

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-45.007
 RULE TITLE: Blue Crab Effort Management Program

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. 19, May 11, 2007 issue of the Florida Administrative Weekly.

68B-45.007 Blue Crab Effort Management Program.

(1) through (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.

(4) through (5) No change.

(6)(a) through (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.

(g) through (n) No change.

(7) 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,_____.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12DER07-05
 RULE TITLE: Forms for Use in Administering House Bill 1B

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Enrolled HB 1B, as signed by the Governor on

June 21, 2007, authorizes the Department of Revenue to adopt emergency rules that remain in effect for 18 months and that may be renewed. This act further provides that all conditions imposed by Chapter 120, Florida Statutes, are deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Enrolled HB 1B, as signed by the Governor on June 21, 2007. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The forms included here relate to actions required by law to be taken on or before July 1, 2007 and July 2, 2007. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity, to review and comment. These interested parties include Property Appraisers and the professional associations that represent them, counties, municipalities, and independent districts, and their associations, and practitioners who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: testing the email addresses and fax numbers of interested parties to ensure the Department’s communications are successfully received; requesting the assistance of other state agencies and professional associations in obtaining correct email and mail addresses; establishing several new Department email addresses to make it easier for interested parties to submit comments and questions to the agency; establishing a new website on which to post information, forms, and procedures associated with implementation of this act; emailing and/or mailing copies of the draft forms to interested parties; and, the public circulation of the Form DR-420 and comments received in response, were used in the development of Form DR-420S that is substantially similar to Form DR-420.

SUMMARY: Emergency Rule 12DER07-05 (Forms for Use in Administering House Bill 1B) adopts by reference six forms: A) Three Truth in Millage forms-1) Revised form DR-420 (Certification of Taxable Value; R. 06/07); this form is used by each Property Appraiser to certify taxable value and used by each local taxing authority to certify property tax millages and rates. 2) New form DR-420TIF (Tax Increment Adjustment Worksheet; N. 06/07); this form is used by each Property Appraiser to determine and certify tax increment values for the applicable local taxing authorities in the county; 3) Revised form DR-420S (Certification of School Taxable Value; R. 06/07); this form is used by each Property Appraiser to certify taxable value and to be used by each district school board to certify property tax millages and rates. B) Two forms to be used by Property Appraisers and Chairs of local governing bodies for reporting purposes (on or before July 2, 2007)-1)

New Form DR-426 (For Use by Property Appraisers; Report on the Correctness of Total Tax Levies; N. 06/07); This form is used by each property appraiser to report on the correctness of the amount of the property taxes levied that will be used by the Department to calculate each jurisdiction's compound annual growth rate. 2) New Form DR-427 (For Use by Chair of Local Governing Body; Report on the Correctness of Total Tax Levies; N. 06/07); this form is used by each chair of the local governing body to report on the correctness of the amount of the property taxes levied that will be used by the Department to calculate each jurisdiction's compound annual growth rate. C) Informational material – New form DR-425 (Steps for Reviewing Taxes Levied Used in Determining Fiscal Year 2007-08 Maximum Millage Levies Under HB 1B; N. 6/2007); this form discusses certain actions to be taken by local governing bodies and officials under House Bill 1B.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sharon Gallops, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)414-6108; Fax (850)488-9482; email address gallops@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER07-05 Forms for Use in Administering House Bill 1B.

(1)(a) Emergency Rule 12DER07-05 applies to the property tax administered under Chapters 192 through 197, 200, and 218, F.S., and House Bill 1B relating to certain actions to be taken by local governments and officials under House Bill 1B.

(2) This rule subsection adopts and incorporates by reference the following truth in millage forms:

(a) Form DR-420, Certification of Taxable Value (R. 06/07, hereby incorporated by reference), is the form to be used by each Property Appraiser to certify taxable value and to be used by each local taxing authority to certify property tax millages and rates.

(b) Form DR-420TIF, Tax Increment Adjustment Worksheet (N. 06/07, hereby incorporated by reference) is the form to be used by each Property Appraiser to determine and certify tax increment values for the applicable local taxing authorities in the county.

(c) Form DR-420S, Certification of School Taxable Value (R. 06/07, hereby incorporated by reference) is the form to be used by each Property Appraiser to certify school taxable value and to be used by each district school board to certify property tax millages and rates.

(3) This rule subsection adopts and incorporates by reference the following forms:

(a) Form DR-426, For Use by Property Appraisers; Report on the Correctness of Total Tax Levies (N. 06/07, hereby incorporated by reference) is the form to be used by each property appraiser to report on the correctness of the amount of the property taxes levied that will be used by the Department to calculate each jurisdiction's compound annual growth rate.

(b) Form DR-427, For Use by Chair of Local Governing Body; Report on the Correctness of Total Tax Levies (N. 06/07, hereby incorporated by reference) is the form to be used by each chair of a local governing body to report on the correctness of the amount of the property taxes levied that will be used by the Department to calculate each jurisdiction's compound annual growth rate.

(4) Steps for Reviewing Taxes Levied Used in Determining Fiscal Year 2007-08 Maximum Millage Levies Under House Bill 1B – this rule subsection adopts and incorporates by reference form DR-425, Steps for Reviewing Taxes Levied Used in Determining Fiscal Year 2007-08 Maximum Millage Levies Under House Bill 1B (N. 06/07, hereby incorporated by reference). It is informational material relating to actions to be taken by local governments and officials under House Bill 1B, signed by the Governor June 21, 2007.

(5) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority Section 9 of House Bill 1B as signed by the Governor on June 21, 2007. Law Implemented Sections 1 through 11 of House Bill 1B as signed by the Governor on June 21, 2007. History–New 6-27-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 27, 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 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."

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

<p>RULE NO.: 68BER07-1</p>	<p>RULE TITLE: Emergency Reinstatement of Blue Crab Endorsement Moratorium and Suspension of Implementation of the Blue Crab Limited Entry Endorsement Program</p>
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The 1998 Florida Legislature imposed a moratorium on new blue crab endorsements at the request of the commercial blue crab industry, with the support of the Florida Marine Fisheries Commission, while an effort management or limited entry program was being developed by the Commission and the industry. That moratorium was extended by the new Florida Fish and Wildlife Conservation Commission in 2002, 2005, and 2007, as the new program approached completion and legislation to authorize fees and set penalties was sought. The original and continuing purpose of the endorsement moratorium was to stabilize the fishery by not allowing new entrants prior to implementation of an effort management plan. Pursuant to the provisions of paragraph 68B-45.004(9)(a), F.A.C., the moratorium is scheduled to expire July 1, 2007.

The Fish and Wildlife Conservation Commission has adopted rules that would implement the final effort management plan for the commercial blue crab fishery that would take effect July 1, 2007. Indispensable to the program are the penalties applicable to specific requirements and prohibitions in the implementing rules of the Commission and fees to be charged by the Commission under the program. These penalties and fees are not within the authority of the Commission to set, but rather are constitutionally the responsibility of the Florida Legislature. In the recently-concluded legislative session, the bill that would have set those penalties and fees passed, but has yet to be acted upon by the Governor.

Without the penalties and fees necessary to the program, the Commission finds that implementation of the blue crab effort management program would be detrimental to the commercial blue crab fishery and imperil any success that might be expected from immediate implementation of the program. Therefore, the Commission also finds that there is an immediate danger to the public welfare if immediate action is not taken to extend the moratorium on issuance of new commercial blue crab endorsements until it is known whether the Governor will sign the legislation or allow it to become law.

The Commission is already engaged in regular rulemaking to extend the moratorium on issuance of new blue crab endorsements, and delay the start of the new effort management program for this fishery, for one year, if the legislation to establish appropriate penalties and fees does not become effective. Part of the Commission's current regular rulemaking effort would also provide for smooth implementation of the new program if the legislation does become effective. This emergency action will provide the opportunity to make sure that all parts of this important plan are implemented at the same time, to avoid confusion among the participants in the fishery.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: On May 1, 2007, the Florida Legislature enacted legislation adopting penalties and fees for the blue crab effort management program. An agenda for the June 13-14, 2007, meeting of the Fish and Wildlife Conservation Commission was published which included notice to the public that an emergency rule might be necessary to deal with the contingencies surrounding the legislative process. A similar emergency rule was adopted at the June 2006 Commission meeting, after legislation adopting fees and penalties for the blue crab program failed to pass during the 2006 session. Extension of the moratorium on issuance of new blue crab endorsements has occurred a number of times over the years and is not an unusual event for participants in the fishery. This emergency rule was approved at the Commission's meeting on June 14, 2007, at which meeting appeared participants in the blue crab commercial fishery. Notice of this action was provided by press release to the news media immediately upon conclusion of the meeting.

The entire text of this emergency rule, including the findings required by Section 120.54(4), Florida Statutes, is to be published in the Florida Administrative Weekly and distributed to the Joint Administrative Procedures Committee of the Florida Legislature.

The Florida Fish and Wildlife Conservation Commission hereby finds that the procedures used to promulgate this emergency rule are fair under the circumstances.

SUMMARY: Emergency Rule 68BER07-1 extends the moratorium on issuance of new blue crab endorsements as it exists in paragraph 68B-45.004(9)(b), F.A.C., for the pendency

of the emergency rule, which will be for 90 days or upon the effectiveness of permanent rule amendments, whichever occurs sooner.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE EMERGENCY RULE IS:

Beginning July 1, 2007, and ending 90 days later or when a permanent rule amendment becomes effective to replace this emergency rule, whichever occurs first, paragraph (9)(b) of Rule 68B-45.004, F.A.C., is amended to read:

68BER07-1 (68B-45.004) Emergency Reinstatement of Blue Crab Endorsement Moratorium and Suspension of Implementation of the Blue Crab Limited Entry Endorsement Program Regulation and Prohibition of Certain Harvesting Gear.

(1) through (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) through (10) No change.

EFFECTIVE DATE JULY 1, 2007.

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, 7-1-07.

THIS RULE TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.

EFFECTIVE DATE: July 1, 2007

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on May 10, 2007, the Criminal Justice Standards and Training Commission has issued an order. The Criminal Justice Standards and Training Commission (CJSTC) received on April 26, 2007, a petition for waiver of Rule 11B-27.002, F.A.C., from Sean Michael O’Flannery. The Petitioner requested that he be given more than four years from the date he began basic recruit training to pass the State Officer Certification Examination (SOCE) and find employment. Notice of the petition was published in the F.A.W., Vol. 33, No. 20, May 18, 2007. The CJSTC granted the requested waiver on May 10, 2007, at its regularly scheduled business agenda meeting in Naples, Florida. The order grants the Petitioner six months from the date of the order to pass the SOCE and become employed.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

NOTICE IS HEREBY GIVEN THAT on May 11, 2007, the Criminal Justice Standards and Training Commission has issued an order. The Criminal Justice Standards and Training Commission (CJSTC) received from Chipola Community College on March 30, 2007, a petition for waiver of Rule 11B-35.001, F.A.C. Petitioner requested that the CJSTC waive the rules regulating the certification of instructors for one of its instructors who met all of the requirements to be a certified instructor, but whose information was never sent in by Petitioner to be processed by Commission staff. Notice of this petition was published in the F.A.W., Vol. 33, No. 15, April 13, 2007. The CJSTC took action on this petition at its regularly scheduled business agenda meeting in Naples, Florida, May 10, 2007. The CJSTC voted to grant the petition.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489.

NOTICE IS HEREBY GIVEN THAT on June 19, 2007, the Criminal Justice Standards and Training Commission, received a petition for waiver of subsection 11B-20.0017(1), F.A.C., from Kimberley Nolle. Petitioner wishes to waive the requirement that she complete the General Instructor Refresher Course before her lapsed instructor certification can be renewed.