland waters of the region, including all waters of Lake Okeechobee and the Kissimmee River.~~

~~(10) "State waters of the Gulf of Mexico" means all waters of the state in the Gulf Region, including all state waters of the Gulf of Mexico and all inland waters of the region, excluding all waters of Lake Okeechobee and the Kissimmee River.~~

~~(9)(11) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02, 7-1-06,\_\_\_\_\_.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule ~~68B-8.012~~ ~~68B-21.008~~, F.A.C.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Formerly 46-21.003, Amended 5-13-02,\_\_\_\_\_.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) No change.

(b) In ~~all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park~~, during the months of June, July or August.

(c) In ~~all state waters of the Gulf Region Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf of Mexico, and in waters of Everglades National Park~~, during the first 14 days of the month of December, and during the months of February, May, June, July, or August.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02,\_\_\_\_\_.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than twenty-eight (28") ~~twenty-seven inches (27")~~ or greater than thirty-two inches (32") ~~thirty-four inches (34")~~ in total length in the Atlantic Region and less than twenty eight inches (28") or greater than thirty-three inches (33") in the Gulf Region.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, 7-19-06,\_\_\_\_\_.

68B-21.006 Bag and Possession Limits.

(1) In ~~all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park~~, no person, firm or corporation shall kill or harvest more than one (1) ~~two (2)~~ snook per day during the open season, nor possess more than one (1) ~~two (2)~~ snook at any time during the open season.

(2) In ~~all state waters of the Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf Region of Mexico, and in waters of Everglades National Park~~, no person, firm, or corporation shall kill or harvest more than one (1) snook per day during the open season, nor possess more than one (1) snook at any time during the open season.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02,\_\_\_\_\_.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) through (2) No change.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a

~~single~~ cast nets if they are ~~it is~~ secured and stored off the deck of the vessel. Any snook accidentally ~~accidently~~ taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, Amended 6-29-00,\_\_\_\_\_.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:

68B-45.004

68B-45.007

RULE TITLES:

Regulation and Prohibition of Certain Harvesting Gear

Blue Crab Effort Management 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 Effort Management 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 to provide for the smooth implementation of this limited entry program.

SUMMARY: If legislation implementing appropriate penalties and fees associated with the Blue Crab Effort Management Program is not passed in the 2007 Legislature, Rule 68B-45.004, F.A.C. will be amended to extend the moratorium on the issuance of new blue crab endorsements until July 1, 2008, and Rule 68-45.007, F.A.C. will be amended to delay for one year the implementation of the program established by the rule. Various filing and qualification deadlines and start dates for program requirements are amended to reflect the one-year delay in implementation of the program. The date of dissolution of the blue crab advisory board is extended by one year.

If legislation implementing appropriate penalties and fees associated with the Program are passed in the 2007 Legislature, amendments to Rule 68B-45.004, F.A.C., will be withdrawn, and the amendments to Rule 68B-45.007, F.A.C., will include only paragraphs 68B-45.007(3)(a) and 68B-45.007(6)(f), F.A.C. The deadline for qualified persons to receive a hardshell or softshell Blue Crab Effort Management Endorsement to submit their application for the endorsement is extended to September 30, 2007. The deadline for persons wishing to appeal their denial of a non-transferable Blue Crab Effort Management Endorsement is extended to September 30, 2007.

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: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the Commission's regular meeting, June 14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, FL 32903

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 RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (8) No change.

(9)(a) No change.

(b) Notwithstanding Section 370.135(2)(a), F.S., effective July 1, ~~2007~~ ~~2006~~, and until July 1, ~~2008~~ ~~2007~~, no blue crab endorsements, except those endorsements that were active during the ~~2006-2007~~ ~~2005-2006~~ fiscal year, shall be renewed or replaced. Persons or corporations holding a blue crab endorsement that was active in the ~~2006-2007~~ ~~2005-2006~~ fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, ~~2007~~ ~~2006~~. All provisions of Sections 370.135(2)(c)-(e), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) No change.

(10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, \_\_\_\_\_.

68B-45.007 Blue Crab Effort Management Program.

(1) Beginning in the ~~2008/2009~~ ~~2007/2008~~ license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) No change.

(3)(a) Except for those qualifying for a non-transferable blue crab effort management endorsement as specified in subsection (6), the Blue Crab Effort Management Endorsement Application must be received by the Commission no later than September 30, ~~2007~~ ~~2006~~. An applicant may be a person, firm, or corporation.

(b) through (c) No change.

(d) Applicants must submit their application to the Commission no later than September 30, ~~2008~~ ~~2007~~. An applicant may be a person, firm, or corporation.

(e) No change.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by ~~September 30~~ ~~March 31~~, 2007.

(7)(a) No change.

(b) Beginning July 1, ~~2008~~ ~~2007~~, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab effort management endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) through (i) No change.

(8) Effective September 30, ~~2008~~ ~~2007~~, no additional blue crab effort management endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the ~~2009/2010~~ ~~2008/2009~~ license year, each holder of a blue crab effort management endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year ~~2011/2012~~ ~~2010/2011~~, the holder of a blue crab effort management endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), any blue crab effort management endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) through (b) No change.

(11) No change.

(12)(a) through (h) No change.

(i) On July 1, ~~2013~~ ~~2012~~, the board is dissolved unless extended by the Executive Director of the Commission.

(13) through (18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-26-05, Amended 3-30-06, 9-21-06,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-2.0010                      RULE TITLE: Educational Facilities  
NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 16, April 20, 2007 Florida Administrative Weekly has been continued from May 15, 2007 to August 21, 2007.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6B-4.010                      RULE TITLE: Instructional Personnel Assessment  
Systems  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6B-4.010                      RULE TITLE: Instructional Personnel Assessment  
Systems  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly has been withdrawn.

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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com. 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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-164.030  
 RULE TITLE: Application of Rule 69O-164.020, F.A.C., to Various Product Designs

PURPOSE AND EFFECT: To provide direction as to the application of Rule 69O-164.020, F.A.C., to various product designs.

SUBJECT AREA TO BE ADDRESSED: The application of Rule 69O-164.020, F.A.C.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5) 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 5, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com. 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 Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: Kerry.Krantz@fldfs.com

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NOS.: 6E-1.003  
 RULE TITLES: Definition of Terms  
 6E-1.0032 Fair Consumer Practices

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

SUMMARY: These rules are amended to clarify existing definitions and provide additional definitions for terms used in the institutional licensing and oversight process, and to clarify provisions related to evaluation of institutions, advertising, and disclosures to students.

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: 1005.22(1)(e), 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 1005.32(5), 1005.34 FS.

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

DATE AND TIME: June 19, 2007, 8:30 a.m.

PLACE: Miami Dade (Please contact Sonya Morris for location at (850)245-9614)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) through (5) No change.

(6) “Applied General Education” means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree as described in subparagraph 6E-2.004(4)(n)1., F.A.C., in natural and physical sciences, social and behavioral sciences, language, composition and writing skills, and humanities and the arts.

(7) through (9) No change.

(10) Change in Control means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner’s family or to a person with a pre-existing ownership interest in the institution.

(10) through (12) renumbered (11) through (13) No change.

(14) “Clock Hour” means a period of Sixty (60) minutes with a minimum of Fifty (50) minutes of instruction in the presence of an instructor.

(13) through (14) renumbered (15) through (16) No change.

(17)(15) “Compressed Time Period” means delivery of required contact clock hours or credit hours in a significantly shorter period than those described in the definitions of “Semester” and “Quarter”.

(18) “Contract Training” means providing a program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(16) through (18) renumbered (19) through (21) No change.

(22)(19) “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, College Math Algebra II, or Introduction to Computers.

(20) through (26) renumbered (23) through (29) No change.

(30)(27) “Enrollment” means registering a student to take programs or courses at an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(28) through (32) renumbered (31) through (35) No change.

(36)(33) “General Education Courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but are ~~is~~ not limited to, English, History, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(34) through (39) renumbered (37) through (42) No change.

(43)(40) “Minor Modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program; or providing a previously approved program as contract training to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(41) through (54) renumbered (44) through (57) No change.

(58) “Transcript” means the form maintained by an institution on student academic information which minimally shall include the following:

(a) Student name, street address, telephone number, date of birth;

(b) Enrollment date(s);

(c) Graduation date(s);

(d) Required hours for completion;

(e) Grade scale;

(f) Courses taken

1. Attempted credit or clock hours

2. Scheduled start date

3. Dates of course completion;

4. Grades;

(g) Total hours attended; and

(h) Credit given for courses transferred in from other institutions.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05, 6-13-05, 2-20-06, \_\_\_\_\_.



6E-1.0032 Fair Consumer Practices.

(1) through (3) No change.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. A copy of each advertisement shall be available to the Commission upon request for inspection at each location providing administrative services. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. ~~Salaries shall not be used in advertising.~~ If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the students will have upon graduation. If advertising violations occur, the Commission shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to Sections 1005.34 and 1005.38, Florida Statutes. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

(5) Any licensed institution offering a program which does not qualify the graduate to take required professional examinations in that field or to practice regulated professions in that field in Florida must publish a disclosure statement ~~which is determined by the Commission~~ to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (e) No change.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's

responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(g) through (k) No change.

(7) through (10) No change.

(11) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students ~~in Florida~~, whether verbally, electronically, or by other means of communication.

(12) Institutions shall maintain a file or keep a recordd for each student at each location, translated into English and conforming to the requirements of Rule 6E-2.004, F.A.C., and containing the following at a minimum:

(a) Academic transcript;

(b) All documents evidencing a student's eligibility for enrolled programs;

(c) Any certificates or diplomas earned;

(d) Copies of applications or contractual agreements;

(e) Financial records;

(f) Student counseling or advising records; and

(g) Records of progress.

Specific Authority 1005.22(1)(e)1., 1005.34 FS, Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS, History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-19-05, 6-21-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Samuel L. Ferguson, Executive Director, Commission for  
 Independent Education  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Peter Crocitto, Chair, Commission  
 for Independent Education  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 8, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: March 30, 2007

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                      RULE TITLE:  
 33-601.307                      Disciplinary Hearings  
 PURPOSE AND EFFECT: The purpose and effect of the  
 proposed rule is to amend the rule to specify that an inmate  
 shall be present at disciplinary hearings unless a confirmed  
 medical condition makes the inmate unable to attend, the  
 inmate demonstrates disruptive behavior, either before or  
 during the hearings, that impedes the process or poses a threat  
 to the safety of others or the security of the institution, or the  
 inmate waives his right to be present and to clarify that inmates  
 who waive the right to be present at the hearing may not submit  
 a written closing statement to the disciplinary team or hearing  
 officer in place of the oral closing statement permitted in  
 paragraph (1)(g).  
 SUMMARY: Amends the rule to specify that an inmate shall  
 be present at disciplinary hearings unless a confirmed medical  
 condition makes the inmate unable to attend, the inmate  
 demonstrates disruptive behavior, either before or during the  
 hearings, that impedes the process or poses a threat to the  
 safety of others or the security of the institution, or the inmate  
 waives his right to be present and to clarify that inmates who  
 waive the right to be present at the hearing may not submit a  
 written closing statement to the disciplinary team or hearing  
 officer in place of the oral closing statement permitted in  
 paragraph (1)(g).  
 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: 944.09 FS.  
 LAW IMPLEMENTED: 944.09, 945.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
 THIS NOTICE, A HEARING WILL BE SCHEDULED AND  
 ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULE IS: Dorothy M. Ridgway, Office of the  
 General Counsel, Department of Corrections, 2601 Blair Stone  
 Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary  
 hearing unless a confirmed medical condition makes the  
 inmate unable to attend, the inmate demonstrates disruptive  
 behavior, either before or during the hearing, that impedes the  
 process or poses a threat to the safety of others or the security  
 of the institution, substantial reasons precluding the inmate's  
 presence exist or the inmate has waived his right to be present.  
 If the inmate waives the right to be present or refuses to be  
 present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall  
 be signed by the inmate and witnessed by an employee. If the  
 inmate refuses to sign the form, this shall be noted and signed  
 by the employee. When an inmate waives the right to be  
 present at the hearing, the inmate may not submit also waives  
 the right to submission of a written closing statement to the  
 disciplinary team or hearing officer in place of the oral closing  
 statement permitted in paragraph (1)(g). If the inmate's  
 disruptive conduct makes it necessary to remove the inmate  
 from the hearing, the hearing shall be conducted in the inmate's  
 absence. The reason for the inmate's absence shall be explained  
 in the basis of decision section of the disciplinary report.

(c) through (i) No change.

(2) through (5) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315,~~ 944.09,  
~~944.34,~~ 945.04 FS. History–New 3-12-84, Formerly 33-22.06,  
 Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly  
 33-22.006, Amended 5-21-00, 2-11-01, 3-22-05, 10-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 George Sapp, Assistance Secretary of Institutions  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy  
 Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 3, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                      RULE TITLE:  
 33-601.602                      Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings and incorporate revisions to DC6-127, Checklist for Transfers to Work Release Centers. Form DC6-127 is revised to correct titles, delete obsolete information and amend some criteria for eligibility.

SUMMARY: Amends the rule to provide that inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings and incorporate revisions to DC6-127, Checklist for Transfers to Work Release Centers to correct titles, delete obsolete information and amend some criteria for eligibility.

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: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) No change.

(2) Inmate Conduct While On Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126. Form DC6-126 is incorporated in subsection (16) of this rule.

1. through 7. No change.

8. Contact the officer in charge when ~~in case~~ any unusual circumstances arise.

9. through 10. No change.

(b) through (e) No change.

(3) through (9) No change.

(10) Disbursement of Earnings.

(a) through (c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. Inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings ~~the amount provided by the current contract between the Department of Corrections and the contractor.~~

2. No change.

(e) through (l) No change.

(11) through (15) No change.

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

(a) through (h) No change.

(i) DC6-127, Checklist for Transfers to Work Release Centers, effective 2-22-07.

(j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.:

RULE TITLE:

33-601.721

Visiting Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend to rule to permit wardens to accept donations of games, small toys and other suitable items from individuals or the community to ensure that these items are available for small children during visitation.

SUMMARY: Amends the rule to permit wardens to accept donations of games, small toys and other suitable items from individuals or the community to ensure that these items are available for small children during visitation.

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: 944.09, 944.23 FS.  
 LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.721 Visiting Operations.
- (1) No change.
  - (2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities are ~~is~~ authorized from the General Revenue Fund. Wardens may also accept donations of games, small toys and other suitable items from individuals or the community. Visitors shall not be charged for damaged or broken games or toys.
  - (3) through (11) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20.315,~~ 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 9-16-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.731  
 RULE TITLE: Revocation or Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to clarify that an inmate’s visiting privileges may be suspended for up to two-years for possessing or using drugs; correct grammatical errors and revise language for consistency throughout the rule; and correct a reference to another rule.

SUMMARY: Amends the rule to clarify that an inmate’s visiting privileges may be suspended for up to two-years for possessing or using drugs; correct grammatical errors and revise language for consistency throughout the rule; and correct a reference to another rule.

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: 944.09, 944.23 FS.  
 LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.731 Revocation or Suspension of Visiting Privileges.
- (1) No change.
  - (2) Indefinite suspension of an inmate’s visiting privileges shall be considered by the ICT as a management tool ~~by the ICT is available as a management tool by the ICT~~ when an inmate is found guilty of the following offenses:
    - (a) through (b) No change.
    - (3) Suspension of an inmate’s visiting privileges for up to two-years shall be considered shall be considered by the ICT as a management tool ~~by the ICT for the following disciplinary offenses are authorized up to two-years~~ when inmate is found guilty of the following disciplinary offenses:
      - (a) No change.
      - (b) Possessing ~~drugs or~~ money.
      - (c) Possessing or using drugs.
      - (d)(e) Possessing Possession of any article or instrument that aids in escape or attempted escape.
      - (4) Suspension of an inmate’s visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, shall be considered by the ICT as a management tool ~~by the ICT for the following disciplinary offenses are limited to three months for a first offense, six months for a second offense and two years for a third or subsequent offense~~ when an inmate is found guilty of possessing possession of any of the following contraband or illegal items:
        - (a) through (c) No change.
        - (5) Suspension of an inmate’s visiting privileges for three months shall be considered by the ICT as a management tool when an inmate is rated “unsatisfactory” for the work or program performance rating, including part-time assignment or security assessment. Such three month suspension and shall

~~begin be considered for suspension of visiting privileges for three months beginning with the month the rating was entered and run consecutively for each unsatisfactory rating.~~

~~(6) Refusing to participate or is removed from a mandatory program due to negative behavior. Inmates The inmate shall be suspended from receiving visits for three months beginning with the next visiting period for refusing to participate or being removed from a mandatory program due to negative behavior following the removal or refusal.~~

(7) No change.

(8) In lieu of suspending an inmate’s visiting privileges, the ICT ~~is shall~~ be authorized to consider placement of an inmate in non-contact visitation status as provided in paragraph 33-601.735(2)(c), F.A.C., for offenses listed in subsections 33-601.731(1) through (6), F.A.C.

(9) Suspension of Visitor’s Visiting Privileges.

(a) A visitor’s visiting privileges shall be revoked by the warden or designee when the visitor:

1. through 3. No change.

4. Commits ~~For~~ repeated visiting rule or procedure infractions.

5. through 6. No change.

(b) Visiting privileges shall be suspended by the warden or designee for up to two years when the visitor:

1. through 3. No change.

4. Commits ~~For~~ criminal activity, serious rule violations or infractions or any security breach.

5. No change.

(c) Visitors found in violation of paragraph 33-601.717(5)(f), F.A.C. – falsifying information to obtain visiting privileges, subsections 33-601.723(3) and (5), F.A.C., falsifying information at visitor registration and falsifying documents of guardianship, subsection 33-601.724(2) ~~33-601.724(9)~~, F.A.C. – visitor attire, Rule 33-601.726, F.A.C. – visitor searches, or visitor conduct standards as outlined in paragraphs 33-601.727(1)(a) through (h), F.A.C., shall have visiting privileges suspended by the warden or designee supervisor for up to one year.

(10) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20-315~~, 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistance Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**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 Medicine**

RULE NO.: 64B8-3.003  
RULE TITLE: Renewal Fees

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the reduction of renewal fees for physicians.

SUMMARY: The proposed rule amendment reduces the biennial renewal fees for physicians to \$360.00.

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: 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$360.00 ~~\$424.00~~. However the following exceptions shall apply:

1. through 4. No change.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History–New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, 10-19-03, 12-2-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Finance and Statistics Committee, Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 31, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.:                   RULE TITLES:  
64B8-30.011                 Advertising  
64B8-30.0111               Disclosure of Licensure Status

PURPOSE AND EFFECT: The Board proposes the development of rules to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed rule amendments and proposed new rule set forth the criteria for appropriate disclosure of a physician assistant’s licensure status to patients.

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: 458.347 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.011 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation “PA-C” next to his or her name.

(5) No person licensed pursuant to Section 458.347, F.S., shall disseminate or cause the dissemination of any advertisement or advertising that contains the licensee’s name without clearly identifying the licensee as a physician assistant (P.A.).

~~(6)(5)~~ Failure to abide by the provisions of this rule shall constitute a violation of Sections 458.331(1)(d) and (nn) and 456.072(1)(cc), Florida Statutes.

Specific Authority 458.347(13) FS. Law Implemented 456.072(1)(t), 458.331(1)(d) FS. History–New 9-25-03, Amended \_\_\_\_\_.

64B8-30.0111 Disclosure of Licensure Status.

All persons licensed pursuant to Section 458.347, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as a physician assistant (P.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as a physician assistant (P.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is a physician assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as a physician assistant (P.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as a physician assistant (P.A.).

Specific Authority 458.347, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 3, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.008
RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes to add language that may allow another member on the panel.

SUMMARY: The amendment will allow another person to serve on the panel.

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: 456.073(4), 484.005 FS.

LAW IMPLEMENTED: 456.073(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.008 Probable Cause Panel.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapter 456 or 484, F.S., or of the rules promulgated thereunder has occurred, shall be made by majority vote of the probable cause panel.

(2) The probable cause panel must have a minimum shall be composed of 2 members, one of which may be a former Board member who holds an active valid license to practice opticianry.

Specific Authority 456.073(4), 484.005 FS. Law Implemented 456.073(3) FS. History--New 12-6-79, Formerly 21P-8.08, Amended 1-26-88, 9-21-92, Formerly 21P-8.008, 61G13-8.008, 59U-8.008, Amended 8-6-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.001
RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The amended language will modify examinations procedures.

SUMMARY: The rule amendment will modify examination procedures.

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: 456.017(1), (5), 484.005 FS.

LAW IMPLEMENTED: 456.017(1), (5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.001 Examination for Licensure.

(1) There shall be five ~~three~~ parts to the examination for Florida Licensure in opticianry: a national written opticianry competency examination; a national written contact lens examination; a neutralization examination; a dispensing problems examination; and a ~~state board approved~~ practical examination.

(2) through (5) No change.

(6) Applicants, who have been certified eligible by the board, having completed all requirements, will be admitted to take the neutralization, the dispensing problems, and the practical examinations. An applicant who has completed all the requirements for the state board approved practical examination and who has been certified eligible by the Board will be admitted to the practical examination.

(7) The neutralization ~~portion of the practical~~ examination for opticianry licensure shall require candidates to neutralize lenses within the tolerances set out in the American National Standard (Z80.1-1987) A score of at least seventy percent (70%) shall be required to pass the neutralization examination which is incorporated herein by reference to achieve a score of seventy percent (70%).

(8) The dispensing problems examination for opticianry licensure shall be taken via computer at a testing center. A score of at least seventy percent (70%) shall be required to pass the dispensing problems examination.

~~(9)(8)~~ The remainder of the practical examination for opticianry licensure shall consist of ~~and be graded as to each part as follows, as relates to all optical devices:~~

~~(a) Measuring and Calipering 20%~~

~~(b) Lens Identification~~

~~(c) Fitting and Adjusting~~

~~(d) Pupillary Distance~~

~~Taking a P.D., Lens I.D., and Fitting~~

~~and Adjustments 40%~~

~~Practical Dispensing 40%~~

Grading tolerances for measuring and calipering shall be as follows: ~~For each section of the practical, grading tolerances shall be as follows:~~

Measuring and Calipering

thickness  $\pm .2\text{mm}$

base curve  $\pm .25$  diopters

length  $\pm 2\text{mm}$

mechanical  $\pm 1\text{mm}$

width  $\pm 1\text{mm}$

decentration  $\pm 1\text{mm}$

Grading tolerances for pupillary distance shall be as follows:

Monocular Distance P.D.

Left and right  $\pm 1\text{mm}$

Binocular P.D.

Distance and near  $\pm 2\text{mm}$

~~Fitting and Adjustment, Taking a P.D.~~

~~Fitting Examiner's judgment of pantoscopic tilt and symmetrical angling~~

~~Monoocular Distance~~

~~P.D.:~~

~~Left  $\pm 1\text{mm}$~~

~~Right  $\pm 1\text{mm}$~~

~~Practical Dispensing~~

~~The transposition, decentration, prism, slaboff and vertex shall be exact.~~

A score of at least seventy percent (70%) shall be required ~~in order to pass the practical portion of the examination.~~

~~(10)(9)~~ No change.

~~(11)(10)~~ No change.

Specific Authority 456.017(1), (5), 484.005 FS. Law Implemented 456.017(1), (5) FS. History--New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99, 1-7-03, 8-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: RULE TITLE:

64B14-3.001 Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to limit approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

SUMMARY: The proposed rule amendment limits approved supervisors to those licensees who have not had disciplinary action taken against their licenses.

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: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-3.001 Definitions.

(1) through (24) No change.

(25) Qualified Supervisor – an individual licensed or certified as required by the applicable rule who has not had action taken against his or her license or certification by a licensing jurisdiction or certifying body.

~~(26)(25)~~ Residency – a training program that meets the requirements of Rule 64B14-4.100, F.A.C.

~~(27)(26)~~ Shoe Modification – additions to footwear that alter the forces applied to the foot, making the footwear therapeutic.

~~(28)(27)~~ Soft – composed of materials such as fabric or foams having a porous cellular structure without any rigid support either internal or external other than flexible supports used to maintain proper fit.

~~(29)(28)~~ Therapeutic – applying forces to the body to modify structural alignment, correct a deformity or alleviate pain.



Specific Authority 468.802 FS. Law Implemented 468.802, 468.803 FS. History—New 10-21-99, Amended 2-19-04, 5-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.100  
RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: In Rule 64B14-4.100, F.A.C., the purpose and effect of the rule development is to provide a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists, and to set a limit on the amount of time an intern/resident can practice without a license in the state of Florida.

SUMMARY: In Rule 64B14-4.100, F.A.C., a more comprehensive description of the elements of approved training for applicants for licensure as orthotists and prosthetists is provided, and a limit is set on the amount of time an intern/resident can practice without a license in the state of 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: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) To meet the requirements for licensure as an orthotist or prosthetist, the applicant must document an internship that meets the requirements of this rule, or must complete a

residency program accredited by NCOPE. An applicant for combined licensure as a prosthetist/orthotist must document a discrete internship or residency in each field.

(2) An internship must consist of ~~1900 hours~~ of orthotic or prosthetic clinical experience practicing under the supervision of a licensed or ABC-certified orthotist or prosthetist, respectively. The internship must consist of a minimum of 1900 hours and may not exceed 2700 hours. The intern is eligible to take the approved licensure examination upon completion of 1900 hours. If the intern has not taken and passed the applicable licensure examination at the expiration of 2700 hours of clinical experience, the intern may not practice as an orthotist or prosthetist in the state.

(3) Internships must be completed at facilities primarily engaged in providing orthotic and prosthetic patient care. Interns must provide direct patient care, but only under the supervision of a licensed orthotist or prosthetist; the educational mission must not be compromised by an excessive reliance on residents to fulfill facility service obligations. Students should progress from observing to actually providing direct patient care. Sufficient amounts of lab and technical experience must accompany the clinical training.

(4) The internship must require the intern to meet the following objectives:

(a) Clinical Assessment. Determine the orthotic or prosthetic needs of the patient by integrating the information obtained from history, examination, measurement and observation; develop a treatment protocol for the patient through review of patient data in order to formulate an orthotic or prosthetic recommendation and treatment plan.

(b) Patient Management. Apply a properly fitting prosthetic/orthotic device by using accepted prosthetic/orthotic techniques to achieve optimum outcomes; inform the patient of the various procedures to be performed by using appropriate communication skills; provide continuing patient care and periodic evaluation to ensure proper fit and function of the prosthetic/orthotic device.

(c) Professional Responsibility. Select the most appropriate course of action when faced with patient-related problems while adhering to the laws and rules applicable to practice in Florida and the standards of care of the profession.

(d) Practice Management. Demonstrate proper documentation of a patient's history and financial records by using established record-keeping techniques and demonstrate an understanding of the facility's financial and safety policies and procedures.

(e) Technical Implementation. Interpret patient data and modify a patient model to ensure optimal fit and function; demonstrate the ability to fabricate or repair a prescribed device, selecting appropriate materials and components based on patient criteria to ensure optimum strength, durability and function.

(5) The objectives must include experience in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations, and shall include experience in lower and upper extremity and spinal orthoses or lower and upper extremity prostheses.

(6) Each intern shall keep a daily patient log, subject to review by the Board. Each intern shall be evaluated by his/her supervising practitioner on a quarterly basis and at the conclusion of the internship.

~~The internship must be of sufficient variety and volume to afford the intern adequate educational experience in orthotics or prosthetics to include clinical assessment, patient management, technical implementation, practice management and professional responsibility in the acute, rehabilitative and chronic phases of the care of pediatric, adult and geriatric populations. This shall include experience in lower extremity, upper extremity and spinal orthoses, or upper and lower extremity prostheses. Each intern shall keep a daily patient log, subject to audit by the Board.~~

(7)(3) Clinical experience in prosthetics and orthotics, to satisfy the requirements of internship or to satisfy the experience requirements of Section 468.803(4), F.S., may not be achieved concurrently.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History—New 11-1-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE NO.: 64B15-6.015      RULE TITLE: Disclosure of Licensure Status  
PURPOSE AND EFFECT: The Board proposes the development of rules to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed rule amendments and proposed new rule set forth the criteria for appropriate disclosure of a physician assistant’s licensure status to patients.

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: 459.022, 456.072(1)(t) FS.

LAW IMPLEMENTED: 456.072(1)(t) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.015 Disclosure of Licensure Status.

All persons licensed pursuant to Section 459.022, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as a physician assistant (P.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as a physician assistant (P.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is a physician assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as a physician assistant (P.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as a physician assistant (P.A.).

Specific Authority 459.022, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.: 65C-32.001      RULE TITLES: Definitions  
65C-32.002      Parenting Course Delivery  
65C-32.003      Required Components of the Parenting Course  
65C-32.004      Parenting Course Evaluation  
65C-32.005      Parenting Course Approval

65C-32.006 Parenting Course Approval Process  
 65C-32.007 Complaints  
 65C-32.008 Revocation of Course Approval

PURPOSE AND EFFECT: This rule outlines the procedures regarding parenting courses for divorcing parents of minor children in the State of Florida.

SUMMARY: Rules provide for administration of provider and course requirements.

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: 61.21(2), (3) FS.

LAW IMPLEMENTED: 61.21 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 26, 2007, 9:00 a.m.

PLACE: Winewood Office Complex, 1317 Winewood Blvd., Building 6, Room 164, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Liz Wynn

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-32.001 Definitions.

(1) “Complaint” means an allegation of a violation of Section 61.21(3), F.S. and the rules adopted pursuant to Rule 65C-32.007, F.A.C.

(2) “Department” means the Department of Children and Family Services.

(3) “Distance learning” means instruction provided through correspondence or via the Internet, pursuant to Rule 65C-32.002, F.A.C.

(4) “Instructor” means the individual(s) qualified to provide instruction in a live classroom setting.

(5) “Letter of Non-Compliance” means a written notification advising the provider of the specified rule violation(s).

(6) “Parenting Course” means the Parent Education and Family Stabilization Course designated pursuant to Section 61.21(2)(a), F.S., to provide information to parents as that information relates to court actions between the parents involving custody, care, visitation, and support of a child or children.

(7) “Provider” means an individual or legal entity qualified to develop and implement the Parent Education and Family Stabilization Course meeting the qualifications for approval pursuant to Chapter 65C-32, F.A.C.

(8) “Revocation” means to withdraw approval of that which has been approved.

(9) “Verified finding” means to substantiate a complaint of non-compliance with Section 61.21, F.S. and rules thereunder.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New \_\_\_\_\_.

65C-32.002 Parenting Course Delivery.

(1) A parenting course shall be a minimum of 4 hours, including the time required for instruction, participant exercises and course evaluation.

(2) The conveyance of the specific live parenting course content shall include a variety of methods, such as lectures, group discussions, role-plays, videotapes, or other instructional activities.

(3) Each provider offering a parenting course shall incorporate a means for participants to communicate with the course instructor for questions.

(4) The provider(s) of a parenting course and the instructor of a live parenting course shall possess the following qualifications:

(a) Master’s Degree in counseling, social work, psychology, education or related field and have a minimum of 2 years experience in dealing with family, parenting, and divorce related issues; or

(b) Bachelor’s degree in counseling, social work, psychology, education or related field and have at a minimum 2 years experience in dealing with family, parenting and divorce related issues; or

(c) Has a minimum of 4 years related work experience in dealing with family, parenting, and divorce-related issues.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History–New \_\_\_\_\_.

65C-32.003 Required Components of the Parenting Course.

(1) The Provider(s) of a parenting course shall provide to each participant a printed disclaimer in written form which states the following: “The components of the parenting course are intended for educational purposes only. The presentation of this material is not intended to constitute mental health therapy, give information on specific mental health disorders nor medications to treat mental health disorders. Participants are encouraged to discuss specific mental health questions with a licensed mental health therapist of their choice.”

The legal component of the parenting course shall provide general Florida family law principles. The presentation of this material is not intended to constitute legal advice and the course material must direct the participant to consult with a licensed attorney for answers to specific legal questions.

(2) The components required for the parenting courses for divorcing parents in the state of Florida shall include, but are not limited to the following:

(a) Divorce as Loss. This component shall include a recognition of divorce as the loss of the current family structure and processes experienced by adults and children in working through loss. In addition, a distinction shall be made between loss of the current family structure and the continuing parental role;

(b) Permanency of Parental Role / Shared Parenting. This component shall include information about how children are positively impacted by a continuing relationship with both parents and the types of support children need from both parents;

(c) Developmental Stages of Childhood. This component shall include information on the developmental stages of childhood, as well as how a divorce may impact development, what parents can do to minimize the impact of the divorce and when to seek additional help for a child experiencing problems;

(d) Communicating with Children In a Divorce Situation. This component shall include information about discussing divorce-related issues with children in reference to the developmental stage of the child;

(e) Communicating with the Other Parent. This component shall include the negative impact of a parent expressing anger toward the other parent in front of the children, the benefits to children of keeping them out of the middle of parental conflict and how to establish a relationship with the other parent which shall minimize the children's exposure to parental conflict;

(f) Abuse. This component shall include information on the power and control dynamics of domestic violence and the statewide toll-free domestic violence hotline telephone number where services may be accessed. An explanation of child abuse and neglect and the statutory mandate to report such incidences to the Child Abuse Hotline must also be included in addition to the penalties for false reporting;

(g) Legal Concepts. This component shall include general information about Florida family law, including references to statutory definitions as they relate to court issues involving divorcing parents with minor children and financial responsibilities to the child (ren);

(h) Parenting Time. This component shall include information about the benefits to children of maintaining a stable and consistent relationship with both parents and suggestions about how to develop a parenting plan and effective communication between the parents about parenting time.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

#### 65C-32.004 Parenting Course Evaluation.

(1) Each parenting course shall include a demonstration of the level of comprehension of the learning objectives by the participants following the conclusion of the training.

(2) A certificate of completion shall be distributed to each participant who completes a 4 hour minimum Parent Education and Family Stabilization Course.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

#### 65C-32.005 Parenting Course Approval.

(1) To ensure the legislative intent is maintained, each applicant seeking approval of a parenting course shall submit the following documentation for review:

(a) Letter of Introduction;

(b) Course components pursuant to Rule 65C-32.003, F.A.C.;

(c) Course Learning Objectives;

(d) All course materials including instructor's manuals and videos;

(e) Definitions of Key Terms: The key terms include legal and mental health terms to be introduced in a parenting course;

(f) References: The provider(s) of a parenting course shall include a list of resources or a bibliography to reference the source(s) of information of the course content and a list of resource(s) for the divorcing parents and their minor children which is beyond the scope of the course;

(g) Accessibility. The course provider shall provide a means for the department to access their course for the approval process;

(h) Communication: Each distance learning provider shall submit to the department its means of communicating with the participant to answer questions or interact with the participant;

(i) Instructional Techniques. This requirement requires a list of all instructional techniques implemented by a provider or instructor;

(j) Language. This requirement shall include availability of different languages in which the course is offered;

(k) Registration Information. This requirement shall include course name, delivery sites of the course, address and phone number of the provider and web-site address if available;

(l) Evaluation form. The provider shall provide a copy of the evaluation form for participants upon completion of the parenting course;

(m) Indigent status fees. This requirement shall include a means for indigent divorcing parents to complete their course such as scholarships, acceptance of court waivers, and sliding fee scales if available;

(n) Resource list. A list of available resources in and around the community shall be furnished to each course participant.

(2) The department is under no obligation to accept a packet for approval of a parenting course advertised as "Approved by the Department" before department approval has been granted.

(3) The provider(s) shall provide documentation of the approval requirements pursuant to Rules 65C-32.002 and 65C-32.003, F.A.C. at each delivery site.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.006 Parenting Course Approval Process.

(1) The approval process shall be:

(a) The department shall notify the provider within five working days of receipt of the packet, either in writing or personally;

(b) The department shall review the packet within 30 working days of notification to the applicant(s);

(c) After a review of the packet, the department shall notify the applicant(s) of the determination of approval or denial of approval of a course or course provider;

(d) The applicant(s) shall have up to 90 days to make the specified corrections necessary for approval of a course;

(e) The applicant shall have the opportunity to resubmit completed packets and begin the process over after corrections are completed.

(2) The department shall deem as approved all Parent Education and Family Stabilization Courses submitted and approved prior to the effective date of Chapter 65C-32, F.A.C. The exception is any Parent Education and Family Stabilization Course which has had its approval status revoked.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.007 Complaints

(1) All complaints shall be in writing to the department and shall include the following information:

(a) Date of the alleged violation of statute 61.21 F.S., or rules thereunder;

(b) Name of the parenting course;

(c) Name of the provider or lead instructor of the course;

(d) Basis and content of the complaint.

(2) The department shall handle the complaints of non-compliance in the following manner:

(a) The department shall review the rule and designate the rule violation(s) as specified in the complaint;

(b) The department shall notify the provider of the specified rule violation(s) within five working days of receipt of the complaint;

(c) The provider shall have the opportunity to respond to the rule violation within 15 days of the receipt of notice of the rule violation;

(d) The department shall determine the validity of the rule violation(s) within 45 days of receipt of the provider's response to the complaint.

(3) A "notice of non-compliance" shall be issued to the provider of the course if the complaint is founded.

(4) The provider shall have corrections completed within 60 days of the receipt of the "notice of non-compliance"

(5) Except as otherwise provided in this rule, prior to the final action of denying, suspending or revoking approval of a course, the provider shall have the opportunity to request either a formal or informal Administrative Hearing to show cause as to why the action should not be taken.

Specific Authority 61.21(3)(d), (e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

65C-32.008 Revocation of Course Approval.

(1) Section 61.21(3)(d), F.S. says the Department of Children and Family Services may remove a provider who violates this section of the Florida Statutes or its implementing rules, from the approved list of providers.

(2) The following shall subject a parenting course to revocation of approval:

(a) A verified finding that course approval or certification was obtained by fraudulent means such as providing documentation for approval which was based on false documentation;

(b) A verified finding that a course has been altered in any manner such as course contents or change of course materials that are contrary to course requirements per Section 61.21(2), F.S., without written approval from the department;

(c) Providing mental health therapy to participants;

(d) Providing individual legal advice to participants;

(e) Solicitation of participants from the sessions to become private clients or patients;

(f) The use of the Department of Children and Family Services past or present logo.

Specific Authority 61.21(3)(e) FS. Law Implemented 61.21 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia A. Badland

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.004

RULE TITLE: General Regulations Relating to Wildlife Management Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas

to privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-15.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Wildlife Management Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission's regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Nick Wiley, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.004 General Regulations Relating to Wildlife Management Areas.

- (1) through (5) No change.
- (6) Guns:

(a) through (b) No change.

(c) Notwithstanding the provisions of paragraphs (a), (b), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise preempted pursuant to state or federal law.

(d) through (g) No change

(h) Notwithstanding the provisions of paragraph (a), (b), (e), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a wildlife management area, provided they are transporting guns directly to or from said private lands, and

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a wildlife management area and the only legal means of vehicular access is through the wildlife management area, provided they are transporting guns directly to or from said private lands.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-17.004                      RULE TITLE: General Regulations Relating to Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental

Areas to privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-17.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Wildlife and Environmental Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission's regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Nick Wiley, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (5) No change.

(6) Guns:

(a) through (b) No change.

(c) Notwithstanding the provisions of paragraph (a), (b), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise preempted pursuant to state or federal law.

(d) through (g) No change.

(h) Notwithstanding the provisions of paragraph (a), (b), (e), or (f) or specific area regulations in this chapter generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a wildlife and environmental area, provided they are transporting guns directly to or from said private lands, and

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a wildlife and environmental area and the only legal means of vehicular access is through the wildlife and environmental area, provided they are transporting guns directly to or from said private lands.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History--New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-20.004  
 RULE TITLE: Regulations in Fish Management Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow landowners or lease holders and their guests to transport guns through Fish Management Areas to

privately-owned in-holdings and adjacent lands without a permit from the Executive Director, provided that guns are securely encased per Chapter 790, Florida Statutes.

SUMMARY: Subsection (6) of Rule 68A-20.004, F.A.C., would be changed to allow landowners or lease holders and their guests to transport guns through Fish Management Areas while traveling directly to or from privately-owned in-holdings without a permit from the Executive Director, provided the guns are securely encased per Chapter 790, Florida Statutes. The proposed rule also would allow landowners or lease holders and their guests to transport guns through Fish Management Areas while traveling directly to or from private lands that are adjacent to these areas without a permit from the Executive Director when this is the only legal means of vehicular access to the property and provided the guns are securely encased per Chapter 790, Florida Statutes.

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: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

DATES AND TIME: During the Commission’s regular meeting, June 13-14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, Florida

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 IS: Darrell Scovell, Director, Division of Freshwater Fisheries Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

- 68A-20.004 Regulations in Fish Management Areas.
- (1) through (8) No change.
- (9) Guns:

(a) Notwithstanding the specific area regulations in Rule 68A-20.005, F.A.C., generally prohibiting possession of a gun, persons meeting the following requirements are allowed to possess and transport guns within a vehicle or vessel provided the guns are securely encased as defined under Chapter 790, Florida Statutes:

1. Persons and guests of such persons who own or lease private lands within the boundaries of a fish management area, provided they are transporting guns directly to or from said private lands;

2. Persons and guests of such persons who own or lease private lands that are located adjacent or proximal to a fish management area and the only legal means of vehicular access is through the fish management area, provided they are transporting guns directly to or from said private lands.

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, Formerly 39-20.04, Amended 5-10-87, 7-1-92, 7-1-94, 4-1-96, 7-1-97, 7-1-98, Formerly 39-20.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell Scovell, Director, Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

**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.

SUMMARY: The definitions in Rule 68B-21.0015, F.A.C. are amended to more clearly specify the regions of the state where different regulations apply. Rule 68B-21.003, F.A.C. is amended to update a reference to the rule governing snook aquaculture Special Activities Licenses. Rule 68B-21.004, F.A.C. is amended to reduce the length of the existing open season for snook on the Gulf coast by eliminating the first half of December and the month of February. This proposed rule change would result in an open season for snook on the Gulf coast consisting of March, April, September, October and November. Rule 68B-21.005, F.A.C. is amended to adjust the legal size limit for snook on the Gulf coast from 27-34" to 28-33" and on the Atlantic coast from 27-34" to 28-32". Rule 68B-21.006, F.A.C. is amended to decrease the daily bag limit for snook on the Atlantic coast from two (2) fish to one (1) fish. Rule 68B-21.007, F.A.C. is amended to allow the possession of multiple cast nets on board a vessel while fishing for snook.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the regular meeting of the Commission, June 13-14, 2007, 8:30 a.m. until 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, FL 32903

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 RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.0015 Definitions.

(1) "Atlantic Region" means all state waters of the Atlantic Ocean north and east of the Dade-Monroe County line, and all inland waters or part of the counties encompassed by the St. Johns Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County, but including all waters of Lake Okeechobee and the Kissimmee River.

(2) No change.

(3) "Gulf Region" means all state waters of the Gulf of Mexico, the inland waters of Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County and all ~~or part of~~ counties encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District, and all waters of Everglades National Park, but excluding all waters of Lake Okeechobee and the Kissimmee River.

(4) through (8) No change.

~~(9) "State waters of the Atlantic Ocean" means all waters of the state in the Atlantic Region, including all state waters of the Atlantic Ocean and all inland waters of the region, including all waters of Lake Okeechobee and the Kissimmee River.~~

~~(10) "State waters of the Gulf of Mexico" means all waters of the state in the Gulf Region, including all state waters of the Gulf of Mexico and all inland waters of the region, excluding all waters of Lake Okeechobee and the Kissimmee River.~~

~~(9)(11) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02, 7-1-06,\_\_\_\_\_.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule ~~68B-8.012~~ ~~68B-21.008~~, F.A.C.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Formerly 46-21.003, Amended 5-13-02,\_\_\_\_\_.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, regardless of where taken, any snook during the following closed periods, in the indicated areas:

(a) No change.

(b) In ~~all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park~~, during the months of June, July or August.

(c) In ~~all state waters of the Gulf Region Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf of Mexico, and in waters of Everglades National Park~~, during the first 14 days of the month of December, and during the months of February, May, June, July, or August.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02,\_\_\_\_\_.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than twenty-eight (28") ~~twenty-seven inches (27")~~ or greater than thirty-two inches (32") ~~thirty-four inches (34")~~ in total length in the Atlantic Region and less than twenty eight inches (28") or greater than thirty-three inches (33") in the Gulf Region.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, 7-19-06,\_\_\_\_\_.

68B-21.006 Bag and Possession Limits.

(1) In ~~all state waters of the Atlantic Region Ocean north and east of the Dade Monroe County Line, except in waters of Everglades National Park~~, no person, firm or corporation shall kill or harvest more than one (1) ~~two (2)~~ snook per day during the open season, nor possess more than one (1) ~~two (2)~~ snook at any time during the open season.

(2) In ~~all state waters of the Atlantic Ocean south and west of the Dade Monroe County Line, in all state waters of the Gulf Region of Mexico, and in waters of Everglades National Park~~, no person, firm, or corporation shall kill or harvest more than one (1) snook per day during the open season, nor possess more than one (1) snook at any time during the open season.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 3-1-94, 12-31-98, Formerly 46-21.006, Amended 1-1-02,\_\_\_\_\_.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) through (2) No change.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a

~~single~~ cast nets if they are ~~it is~~ secured and stored off the deck of the vessel. Any snook accidentally ~~accidently~~ taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, Amended 6-29-00,\_\_\_\_\_.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:

68B-45.004

68B-45.007

RULE TITLES:

Regulation and Prohibition of Certain Harvesting Gear

Blue Crab Effort Management 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 Effort Management 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 to provide for the smooth implementation of this limited entry program.

SUMMARY: If legislation implementing appropriate penalties and fees associated with the Blue Crab Effort Management Program is not passed in the 2007 Legislature, Rule 68B-45.004, F.A.C. will be amended to extend the moratorium on the issuance of new blue crab endorsements until July 1, 2008, and Rule 68-45.007, F.A.C. will be amended to delay for one year the implementation of the program established by the rule. Various filing and qualification deadlines and start dates for program requirements are amended to reflect the one-year delay in implementation of the program. The date of dissolution of the blue crab advisory board is extended by one year.

If legislation implementing appropriate penalties and fees associated with the Program are passed in the 2007 Legislature, amendments to Rule 68B-45.004, F.A.C., will be withdrawn, and the amendments to Rule 68B-45.007, F.A.C., will include only paragraphs 68B-45.007(3)(a) and 68B-45.007(6)(f), F.A.C. The deadline for qualified persons to receive a hardshell or softshell Blue Crab Effort Management Endorsement to submit their application for the endorsement is extended to September 30, 2007. The deadline for persons wishing to appeal their denial of a non-transferable Blue Crab Effort Management Endorsement is extended to September 30, 2007.

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: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

DATES AND TIME: During the Commission's regular meeting, June 14, 2007, 8:30 a.m. – 5:00 p.m., each day

PLACE: Radisson Suite Hotel Oceanfront, 3101 North Highway A1A, Melbourne, FL 32903

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 RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (8) No change.

(9)(a) No change.

(b) Notwithstanding Section 370.135(2)(a), F.S., effective July 1, ~~2007~~ ~~2006~~, and until July 1, ~~2008~~ ~~2007~~, no blue crab endorsements, except those endorsements that were active during the ~~2006-2007~~ ~~2005-2006~~ fiscal year, shall be renewed or replaced. Persons or corporations holding a blue crab endorsement that was active in the ~~2006-2007~~ ~~2005-2006~~ fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, ~~2007~~ ~~2006~~. All provisions of Sections 370.135(2)(c)-(e), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) No change.

(10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, \_\_\_\_\_.

68B-45.007 Blue Crab Effort Management Program.

(1) Beginning in the ~~2008/2009~~ ~~2007/2008~~ license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) No change.

(3)(a) Except for those qualifying for a non-transferable blue crab effort management endorsement as specified in subsection (6), the Blue Crab Effort Management Endorsement Application must be received by the Commission no later than September 30, ~~2007~~ ~~2006~~. An applicant may be a person, firm, or corporation.

(b) through (c) No change.

(d) Applicants must submit their application to the Commission no later than September 30, ~~2008~~ ~~2007~~. An applicant may be a person, firm, or corporation.

(e) No change.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by September 30 ~~March 31~~, 2007.

(7)(a) No change.

(b) Beginning July 1, ~~2008~~ ~~2007~~, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab effort management endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) through (i) No change.

(8) Effective September 30, ~~2008~~ ~~2007~~, no additional blue crab effort management endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the ~~2009/2010~~ ~~2008/2009~~ license year, each holder of a blue crab effort management endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year ~~2011/2012~~ ~~2010/2011~~, the holder of a blue crab effort management endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), any blue crab effort management endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) through (b) No change.

(11) No change.

(12)(a) through (h) No change.

(i) On July 1, ~~2013~~ ~~2012~~, the board is dissolved unless extended by the Executive Director of the Commission.

(13) through (18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-26-05, Amended 3-30-06, 9-21-06,\_\_\_\_\_.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-2.0010                      RULE TITLE: Educational Facilities  
NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 16, April 20, 2007 Florida Administrative Weekly has been continued from May 15, 2007 to August 21, 2007.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6B-4.010                      RULE TITLE: Instructional Personnel Assessment  
Systems  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 10, March 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6B-4.010                      RULE TITLE: Instructional Personnel Assessment  
Systems  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 3, January 20, 2006 issue of the Florida Administrative Weekly has been withdrawn.