

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-186.017
RULE TITLE: Certificate of Mortgage Release
PURPOSE, EFFECT AND SUMMARY: Rule 69O-186.017, F.A.C., is being repealed as the authorizing statute was repealed.

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

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

SPECIFIC AUTHORITY: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) FS.

IF REQUESTED IN WRITING 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: November 8, 2007, 9:30 a.m.

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.017 Certificate of Mortgage Release.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History--New 3-22-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oil Numbers 1-D and 2-D, and Fuel Oil Numbers 1 and 2
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44
5F-2.016	Guidelines for Imposing Administrative Penalties

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 38, September 21, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09401	Student Performance Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

The following changes were approved by the State Board within the document "Sunshine State Standards -- Mathematics, 2007" as incorporated by reference within the rule:

Benchmark MA.8.G.2.4: Term "Cartesian" changed to "coordinate" in favor of consistent terminology.

Benchmark MA.912.A.1.8 Use the zero product property of real numbers in a variety of contexts to identify solutions to equations.

Benchmark MA.912.C.3.12 Solve problems using the Newton-Raphson method.

Benchmark MA.912.F.3.17 Compare interest rate calculations and annual percentage rate calculations to distinguish between the two rates.

Statistics Standard 5 statement change in order to be consistent with associated benchmarks.

DEPARTMENT OF EDUCATION

State Board of Education

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-3.047 State Building Code Adopted

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule (for the Florida Building Commission) contains an error. This notice indicated that the Notice of Rule Development appeared in the Florida Administrative Weekly on June 27, 2007. This date is incorrect; the correct date for publication is June 8, 2007.

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-10.007 Maintenance of Nonconforming Signs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 31, August 3, 2007 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: A public hearing was conducted on August 28, 2007, as indicated in the notice of rulemaking. Participants at that hearing were given the opportunity to discuss the proposed rule amendment and to provide further written documentation within 30 days of the hearing.

THE TEXT OF THE PROPOSED RULE IS REVISED AS FOLLOWS:

1. In subparagraph 14-10.007(2)(a)1., the added sentence regarding structural alterations is changed to change “intended” to “required” and to add the words “applicable to existing structures” after “... comply with building codes” so that the revised sentence reads as follows:

If the structural alterations are required to be made to comply with building codes applicable to existing structures, the permittee must submit to the Department a statement in writing citing the specific requirement of the building code which the alterations are intended to meet.

2. In paragraph 14-10.007(6)(b), the words “or ‘discontinued’” after the word “abandoned” is not to be deleted in the lead in sentence. Further, part of the language relating to a sign no longer existing at the permitted location is moved from the proposed (6)(c) and (6)(c) itself is deleted so that the section reads as follows:

(b) A nonconforming sign is “abandoned” or “discontinued” when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of 12 months or longer. Signs displaying bona fide public interest messages are not “abandoned” or “discontinued” within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:

1. Signs displaying only an “available for lease” or similar message,
2. Signs displaying advertising for a product or service which is no longer available,
3. Signs which are blank or do not identify a particular product, service, or facility.

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.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for the FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.005	FRS Investment Plan Complaint Procedures
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement
19-11.010	FRS Investment Plan: Privacy

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 32, August 10, 2007 issue of the Florida Administrative Weekly. All of these changes are in response to comments by the Joint Administrative Procedure Committee.

(1) In subsection 19-11.002(5), the following underlined language will be deleted: Beginning with "Alternatively, the member may provide" through to "beneficiary designation form."

(2) In Rule 19-11.003, the following citation shall be added to the history note after "Law Implemented:" 121.77.

(3) In subparagraph 19-11.003(7)(b)3.: the first sentence shall now read: "If the member fails to repay the invalid distribution, the SBA will declare the member a 'retiree' and will pursue repayment of the invalid distribution."

(4) In subparagraph 19-11.005(3)(a)2., the form number shall be Form SBA-RFI 08-2007.

(5) In paragraph 19-11.008(2)(a): the last sentence will now read: "If the member never returns to work for an FRS employer or if the member returns to FRS covered employment 5 years or more after the date of termination, the member will forfeit the unvested account balance and the associated service credit."

(6) In paragraph 19-11.008(3)(b): the following will be added to the sentence: "When the SBA, on behalf of the FRS Investment Plan, becomes aware of any accusation of criminal wrongdoing which might result in a forfeiture, the SBA will put a hold on the member's account to preclude the member from removing his or her money from the account, until a determination is made on whether charges have been filed."

(7) In paragraph 19-11.009(2)(a): the second sentence will now read: "As a retiree, the former member shall not be reemployed with an FRS-covered employer until he has been retired for 12 months, without suspending his benefits."

(8) In subsection 19-11.010(2): the second sentence will now read: "The section does permit the SBA to use this information in an administrative or legal proceeding as necessary."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, 1801 Hermitage Centre, Suite 100, Tallahassee, Florida 32308

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331 RULE TITLE: Modification of Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: 40E-21.521, 40E-21.531, 40E-21.541, 40E-21.551 RULE TITLES: Phase I Moderate Water Shortage, Phase II Severe Water Shortage, Phase III Extreme Water Shortage, Phase IV Critical Water Shortage

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 2547 or (561)682-2547, pkwiat@sfwmd.gov, or Elizabeth D. Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6257 or (561)682-6257, bross@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, jsluth@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-35.003 RULE TITLE: Minimum Requirements

NOTICE OF CORRECTION

Notice is hereby given that the Notice of Rule Withdrawal published in Vol. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly, should have been published as a Notice of Change.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-35.003 RULE TITLE: Minimum Requirements

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule based on comments received from the Joint Administrative Procedures Committee regarding the Notice of Change published Vol. 33, No. 37, September 14, 2007. Subsection (4) will now read:

(4) Employees with an overall rating of either "Below Expectations" or "Unacceptable" shall be considered to have not met their performance expectations for the position during that evaluation period.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-531.300	Application Requirements for Water Well Contractors
62-531.330	Water Well Contractor License Renewal
62-531.450	Unlawful Acts, Grounds for Disciplinary Actions, and Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

62-531.300 Application Requirements for Water Well Contractors.

(1) through (6) No change.

(7) Satisfactory proof of two years experience in the water well construction business shall be demonstrated by providing one or more letters from the applicant's supervising water well contractors that the applicant has worked with the contractors for at least two years in constructing, repairing, or abandoning water wells a list of at least ten water wells, together with their locations, major use, and approximate depth and diameter, that the applicant has constructed, repaired or abandoned. Of the ten wells, at least seven must have been constructed, rather than repaired or abandoned, by the applicant. This list shall provide the name and address of the owner or owners of each well, and the approximate date the construction of each well was completed. For water wells drilled in Florida, a copy of the completion report for each well shall accompany the list. Completion dates of the ten wells needed to demonstrate the two years of experience shall be distributed over a consecutive 24 month period. In addition, the applicant shall provide letters from three persons in the water well construction industry, which for the purposes of this requirement are water well contractors, well drillers, vendors of water well parts or equipment, and government employed well inspectors, attesting to the length of time the applicant has been working in the water well construction business as a major activity.

(8) In order to receive mailings from the Department or the Districts, including notice about the license application, it is advised that ~~The applicant shall~~ informs the District within 30 days of any change of the applicant's address.

62-531.330 Water Well Contractor License Renewal.

(1) through (8) No change.

(9) In order to receive mailings from the Department or the Districts, including notice for license renewal, it is advised that ~~The contractor shall~~ informs the District within 30 days of any change of the contractor's address.

62-531.450 Unlawful Acts, Grounds for Disciplinary Actions, and Penalties.

(1) through (4) No change.

(5) When the District finds a person guilty of any of the grounds for disciplinary action in subsection (4) above, it may enter an order imposing one or more of the following disciplinary actions in accordance with the guidelines established in the Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual, October 2002 ~~November 2006~~.

(a) through (6) No change.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-8.009	Payment of Fines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 23, June 9, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.:	RULE TITLE:
64B18-14.002	Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 33, August 17, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- (1) Subsection (2)(vv) shall be deleted from the rule.
- (2) The title of the rule will be changed from Penalties to Disciplinary Guidelines.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

<p>RULE NOS.:</p> <p>68E-1.002</p> <p>68E-1.004</p> <p>68E-1.0041</p> <p>68E-1.005</p>	<p>RULE TITLES:</p> <p>Introduction, Scope and Definitions</p> <p>General Permit Application</p> <p>Procedures, Requirements and Expiration</p> <p>Authorizations for Marine Turtle Research, Conservation, and Educational Activities</p> <p>Suspension, Revocation and Penalties</p>
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NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 6, February 9, 2007 issue of the Florida Administrative Weekly.

When adopted, it will read as follows:

68E-1.002 Introduction, Scope and Definitions.

(1) Florida Statutes restrict the take, possession, disturbance, mutilation, destruction, selling, transference, molestation, and harassment of marine turtles, nests, or eggs. Protection is also afforded to marine turtle habitat. A specific authorization from Commission staff is required to conduct scientific, conservation, or educational activities that directly involve marine turtles in or collected from Florida, their nests, hatchlings or parts thereof, regardless of the applicant's possession of any federal permit. The authorization may be in the form of a conservation permit, a loan agreement, or a consent permit, as described in Rule 68E-1.0041, F.A.C.

(2) Whenever the Commission determines that a request to conduct research, conservation, or educational activities with marine turtles, their nests, or hatchlings is in the public interest and will advance marine turtle recovery or protect marine turtles, their nests, or habitat, it shall issue authorizations, upon such terms, conditions, or restrictions as are necessary to ensure that the intentions of Section 370.12(1)(c) and (d), F.S. are not violated.

(3) Under agreement with the federal government, the issuance of a permit or other authorization by the Commission may satisfy U.S. Fish and Wildlife Service permit requirements for research, conservation, or educational activities involving Florida marine turtles. An additional permit from the National Marine Fisheries Service might be required for in-water work.

(4) Permits may not be issued for the importation of marine turtles across international boundaries or waters or for head starting, the practice of collecting marine turtle eggs or hatchlings solely for the purpose of raising them until they attain a larger size and then releasing them.

(5) For the purposes of this rule, the following definitions apply:

(a) "Applicant" means the individual who applies for a Marine Turtle Permit from the Commission.

(b) "Conservation purpose" means an act carried out solely for the purpose of maintaining life or habitat of any marine turtle, their nests, hatchlings, or promoting the recovery of marine turtle populations.

(c) "Educational facility" means public or non-public colleges or universities, or nature centers, museums, zoos, aquaria, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.

(d) "Educational purpose" means to hold marine turtles to exhibit, inform and instruct the public in their biology, habitat, or conservation needs.

(e) "Hatchery" means an area of beach where authorized individuals have placed marine turtle nests in aggregated clusters in one location, with or without restraining or protective walls.

(f) "Hatchling" means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

(g) "Marine turtle" means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp's ridley) or hybrids of these species. For purposes of this rule, marine turtle is synonymous with sea turtle.

(h) "Nest" means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

(i) "Nest relocation" means the practice of excavating a nest following deposition and reburying all intact eggs.

(j) "Principal Permit Holder" means the individual authorized to conduct marine turtle conservation activities under the provisions of this Chapter.

(k) "Prudent peer review standards" means criteria or processes arising from scientific methods established or generally accepted by the scientific community to evaluate deductive models, experiments, research proposals, and results that are directed toward the validation of hypotheses or advancement of scientific knowledge.

(l) "Regulatory permit or authorization" means a permit, water quality certificate, or authorization issued pursuant to Florida Statutes Chapters 161 or 373.

(m) "Scientific purpose" means for the purposes of conducting research or analysis using prudent experimental protocols to gain scientific knowledge and to advance conservation, population management, or biological understanding of marine turtles.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History--New _____.

(Substantial Rewording of Rule 68E-1.004 follows. See Florida Administrative Code for present text.)

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) Any individual desiring to obtain authorization to conduct scientific, conservation, or educational activities directly involving marine turtles shall submit an application to the Commission prior to conduct of the activity. Applications shall be submitted on the application form to the Florida Fish and Wildlife Conservation Commission, Tequesta Field Laboratory, 19100 S.E. Federal Highway, Tequesta, FL 33469 unless otherwise directed. Application for Marine Turtle Permit (FWC Form 32-101 effective 7/99) is hereby incorporated by reference. Application forms shall be made available by the Commission to any individuals requesting them in writing from the above-listed submittal address or by telephone.

(2) Any individual who is a properly accredited person in accordance with Section 370.12(1)(c), F.S., has specific experience with marine turtles and the proposed activity, and meets the applicable criteria in this rule section shall be eligible to receive authorization from the Commission to undertake activities for research, conservation, or educational purposes that involve any of the prohibited actions listed in Section 370.12(1)(d)1. and 2., F.S. The Commission shall not issue permits to individuals unable to demonstrate a working knowledge of current marine turtle conservation practices, to individuals lacking specific experience in conducting marine turtle research or conservation activities, to individuals who do not meet the applicable criteria in this rule section, or if there is no demonstrated need for the project.

(3) In addition to those individuals requesting to conduct activities in accordance with subsection (1) above, any individual who is a properly accredited person shall be eligible to receive authorization from the Commission in the form of a loan agreement to possess dead marine turtles or marine turtle parts for educational purposes pursuant to subsection 68E-1.0041(2), F.A.C.

(4) Applicants requesting a Marine Turtle Permit for the first time to conduct nesting surveys as a Principal Permit Holder shall meet the following additional criteria.

(a) Applicants shall have specific experience conducting nesting surveys, including a minimum of two (2) nesting seasons, or two hundred (200) hours, of marine turtle nesting survey experience. State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal land are not required to meet this criteria, but shall submit the following information for their program to document their experience.

(b) To document experience, the applicant shall submit the following information:

1. The specific duties and responsibilities related to marine turtle conservation that have been carried out.

2. The frequency with which nesting surveys were conducted.

3. The area that was surveyed.

4. Whether surveys were conducted independently or with other volunteers.

5. Approximate number of crawls observed during a two (2) year period.

6. List of all of training that was received or presented and name of trainer.

7. Years of program oversight and number of volunteers or staff supervised.

(c) Knowledge – Applicant shall satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to general marine turtle biology, nests, species characteristics, and Commission Marine Turtle Conservation Guidelines. Applicant shall correctly answer 90% of the questions to be eligible to receive a permit.

(d) Education – The Commission shall also consider formal and continuing education course work and work experience in the permitting decision.

(e) References – The applicant shall provide two (2) references, each of whom must have specific marine turtle nesting survey experience in Florida, when the applicant's experience is not based on work that was performed under a Commission-issued permit or when Commission staff requests references after receipt of applicant's documentation of experience. Commission staff will request references when an applicant's claimed experience cannot be corroborated by Commission permit records. These references must be knowledgeable regarding the applicant's responsibilities, performance, and experience in marine turtle nesting surveys. At least one of the references must be a Principal Permit Holder, and it is preferable if both recommendations come from a Principal Permit Holder. Personnel supervised by the applicant should not be used as a reference. Complete addresses, telephone numbers, and e-mail addresses should be provided for each reference.

(5) To qualify to relocate marine turtle nests as a Principal Permit Holder, the applicant shall have a minimum of one (1) nesting season, or twenty-five (25) hours, of marine turtle nest relocation experience, obtained within the past five (5) years. As part of the application, the applicant shall provide complete up-to-date documentation of relocation experience for at least one nesting season, including:

(a) Field data sheets documenting relocation experience signed by the Principal Permit Holder (in Florida) or other biologist with marine turtle nesting survey experience (outside Florida) that oversaw the relocations.

(b) To document experience, the Applicant shall submit the following information:

1. List of relocated nests with reason for relocation.

2. List of beach sites that received relocated nests and explanation of how they were chosen.

3. Hatching success data for all relocated nests.

4. Applicant must satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to marine turtle nest relocation techniques by correctly answering 90% of the questions.

(6) Upon receipt of multiple applications to conduct nesting surveys on a designated beach, Commission staff shall consider the following in permit decisions:

(a) The length of time applicants conducted nesting surveys in that area and their familiarity with the specific beach.

(b) Ability of the applicants to provide the technical information required by a state or federal regulatory permit.

(c) History of compliance of the applicants with all reporting requirements.

(d) History of compliance of the applicants with all provisions of this Chapter.

(e) Consistency in data collection for the Statewide and Index Nesting Beach Surveys.

(7) For all in-water protection or research work, the permittee shall provide evidence of a valid Incidental Take Authorization from the National Marine Fisheries Service issued pursuant to Section 10 or Section 7 of the Federal Endangered Species Act.

(8) In the event a local, state or federal regulatory permit requires additional marine turtle nesting surveys and conservation activities on a beach that is already a part of either the Statewide or Index Nesting Beach Surveys, Commission staff shall modify the existing Marine Turtle Permit to include any additional survey or monitoring requirements if requested in writing by both the Principal Permit Holder and the regulatory permit holder. Otherwise a second authorization to conduct those activities required as conditions of the regulatory permit may be requested pursuant to subsection (1) above.

(a) If a second authorization is issued, only those activities required as conditions of the regulatory permit shall be authorized. All such conservation activities such as marking or relocating nests shall be conducted secondary to the Statewide or Index Nesting Beach Surveys and in cooperation with the Principal Permit Holder authorized to conduct Statewide or Index Nesting Beach Surveys.

(b) Statewide and Index Nesting Beach data shall be submitted to Commission by the Principal Permit Holder.

(9) When marine turtle protection or monitoring is required as a condition of any regulatory permit, a Marine Turtle Permit to conduct such monitoring shall only be issued to an independent third party who can obtain appropriate authorization as required by this rule section. Counties or municipalities with an established marine turtle conservation program, including a Principal Permit Holder, may conduct monitoring for all local government-sponsored activities such as beach nourishment provided the Principal Permit Holder meets all requirements of this Chapter and the primary

responsibility of the Principal Permit Holder and their program is conservation of marine turtles and not the implementation of other programs such as beach management.

(10) The Commission shall issue permits to an individual who is a properly accredited person requesting to conduct stranding activities as a Principal Permit Holder, provided they have evidence of having attended a Commission or National Marine Fisheries Service stranding workshop within one year prior to application.

(11) Applications for authorization to conduct activities for a scientific purpose shall be accompanied by a research proposal or a detailed statement-of-work to be performed.

(a) The Commission, using prudent peer review standards, shall consider the following in permit decisions:

1. Scientific protocols of the application;

2. The need for the research; and

3. The potential for the research to promote the recovery of marine turtle populations.

(b) During the course of the peer review process, the Commission may seek additional information from the applicant or reviewer, or may consult additional reviewers to ensure appropriate peer review of the application.

(c) The Commission will impose restrictions on the permit or deny the application when necessary based on the above assessments. It is the intent of the Commission to provide and follow a consistently applied, science-based mechanism to ensure that applicants use appropriate scientific methodologies when conducting activities that involve manipulative or invasive methods with marine turtles or their nests.

(12) All facilities making application to hold or to rehabilitate marine turtles are subject to inspection by Commission personnel before issuance of a permit and on a periodic basis for the duration of the permit, if issued. To obtain a permit, the facility must do the following:

(a) Install interpretive signs regarding marine turtle conservation at the educational exhibit of marine turtles. The scientific content of such signs shall be submitted for approval by Commission staff prior to installation at the address in subsection (1) above. Commission staff will approve the sign if the information is accurate and will inform and instruct the public in the biology, habitat, or conservation needs of marine turtles. An approved sign must remain in place while captive or educational turtles are on display at the facility.

(b) Veterinary care shall be provided by facilities holding or rehabilitating marine turtles. Veterinarians providing marine turtle care shall have expertise with marine turtles. The facility shall identify the veterinarian who will provide the care at the facility and include documentation of the veterinarian's experience with the application. The veterinarian identified in the application will be listed on the Marine Turtle Permit.

(c) Rehabilitated marine turtles shall be released as soon as they are fit for survival in the wild. The determination of fitness shall be made by the attending veterinarian in consultation with Commission personnel.

(d) All releases shall be coordinated in advance with Commission personnel.

(13) All facilities holding live marine turtles shall complete monthly reporting forms supplied by the Commission and submit them quarterly. Report forms request information on the status of captive marine turtles, acquisitions, deaths, releases and water quality and may be modified periodically. Failure to provide timely reports shall be grounds for the Commission to revoke current permits and to deny future applications for authorization. The Marine Turtle Holding Facility Quarterly Report (FWC Form ST Effective 4/02) is hereby incorporated by reference.

(a) Marine turtles shall not be held for rehabilitation (whether or not the marine turtles are publicly displayed) in conditions detrimental to the turtle, as determined during a site inspection by Commission staff.

(b) Limited educational displays of marine turtles of a threatened species shall be authorized when consistent with the Marine Turtle Conservation Guidelines.

(c) Endangered marine turtles may be held on display in the event that they have been deemed non-releasable as a result of injuries that would preclude their ability to survive in the natural habitat; are of an unknown or non-Florida origin; or were acquired prior to the enactment of the Federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et. seq.*).

(14) All facilities or individuals involved in the rehabilitation of marine turtles shall obtain and maintain a current authorization for euthanasia of threatened and endangered marine turtles from the U.S. Fish and Wildlife Service.

(15) A marine turtle conservation permit, loan agreement, or consent permit issued by the Commission must be in the possession of the named Principal Permit Holder(s) or volunteer at all times during conduct of authorized activities.

(16) Commission Marine Turtle Conservation Guidelines related to nesting surveys, nest relocation, release, and other management or conservation activities shall be distributed as appropriate. The Marine Turtle Conservation Guidelines are hereby incorporated by reference (5/07) and are available at the address listed in subsection (1) above. On a periodic basis, the Commission may develop new guidelines or update existing ones to reflect prudent conservation and research practices related to the recovery of marine turtle populations.

(a) These guidelines, after having been acknowledged in writing by the Principal Permit Holder, shall be included as conditions of the permit.

(b) The failure of the Principal Permit Holder or any individual listed on the permit to follow guidelines of the Commission shall be grounds for the Commission to revoke any current permit or to deny future applications for authorization subject to subsection 68A-5.004(5), F.A.C.

(c) The Principal Permit Holder is responsible for transmitting Commission guidelines to all individuals listed on the permit. Failure of the Principal Permit Holder to properly distribute Commission guidelines and to supervise the activities of others listed on the permit shall be grounds for the Commission to revoke current permits and to deny future applications for authorization.

(d) Principal Permit Holders are expected to attend Commission nesting workshops annually, and stranding workshops every two years. Volunteers are expected to attend these workshops at least once every two years.

(17) Permits for scientific research issued under this Chapter are not valid in state, federal, or local parks, monuments, sanctuaries or preserves without additional permits or concurrence from the appropriate management unit.

(18) All permits shall expire at the end of the calendar year from the date of issuance, or at the end of the permitted project, whichever event occurs first.

(19) Permits are non-transferable and shall be issued to a single applicant acting as the Principal Permit Holder.

(20) The Commission shall allow up to twenty-four volunteers to conduct marine turtle conservation work under the supervision of the Principal Permit Holder when requested by the Principal Permit Holder.

(21) The Commission shall allow additional volunteers under a consent permit when requested by the Principal Permit Holder provided these volunteers are not directly involved in data collection, nesting surveys, or in direct contact with a marine turtle, nest, or hatchlings unless specifically approved by Commission staff. The request must list each additional volunteer, specify the activity in which they will participate, and describe the training provided for that activity.

(22) The permit will be issued to include all authorized personnel, each of which must be named on the permit prior to field work. The Principal Permit Holder and other individuals listed on the permit shall have the permit or a copy thereof upon their person while conducting work with marine turtles, their nests, or hatchlings.

(23) Renewal of existing Marine Turtle Permits shall occur as follows:

(a) Commission staff shall provide a reminder to each Principal Permit Holder each fall.

(b) All renewal requests, forms, and reports required pursuant to this section shall be submitted to the Commission Tequesta office approximately two months prior to the expiration of the existing permit.

(c) Permit renewals shall be based upon satisfactory compliance with the conditions of the existing permit, receipt of all reports for authorized activities, compliance with the Marine Turtle Conservation Guidelines for authorized activities, the need for a specific activity, and response to Commission staff upon request for information related to authorized activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12(1) FS. History--New _____.

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities.

(1) Activities that require a conservation permit include, but are not limited to, any actions associated with a living or stranded marine turtle, its nest, or hatchlings such as:

(a) Any research or conservation activities; or

(b) Any educational activities, including, but not limited to, educational displays or public awareness walks.

(c) Hatcheries shall not be approved unless authorized in an incidental take authorization from the U.S. Fish and Wildlife Service.

(2) Activities involving use of any dead marine turtle or parts thereof shall be authorized by a loan agreement. Authorization For Loan of Marine Turtle Specimens (FWC Form ST-LA effective 5/07) is hereby incorporated by reference.

(3) The following activities shall be authorized by a consent permit:

(a) Transfer of marine turtles, or parts thereof, to or from permit holders into or out of the state of Florida;

(b) Limited consumptive use of marine turtle parts for research;

(c) One-time events or minor activities that are not of a sufficient magnitude to require a conservation permit or a modification to an existing conservation permit;

(d) Actions undertaken in response to an emergency officially designated by the appropriate officials of the state of Florida; or

(e) Actions that are a result of short term collaboration with Commission staff, such as directed research or management activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History--New _____.

(Substantial rewording of Rule 68E-1.005 follows. See Florida Administrative Code for present text.)

68E-1.005 Suspensions and Revocation.

(1) Non-compliance with permits issued under the provisions of this Chapter is subject to the following actions:

(a) Failure to fulfill reporting requirements or respond to other information requests shall constitute a minor violation of this rule. Such a violation shall cause the Commission to issue

a notice of noncompliance to the permittee, and issuance of subsequent year permits shall not proceed until the permittee fulfills all such requirements.

(b) Permittee shall be subject to permit suspension or revocation by the Commission if it finds that the permit holder has violated this Chapter, Chapter 370, F.S., Titles 68 or 46, F.A.C., state or federal wildlife protection acts or codes, submitted false information in the application, has deviated significantly from the approved activity, or has violated conditions under which the permit was originally issued.

(2) Permits issued under this Chapter are subject to the provisions of Rule 68A-5.004, F.A.C.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History--New _____.

Section IV Emergency Rules

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 THE LOTTERY

RULE NO.:

RULE TITLE:

53ER07-58

\$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing

SUMMARY OF THE RULE: The Department of the Lottery will conduct a Hold 'Em Poker "Win A Seat" Second Chance Drawing between October 1, 2007 and December 2, 2007, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-58 \$100,000 Hold 'Em Poker™ "Win A Seat" Second Chance Drawing.

(1) Beginning Monday, October 1, 2007 through Sunday, December 2, 2007, players can enter their non-winning \$100,000 Hold 'Em Poker™ ticket(s) in the "Win a Seat" Second Chance Drawing on the Florida Lottery Web site to win World Poker Tour® prizes.

(2) The "Win a Seat" Second Chance Drawing will be held on December 5, 2007. A total of 10 prizes will be awarded: one Grand Prize of a World Poker Tour – Tournament prize package with entry into a World Poker Tour Tournament and