

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

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PURPOSE AND EFFECT: The purpose of these amendments is to clarify definitions and requirements for seed source trees now that there is some evidence citrus greening could be

transmitted by seed. Also requirements for top-working are clarified and additional provisions have been made for researchers to conduct field trials.

SUBJECT AREA TO BE ADDRESSED: Citrus Nursery Stock Certification Program.

SPECIFIC AUTHORITY: 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS.

LAW IMPLEMENTED: 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Richard Gaskalla, Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S. W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-62.001 Definitions.

For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) African citrus psyllid. The insect known as African citrus psyllid, *Trioza erytrae*, classified in the order Homoptera, Family Psyllidae, and all of its life stages. It is a vector of citrus greening.

(2) Approved citrus nursery site. A defined area, which meets the certification requirements as prescribed by the Department.

(3) Approved soil pit. A soil source used for fill purposes, highway or road construction, or as an ingredient in plant growing or potting media which meet the Department requirements as to the absence of injurious nematodes of citrus.

(4) Asian citrus psyllid. The insect known as Asian citrus psyllid, *Diaphorina citri* Kuwayama, classified in the order Homoptera, Family Psyllidae, and all of its life stages. It is a vector of citrus greening.

(5) Australian Citrus Dieback. A disease from Australia similar to citrus greening, but for which neither the causal organism nor the vector has been characterized and identified.

(6) Barrier. An area of land of sufficient width and length located or established in a manner to prevent or suppress the natural or artificial spread of nematodes or other pathogens of citrus from an infested property to another property.

(7) Brown citrus aphid. *Toxoptera citricida* (Kirkaldy), classified in the order Homoptera, Family Aphididae, and all of its life stages.

(8) Budwood. A portion of a stem or branch with a vegetative bud(s) used in propagation for budding or grafting.

(9) Certified citrus nursery. A nursery which has been certified by the Department as meeting the requirements for production of citrus nursery stock free of pests of citrus.

(10) Certified Tree. A scion tree meeting all the requirements of Chapter 5B-62, F.A.C., but not yet having borne fruit or nursery trees propagated from a certified scion tree.

(11) Citrus. All species of the genera Citrus, Poncirus, and Fortunella including any hybrids thereof.

(12) Citrus blight. A root graft-transmissible disease of unknown etiology associated with xylem dysfunction which results in wilting and slow decline of trees.

(13) Citrus Budwood Foundation Grove. Plantings of ~~pathogen-tested~~ citrus trees, maintained by the Bureau of Citrus Budwood Registration, representing major commercial varieties and rootstocks for the purposes of horticultural observation, ~~and distribution of budwood to Florida growers.~~

(14) Citrus canker. A bacterial disease of citrus incited by the organism *Xanthomonas axonopodis* pv. Citri.

(15) Citrus cachexia viroid (xyloporosis, Citrus viroid II). A graft- and mechanically-transmissible viroid incited by the organism Hop Stunt viroid in the Pospoviridae family and Hostuviroid genus. Disease symptoms include phloem deterioration and blockage in many mandarin, mandarin hybrids, Citrus macrophylla Wester, Rangpur lime, and sweet lime. This disease causes decline, stunting, and crop reduction. Citrus exocortis viroid. A graft and mechanically-transmissible pathogen incited by the organism Citrus exocortis viroid in the Pospoviridae family and Pospovirid genus. Disease symptoms include tree decline, stunting of growth, scaling and shelling of the rootstock bark of Poncirus trifoliata and many P. trifoliata hybrids and Rangpur lime.

(16) Citrus Chlorotic Dwarf (CCD). A graft-transmissible disease vectored by the bayberry whitefly, *Parabemisia myricae*, classified in the order Homoptera and family Aleyrodidae. It is a disease of the Eastern Mediterranean causing chlorotic patterns and distortion in young leaves, stunting of young trees and reduced yields in lemon, mandarin, grapefruit and to a lesser degree, sweet orange. Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter* spp., or huanglongbing (also known as yellow dragon disease) and vectored by *Diaphorina citri* and *Trioza erytrae*. May be transmitted by seed. Disease symptoms include mottled foliage, asymmetrical bitter fruit and trees which become non-productive.

(17) Citrus exocortis viroid. A graft- and mechanically-transmissible pathogen incited by the organism Citrus exocortis viroid in the Pospoviridae family and Pospovirid genus. Disease symptoms include tree decline, stunting of growth, scaling and shelling of the rootstock bark

of *Poncirus trifoliata* and many P. trifoliata hybrids and Rangpur lime. Citrus Nursery Stock Certification Program. A mandatory program administered by the Division of Plant Industry whereby nurserymen, growers and other people propagating citrus, including all dooryard, own-use and commercial plantings, are required to propagate citrus in accordance with these rules.

(18) Citrus greening. A phloem-limited bacterial disease of citrus and citrus relatives incited by the organism *Candidatus Liberibacter* spp., or huanglongbing (also known as yellow dragon disease) and vectored by *Diaphorina citri* and *Trioza erytrae*. May be transmitted by seed. Disease symptoms include mottled foliage, asymmetrical bitter fruit and trees which become non-productive. Citrus tristeza virus. A graft transmissible closterovirus in the Closteroviridae which is transmitted by aphids (primarily brown citrus aphid, *Toxoptera citricida*). Severe strains, as opposed to mild strains, of the virus cause severe stem pitting, seedling yellows, or quick decline on sour orange rootstock which result in reduced crops or loss of trees.

(19) Citrus Leaf Blotch Virus (CLBV). Also known as Dweet Mottle, it is a wide-spread, graft-transmissible and seed-transmissible disease with no known vector. It is incited by a virus that is expected to be placed in a new genus in the Flexiviridae. It may cause a bud-union disorder in certain varieties on specific rootstocks. Citrus viroids. Viroids in the family Pospoviridae and the genus Apseaviroid (Citrus bent leaf viroid, Citrus viroid I), Citrus viroid III, and the genus Cocaviroid (Citrus viroid IV), in addition to citrus exocortis viroid and citrus cachexia viroid (xyloporosis, Citrus Viroid II).

(20) Citrus Leprosis Virus (CiLV). A non-systemic virus disease incited by a virus in the Nucleorhabdovirus genus in the Rhabdoviridae family, is vectored by mites in the *Brevipalpus* genus. It is a problem in Brazil through to upper Central America. It causes a non-systemic infection in citrus with local necrotic lesions on fruit and leaves with leaf and fruit drop, twig die back and where the vector is not controlled, death of the tree. Citrus cachexia viroid (xyloporosis, Citrus viroid II). A graft and mechanically-transmissible viroid incited by the organism Hop Stunt viroid in the Pospoviridae family and Hostuviroid genus. Disease symptoms include phloem deterioration and blockage in many mandarin, mandarin hybrids, Citrus macrophylla Wester, Rangpur lime, and sweet lime. This disease causes decline, stunting, and crop reduction.

(21) Citrus Nursery Stock Certification Program. A mandatory program administered by the Division of Plant Industry whereby nurserymen, growers and other people propagating citrus, including all dooryard, own-use and commercial plantings, are required to propagate citrus in accordance with these rules. Citrus Chlorotic Dwarf (CCD). A graft transmissible disease vectored by the bayberry whitefly,

Parabemisia myricae, classified in the order Homoptera and family Aleyrodidae. It is a disease of the Eastern Mediterranean causing chlorotic patterns and distortion in young leaves, stunting of young trees and reduced yields in lemon, mandarin, grapefruit and to a lesser degree, sweet orange.

(22) Citrus Psorosis Virus (CPsV). A graft-transmissible virus thought to also be transmitted by a soil fungus in the *Olpidium* genus. Mild psorosis A, and Severe, psorosis B, are caused by viruses in the *Ophiovirus* genus, which is not yet assigned to a virus family. Symptoms include bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, and/or eventual tree decline. May be seed transmitted. Citrus Leaf Blotch Virus (CLBV). Also known as Dweet Mottle, it is a wide spread, graft transmissible and seed transmissible disease with no known vector. It is incited by a virus that is expected to be placed in a new genus in the *Flexiviridae*. It may cause a bud union disorder in certain varieties on specific rootstocks.

(23) Citrus Stubborn. A graft-transmissible disease that is incited by *Spiroplasma citri* and vectored by several species of leaf hopper (Homoptera: *Cicadellidae*). Symptoms include buds on newly budded trees not sprouting, acorn-shaped fruit on diseased trees, small shoots and leaves, the presence of witches' brooms, and flowering out of season. It is present in California and Arizona. Citrus Leprosis Virus (CiLV). A non-systemic virus disease incited by a virus in the *Nucleorhabdovirus* genus in the *Rhabdoviridae* family, is vectored by mites in the *Brevipalpus* genus. It is a problem in Brazil through to upper Central America. It causes a non-systemic infection in citrus with local necrotic lesions on fruit and leaves with leaf and fruit drop, twig die back and where the vector is not controlled, death of the tree.

(24) Citrus Sudden Death. A disease of unknown etiology thought to have an insect vector. Symptoms include rapid decline of trees budded on Rangpur lime and to a lesser extent on Volkamer lemon in Brazil. Citrus Psorosis Virus (CPsV). A graft-transmissible virus thought to also be transmitted by a soil fungus in the *Olpidium* genus. Mild psorosis A, and Severe, psorosis B, are caused by viruses in the *Ophiovirus* genus which is not yet assigned to a virus family. Symptoms include bark-scaling, internal wood staining, ringspots or irregular chlorotic patterns in the foliage, and/or eventual tree decline. May be seed transmitted.

(25) Citrus Tatter Leaf Virus. A graft- and mechanically-transmitted disease incited by a virus also called citrange stunt or apple stem grooving virus in the *Capillovirus* genus which is assigned to the virus family *Flexiviridae*. Symptoms include a severe bud-union crease, which affects trees on trifoliate orange or trifoliate orange hybrid rootstocks causing death of the tree. Citrus Stubborn. A graft transmissible disease that is incited by *Spiroplasma citri* and vectored by several species of leaf hopper (Homoptera:

Cicadellidae). Symptoms include buds on newly budded trees not sprouting, acorn-shaped fruit on diseased trees, small shoots and leaves, the presence of witches' brooms, and flowering out of season. It is present in California and Arizona.

(26) Citrus tristeza virus. A graft-transmissible closterovirus in the *Closteroviridae* which is transmitted by aphids (primarily brown citrus aphid, *Toxoptera citricida*). Severe strains, as opposed to mild strains, of the virus cause severe stem pitting, seedling yellows, or quick decline on sour orange rootstock which result in reduced crops or loss of trees. Citrus Sudden Death. A disease of unknown etiology thought to have an insect vector. Symptoms include rapid decline of trees budded on Rangpur lime and to a lesser extent on Volkamer lemon in Brazil.

(27) Citrus Variegated Chlorosis (CVC). A graft-transmissible disease incited by a strain of *Xylella fastidiosa*, a fastidious xylem inhabiting bacterium which is vectored by many species of sharp shooters (Homoptera: *Cicadellidae*). It is also seed transmitted. It is found in Brazil and up into Central America. Affected trees are stunted with dieback and have fruit that are small and ripen early. Citrus Tatter Leaf Virus. A graft- and mechanically-transmitted disease incited by a virus also called citrange stunt or apple stem grooving virus in the *Capillovirus* genus which is not assigned to the a virus family *Flexiviridae*. Symptoms include a severe bud-union crease, which affects trees on trifoliate orange or trifoliate orange hybrid rootstocks causing death of the tree.

(28) Citrus Vein-Enation Virus (CVEV). A graft-transmissible disease also called woody gall is also transmitted in a persistent manner by aphid vectors including *Toxoptera citricida*, *Myzus persicae* and *Aphis gossypii* (Homoptera: *Aphididae*). It is thought to be incited by a virus of unknown etiology possibly closely related to the *Luteoviridae*. It is widespread throughout the cooler citrus growing regions of the world and is present in California. It is symptomless in the majority of citrus cultivars and is not considered of major economic importance. Wood galls are formed on the trunks and branches of rough and Volkamer lemons. Severe infection on these rootstocks has been reported to eventually cause tree decline. Citrus Variegated Chlorosis (CVC). A graft-transmissible disease incited by a strain of *Xylella fastidiosa*, a fastidious xylem inhabiting bacterium which is vectored by many species of sharp shooters (Homoptera: *Cicadellidae*). It is also seed transmitted. It is found in Brazil and up into Central America. Affected trees are stunted with dieback and have fruit that are small and ripen early.

(29) Citrus viroids. Viroids in the family *Pospeiviroidae* and the genus *Apscaviroid* (*Citrus bent leaf viroid*, *Citrus viroid I*, *Citrus viroid V*), *Citrus viroid III*, and the genus *Cocaviroid* (*Citrus viroid IV*), in addition to citrus exocortis viroid and citrus cachexia viroid (*xyloporosis*, *Citrus Viroid*

~~II). Citrus Vein Enation Virus (CVEV). A graft-transmissible disease also called woody gall is also transmitted in a persistent manner by aphid vectors including *Toxoptera citricida*, *Myzus persicae* and *Aphis gossypii* (Homoptera: Aphididae). It is thought to be incited by a virus of unknown etiology possibly closely related to the Luteoviridae. It is widespread throughout the cooler citrus growing regions of the world and is present in California. It is symptomless in the majority of citrus cultivars and is not considered of major economic importance. Wood galls are formed on the trunks and branches of rough and Volkamer lemons. Severe infection on these rootstocks has been reported to eventually cause tree decline.~~

(30) Citrus Yellow Mosaic Virus (CYMV). A graft- and mechanically transmissible disease, it is also vectored by the citrus Mealybug, *Planococcus citri* (Homoptera: Pseudococcidae). It is incited by a Badnavirus in the Caulimoviridae family. Symptoms include yellow mosaic on leaves, reduced leaf size, stunted trees and fruit with elevated green areas and depressed yellow patches. It is known to be in India.

(31) Clone. An asexually reproduced cultivar; a group of genetically uniform plants that have been propagated vegetatively from a single original plant.

~~(32) Commercial citrus grove. A solid set planting of 40 or more citrus trees. Commercial citrus nursery stock. Citrus nursery stock to be used in or for establishing a planting of 40 or more citrus trees.~~

~~(33) Commercial citrus nursery stock. Citrus nursery stock to be used in or for establishing a planting of 40 or more citrus trees. Commercial citrus grove. A solid set planting of 40 or more citrus trees.~~

(34) Concave gum/blind pocket. ~~Graft~~ Graft-transmissible pathogens causing infected trees to have concavities in the trunk and main branches. The disease is found in most citrus-growing areas where it reduces yield and tree vigor. May be seed transmitted.

(35) Cooperating agencies. The University of Florida and the United States Department of Agriculture shall be regarded as cooperating agencies.

(36) Decline. A tree that is unthrifty and shows receding vigor, and/or has a significant amount of dieback.

(37) Dooryard citrus nursery stock. Citrus plants to be used only in a residential setting or for establishing a planting of less than 40 citrus trees.

(38) ELISA. Enzyme-Linked ImmunoSorbent Assay. A sensitive laboratory test which uses antibodies coupled with indicators to detect the presence of viruses.

(39) Florida gummosis. A disease of unknown etiology characterized by bark cracks and gumming of scions. This disease is called Rio Grande gummosis in Texas and ferment gum disease in California.

(40) Foundation tree. A citrus tree owned and maintained by the Department in accordance with Rule 5B-62.014, F.A.C., that is used for horticultural evaluation and to provide a source of budwood to nurserymen, primarily for establishing scion and increase trees.

(41) Graft-transmissible pathogens. Disease agents spread by vegetative propagation to include, but not limited to, budding, grafting, air-layering, and cuttings. This general term includes known viruses, viroids, bacteria, spiroplasmas, and other non-identified virus-like pathogens of citrus.

(42) Horticulturally true-to-type. A plant which conforms to the description of a particular cultivar and which is from the same genetic line of descent as that cultivar.

(43) Increase trees. Specially designated nursery propagations made to rapidly multiply supplies of propagative material for citrus nursery tree production and meeting all the requirements of Rule 5B-62.016, F.A.C.

(44) Indian Citrus Ringspot virus. A disease of mandarin in India incited by a Mandarivirus in the Flexiviridae family.

(45) Melon aphid. *Aphis gossypii* Glover, classified in the order Homoptera, Family Aphididae, and all of its life stages that is also known as the cotton aphid. It is a vector of citrus tristeza virus.

(46) Parent tree. A mature bearing citrus tree that has met all of the requirements of Rule ~~5B-62.013~~ 5B-62.007, F.A.C., and has been registered with the Department.

(47) PCR. Polymerase Chain Reaction. A highly sensitive laboratory test that can detect small amounts of DNA or RNA in a plant tissue sample by amplification of a specific DNA or RNA segment.

(48) Progeny nursery tree. A citrus nursery tree produced from budwood from a registered source tree in accordance with instructions outlined in this rule chapter.

(49) Propagative material. Any live plant material used to produce nursery stock, including cuttings, budwood, seeds, seedlings, air layers and tissue culture.

(50) Registration. The process of certifying source trees as being virus-tested and meeting the requirements of these rules, including annual renewal by notification and fee payment.

(51) Rootstock. A plant used as the recipient understock in budding or grafting.

(52) Satsuma Dwarf Virus. A graft- and mechanically-transmissible disease which apparently also has a non-nematode soil vector. It is incited by a Nepovirus Sadwavirus which is ~~not yet~~ assigned to the a viral family Comoviridae. Satsuma trees infected with SDV will also display a range of leaf symptoms including narrow, boat or spoon-shaped leaves, the surface of which is often distorted or crinkled. A severely affected tree has poor fruit-set and its fruit are small and irregularly shaped, and tree vigor is reduced.

(53) Scion tree. A citrus tree grown in accordance with Rule 5B-62.015, F.A.C., from budwood taken from a registered foundation tree and registered with the Department

~~as a source of budwood. Seed source tree. A tree that is registered by a certified nursery and supplies seed for propagation, which has been determined by the Department as being apparently horticulturally true-to-type, and if of the genus Poncirus or its hybrids have been tested for citrus greening once at the owner's expense and found free of psorosis and other seed-transmitted diseases listed in Rule 5B-62.003, F.A.C. and originates unless propagated from a foundation or parent tree.~~

~~(54) Seed source tree. A tree that is registered by a certified nursery and supplies seed for propagation, determined by the Department as being apparently horticulturally true-to-type, tested for citrus greening and other seed-transmitted diseases listed in Rule 5B-62.003, F.A.C. and originates from a foundation or parent tree. Scion tree. A citrus tree grown in accordance with Rule 5B-62.015, F.A.C., from budwood taken from a registered foundation tree and registered with the Department as a source of budwood.~~

(55) Severe strains of citrus tristeza virus. Severe strains of citrus tristeza virus will be determined by the Department with input from the Citrus Budwood Technical Advisory Committee as to which strains are regulated and which techniques are approved for testing.

(56) Source tree. A citrus tree that has met all of the requirements as a source of budwood or propagative material, i.e., a scion tree, increase tree, foundation tree, or seed source tree.

(57) Tests. Standardized laboratory, biological greenhouse or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees as contained in C. N. Roistacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis (Food and Agricultural Organization of the United Nations, Rome, 1991), or approved by the Citrus Budwood Technical Advisory Committee.

(58) Witches' Broom Disease of Lime (WBDL). A disease of Citrus aurantiifolia, small-fruited acid lime, in Asia incited by Candidatus Phytoplasma aurantifolia and thought to be vectored by *Hishimonous phycitis* (Homoptera: Cicadellidae). May be seed transmitted.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended _____.

5B-62.002 Purpose.

The purpose of this rule chapter is to minimize the spread of serious graft-transmissible diseases and certain other pathogens as well as nematodes of citrus by requiring all nurserymen propagating citrus to participate in a mandatory citrus nursery stock certification program. The requirements for program participation are established in this chapter. It is intended that there shall be no propagation of citrus nursery stock except as provided in this chapter, and it shall be

unlawful to plant citrus nursery stock in Florida unless that citrus nursery stock has been propagated pursuant to this chapter.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated _____.

5B-62.003 Plant Pest Declaration.

The following ~~arthropods, nematodes, pathogens, pathogens, nematodes and arthropods~~ and plants infected with or exposed to ~~same, the pathogens and nematodes~~ are declared to be plant pests and nuisances:

(1) ~~Arthropods: Australian citrus dieback;~~

(a) African citrus psyllid, *Trioza erytrae*;

(b) Asian citrus psyllid, *Diaphorina citri*;

(c) Brown citrus aphid, *Toxoptera citricida*;

(d) Melon aphid, *Aphis gossypii*;

(2) ~~Nematodes: Citrus canker;~~

~~(a) Plant parasitic nematodes not known to occur in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:~~

~~1. Hemicycliophora arenaria, a sheath nematode;~~

~~2. Meloidogyne spp., species which are pathogenic to citrus; and~~

~~3. Any other plant parasitic nematode species or biotype which may be determined by Department order or rule to be injurious to citrus.~~

~~(b) Plant parasitic nematodes, which are known to be established in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:~~

~~1. Radopholus similis, burrowing nematode;~~

~~2. Tylenchulus semipenetrans, the citrus nematode;~~

~~3. Pratylenchus coffeae, a root-lesion nematode;~~

(3) ~~Pathogens: Citrus chlorotic dwarf;~~

(a) Australian citrus dieback;

(b) Citrus canker;

(c) Citrus chlorotic dwarf;

(d) Citrus greening (Huanglongbing); (seed transmitted)

(e) Citrus leaf blotch virus; (seed transmitted)

(f) Citrus leprosis virus;

(g) Citrus psorosis virus; (seed transmitted)

(h) Citrus stubborn;

(i) Citrus sudden death;

(j) Citrus tatter leaf virus (Apple stem grooving virus);

(k) Citrus variegated chlorosis; (seed transmitted)

(l) Citrus vein-enation virus;

(m) Citrus viroids;

(n) Citrus yellow mosaic virus;

(o) Concave gum/blind pocket; (seed transmitted)

(p) Indian citrus ringspot virus;

- (q) Satsuma dwarf virus;
- (r) Severe strains of Citrus tristeza virus;
- (s) Witches' broom disease of lime; (seed transmitted)
- (4) Citrus greening (Huanglongbing);
- (5) Citrus leaf blotch virus;
- (6) Citrus leprosis virus;
- (7) Citrus psorosis virus;
- (8) Citrus stubborn;
- (9) Citrus sudden death;
- (10) Citrus tatter leaf virus (Apple stem grooving virus);
- (11) Citrus variegated chlorosis;
- (12) Citrus vein enation virus;
- (13) Citrus viroids;
- (14) Citrus yellow mosaic virus;
- (15) Concave gum/blind pocket;
- (16) Indian citrus ringspot virus;
- (17) Satsuma dwarf virus;
- (18) Severe strains of Citrus tristeza virus;
- (19) Witches' broom disease of lime;
- (20) ~~Plant parasitic nematodes not known to occur in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:~~
 - (a) ~~Hemicycliphora arenaria, a sheath nematode;~~
 - (b) ~~Meloidogyne spp., species which are pathogenic to citrus; and~~
 - (c) ~~Any other plant parasitic nematode species or biotype which may be determined by Department order or rule to be injurious to citrus.~~
- (21) ~~Plant parasitic nematodes which are known to be established in Florida. The following nematodes present a serious threat to Florida's commercial citrus industry:~~
 - (a) ~~Radopholus similis, burrowing nematode;~~
 - (b) ~~Tylenchulus semipenetrans, the citrus nematode;~~
 - (c) ~~Pratylenchus coffeae, a root lesion nematode;~~
- (22) African citrus psyllid, Trioza erytrae;
- (23) Asian citrus psyllid, Diaphorina citri;
- (24) Brown citrus aphid, Toxoptera citricida;
- (25) Melon aphid, Aphis gossypii;
- (26) ~~Any other plant virus, viroid, parasitic nematode species or biotype or arthropod found injurious to citrus.~~

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (6), (14), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended.

5B-62.004 Manuals.

The regulations, definitions, and standards in Citrus Nursery Stock Certification Manual, Revised 3/06/08 ~~9/8/06~~, Citrus Budwood Testing Manual, Revised 4/01/06, and C. N. Roistacher, Graft-transmissible Diseases of Citrus: Handbook for detection and diagnosis (Food and Agricultural

Organization of the United Nations, Rome, 1991) are hereby adopted as regulations and rules under the Division of Plant Industry, pursuant to Chapter 581, F.S. Copies may be obtained by contacting the Secretary of State's Office, Tallahassee, FL. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881, and the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Plant Pathology Section, 1911 S.W. 34th Street, Gainesville, FL 32608-1201.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(23), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended.

5B-62.005 Forms.

All forms required for compliance in the Citrus Nursery Stock Certification Program are listed below and hereby adopted and incorporated by reference herein. The following forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, FL 33881-1438, www.doacs.state.fl.us.

Form DACS-08066, Revised 8/06, Application to Produce Citrus Nursery Stock.

Form DACS-08172, Revised 5/06, Source Tree Bud Cutting Report.

Form DACS-08072, Revised 7/03, Certificate of Source Tree Registration.

Form DACS-08111, Revised 7/03, Certification to Witness Registered Budwood.

Form DACS-08298, Revised 8/06, Parent Tree Candidate Entry Form.

Form DACS-08071, Revised 7/03, Growers Record of Registered Scion Tree Movement.

Form DACS-08064, Revised 6/03, Statement of Charges for Annual Source Tree Registration.

Form DACS-08218, Revised 10/04, Budwood Order Form.

Form DACS-08031, Revised 7/03, Compliance Agreement – Citrus Tristeza Virus Testing Laboratory Certification.

Form DACS-08274, Revised 7/03, Application and Permit to Plant Citrus Pathogen Infected Stock.

The following forms may be obtained by writing or visiting the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, FL 32614-7100.

Form DACS-08038, Revised 10/03, Citrus Nursery Stock Inspection Tag.

Form DACS-08016, Revised 1/04, Stop Sale Notice and Hold Order.

Form DACS-08004, Revised 7/06, Application for Certificate of Registration.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.006 Citrus Budwood Technical Advisory Committee.

The Commissioner of Agriculture shall name a Citrus Budwood Technical Advisory Committee of sixteen members selected as follows:

(1) Four members who shall be owners or employees of citrus nurseries with one representing a producer of dooryard citrus nursery stock;

(2) Four members who shall be commercial citrus fruit producers or employees of producers;

(3) Four members who shall represent the Institute of Food and Agricultural Sciences of the University of Florida or the USDA Agricultural Research Service, and who shall be non-voting advisors to the committee;

(4) Four members who shall be employees of the Department, and who shall be non-voting advisors to the committee;

(5) Two alternate members, one who shall be from (1) and one who shall be from (2), and who shall be non-voting members to the committee and have voting rights only on the absence of members from (1) or (2);

(6) The above appointed committee may meet when called by the committee chairman. This committee shall make recommendations to the Department on matters pertaining to this rule chapter such as germplasm introduction, nursery stock certification, testing procedures, and other Citrus Budwood Protection Program procedures. In appointing the committee, the Commissioner will select members from various geographical areas who represent a broad cross-section of the industry and impacted businesses.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.007 Citrus Nursery Stock Certification Program.

(1) It shall be unlawful for any person to propagate or plant citrus nursery stock, which is not produced in accordance with the provisions of the Citrus Nursery Stock Certification Program. Participation in the Citrus Nursery Stock Certification Program shall not imply any warranty on the part of the nurserymen, the Department, or any employee thereof.

(2) Prior to propagating nursery stock (including dooryard, own-use and commercial citrus), nurserymen and growers shall:

(a) Register with the Division of Plant Industry filling out Form DACS-08004, Application for Certificate of Registration according to Rule 5B-2.002, F.A.C.

(b) Make application to produce citrus nursery stock on Form DACS-08066, Application to produce citrus nursery stock.

Applicants must agree to comply with all the conditions which apply to the Citrus Nursery Stock Certification Program as specified in this rule chapter.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.008 Requirements for Citrus Nursery Site Approval.

(1) Citrus nursery sites must be a minimum of one mile away from commercial citrus groves and 100 feet away from plants not certified by the Department as being free of nematodes listed in Rule 5B-62.003, F.A.C., and free of any exterior, field or container grown plants from all genera, species, and varieties of the Rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae, unless specifically excluded by the rules of the Department. Citrus nurseries located on sites prior to April 1, 2006, will not be required to comply with the one mile setback from commercial citrus groves while continuously operating at the April 1, 2006, location. Seed source trees planted prior to January 1, 2007, may remain on the current site provided they are not infested with citrus greening be kept within 100 feet of a citrus nursery site or on the nursery site until January 1, 2012 provided they are not infested with citrus canker or citrus greening and are treated to control Asian citrus psyllid.

(2) Sites found to be infested with nematodes listed in Rule 5B-62.003, F.A.C., will not be approved for field grown or in-ground production of citrus nursery stock. Citrus nursery stock may be produced on the site if grown on benches at least 18 inches above ground.

(3) The nursery site should be well drained with no runoff from surrounding areas.

(4) The site should have adequate parking outside the facility.

(5) The site should incorporate an area for deliveries and shipments.

(6) The site should have an adequate water supply without using surface water for irrigation.

(7) The site should incorporate natural or artificial windbreaks that would reduce wind blown rain.

(8) The nursery site must be fenced and all entrances must be secured.

(9) Site access shall have permitted entry only through an area that incorporates decontamination areas for personnel and equipment.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (23), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended.

5B-62.009 Requirements for Citrus Nursery Sanitation

(1) All equipment entering or leaving the nursery must be clean of all plant material, soil and decontaminated in accordance with Department procedures using approved decontamination products.

(a) Budding knives, clippers and other cutting implements shall be sterilized between different groups of propagations using a solution of household bleach 20% by volume.

Sterilization solution shall be made up fresh each day.

(b) All equipment, if possible, should be kept on site.

(2) Nursery employees who work with citrus produced outside of the approved structure shall not return to work within the approved structure until the following day.

(3)(a) Prior to entering the nursery everyone must decontaminate with an approved personal decontamination product and wear a clean garment that should be provided by the nursery. If gloves are worn, they must be disposable gloves or decontaminated each day and kept on site.

(b) All persons entering an approved structure or soil storage area shall walk through a sanitizing foot bath containing a decontaminant that is approved by the Department such as copper sulfate.

(4) All plants, plant parts (except seed), soil, peat, sawdust, mulch, manure or other plant-growing or potting media entering the approved site for the production of commercial citrus nursery stock must be accompanied by a nematode (BN) certificate.

(5)(a) All pots, cans, or other containers used to produce commercial citrus nursery stock free of nematodes of citrus must be stored in such a manner to prevent contact with the ground or contamination by flooding, rain-soil-splatter or ground water runoff.

(b) Growing containers shall be cleaned and decontaminated between crops of commercial citrus nursery stock.

(6) All benches approved for nematode certification for commercial citrus nursery stock must be at least 18 inches above the ground. Measurement shall be from the bottom of the bench to the ground surface. Benches shall be cleaned and decontaminated between crops.

(7) All nematode-certified growing or potting media used for commercial citrus nursery stock must be stored at least 18 inches above the ground or on concrete or asphalt that is above ground level and not subject to flooding or ground water runoff.

(8) Non-certified nursery stock cannot be grown in or introduced into the same greenhouse or structure with citrus nursery stock.

(9) Any plant certified free of nematodes that is dropped or set on the ground no longer meets nematode (BN) certification and shall not be returned to the bench.

(10) Nursery records shall be made available to division inspectors for:

(a) All chemical applications;

(b) Nursery budding and tree movement records.

(11) It shall be the responsibility of the nurseryman to:

(a) Prevent encroachment of Rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae, plants and the use of non-certified material, which would endanger the nursery site of becoming infested with injurious nematodes of citrus.

(b) Follow established sanitation procedures to prevent nematode, Diaprepes, psyllid, aphid or other common plant pest infestation of the nursery site.

(12) Nursery areas and perimeter shall remain weed free.

(13) Approved citrus nursery sites not planted within 12 months shall be reevaluated prior to use.

(14) Any citrus nursery stock or budwood source tree found infected or exposed to plant pest infestation shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the Department and released from quarantine.

Specific Authority 570.07(23), 581.031(1), 581.1843(3), (4) FS. Law Implemented 581.031(6), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.010 Requirements for Citrus Nursery Structure.

(1) All citrus nursery stock propagated after January 1, 2007, must originate from a greenhouse structure and site approved by the Department. All citrus nursery stock moved or sold after December 31, 2007, must originate from a greenhouse structure and site approved by the Department.

(2) Effective January 1, 2007, newly propagated commercial and dooryard citrus nursery stock and all budwood source trees must be maintained in an approved structure at an approved site as follows:

(a) An approved structure must have enclosed sides and tops built to exclude insects with positive pressure double-door entries. Sides and roofs shall at a minimum exclude melon aphids.

(b) If cooling pads and fans are used, they must be enclosed with insect screen that will allow for adequate air displacement.

(c) If the integrity of the structure is compromised or breached, the citrus nursery stock shall be subject to immediate quarantine action and will not be eligible for certification until treated as prescribed by the Department and released from quarantine. Pest monitoring tools such as yellow sticky traps or other detection devices for plant-feeding insects should be used by the nursery and may be used by the Department to evaluate the integrity of the structure.

(d) Dooryard citrus nursery stock maintained in containers larger than seven inches in diameter may be kept in an enclosed screenhouse designed to deter citrus psyllids.

(e) Citrus nursery stock may be moved from one approved structure into another approved structure on the same approved site provided the plants are in the process of being actively relocated and are covered.

Specific Authority 570.07(23), 581.031(1), (3), (8), ~~581.1843(3), (4)~~ FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), ~~581.1843(3), (4)~~ FS. History—New 12-26-06, Repromulgated.

5B-62.011 Requirements for Citrus Propagation.

Commercial and dooryard citrus nursery stock shall be propagated according to the following provisions unless exempted in Rule 5B-62.016, F.A.C.

(1) Propagative material including budwood, air-layers, cuttings and all topworking material shall be from source trees produced or grown in accordance with Rule 5B-62.012, F.A.C., and for which a Certificate of Source Tree Registration (DACS-08072) has been issued as specified in Rule 5B-62.017, F.A.C.

(2) Budwood shall be taken under the direct supervision of a witness authorized by the Department. Budwood from each source tree shall be wrapped separately. Each bundle shall be labeled showing variety, the tree identification number, and the number of buds counted or estimated.

(3) All propagative material data including topworking shall be recorded on a Source Tree Bud Cutting Report (DACS-08172) and submitted to the Bureau of Citrus Budwood Registration at the time of collection. Persons authorized to fill out a Source Tree Bud Cutting Report (DACS-08172), shall sign a Certification To Witness Registered Budwood form, DACS-08111.

(4) Propagations from each source tree shall be maintained in nursery rows or on greenhouse benches so that each group can be traced back to an individual source tree. Nurserymen shall use permanent tags to label each separate group of propagations with the source tree registration number.

(5) All citrus nursery stock and propagative plant parts shall remain within the approved structure at all times or be moved under protective cover.

(6) Top-working must be done using registered or certified budwood grown within an approved structure. Top-work trees cannot be moved after budding. Topworking must comply with (1)-(3), all other propagation must comply with (1)-(5) above.

Specific Authority 570.07(23), 581.031(1), (3), (8), ~~581.1843(3), (4)~~ FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), ~~581.1843(3), (4)~~ FS. History—New 12-26-06, Amended.

5B-62.012 Source Trees.

Source trees shall be registered on a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.017, F.A.C., and must meet the following requirements:

(1) Budwood used to propagate source trees shall be taken under the direct supervision of the Department and shall be reported on Form DACS-08172, Source Tree Bud Cutting Report.

(2) The source trees shall be budded on nursery rootstocks which have not previously had a bud inserted in them. If re-budding is necessary, buds from the same registered source tree as the original shall be used.

(3) The nurseryman shall furnish the Bureau of Citrus Budwood Registration the Budding Record Location portion on Form DACS-08172, Source Tree Bud Cutting Report within 30 days following date of budding. The Budding Record Location on the Source Tree Bud Cutting Report shall identify the location in the nursery of the progeny trees.

(4) The source trees shall have at no time shown symptoms of graft-transmissible pathogens or other diseases listed in Rule 5B-62.003, F.A.C.;

(5)(a) The source trees shall have tested negatively for citrus tristeza virus, citrus greening, citrus viroids, citrus leaf blotch virus, psorosis virus, and citrus tatter leaf virus, by the Department at its expense and discretion, and shall be apparently free, based on an annual visual inspection, from Florida gummosis, citrus blight, decline, leprosis, evidence of unacceptable bud mutation, citrus canker, citrus greening and other quarantinable pests.

(b) Source trees meeting the specifications of increase trees will not be individually tested and shall meet the additional requirements of Rule 5B-62.016, F.A.C.

(6)(a) Source trees shall be grown under protective cover as specified in Rule 5B-62.010, F.A.C.

(b) Seed source trees must be grown and propagated on a site approved in accordance with subsection 5B-62.008(1), F.A.C. Annually, all seed source trees must be inspected by the department, tested and found free of citrus greening ~~are exempt from being grown under protective cover; however, to be propagated they must be grown under cover.~~ Seed source trees must be free of other seed-transmissible diseases listed in Rule 5B-62.003, F.A.C.

(7) Source trees meeting all the above requirements will be certified sources of budwood and shall have a Certificate of Source Tree Registration (DACS-08072) as specified in Rule 5B-62.017, F.A.C., issued. For increase trees, the form, Source Tree Bud Cutting Report, DACS-08172, shall be used.

(8) Source trees meeting all the above requirements and originated from program registered parent clones shall be registered sources of budwood upon being inspected for fruit trueness-to-type.

(a) Increase trees are not required to produce fruit to become registered.

(b) Scion trees that have not fruited may be used as certified sources of budwood to propagate certified nursery trees.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended.

5B-62.013 Parent Trees.

Parent trees are selected, mature trees belonging to a nurseryman, grower, or researcher, or on property that the owner has given written permission to a nurseryman and the Department for access for observation and testing. At the time of entry into the Citrus Nursery Stock Certification Program, the owner shall sign a Parent Tree Candidate Entry Form DACS-08298.

(1) Prospective parent trees. As a prerequisite to entry into the program, an authorized representative of the Department must have visually inspected the prospective parent tree selected by the nurseryman, grower, or researcher.

(2) The parent tree shall be free of recognizable symptoms of graft-transmissible pathogens based on the initial visual inspection; apparently free from Florida gummosis, citrus blight, citrus canker, citrus greening, decline, leprosis, evidence of unacceptable bud mutation, and other quarantinable pests or diseases.

(3) The parent tree shall be vigorous, productive, and horticulturally true-to-type and shall have borne fruit.

(4) The parent tree shall have tested negatively for all diseases listed in Rule 5B-62.003, F.A.C.

(5) All trees propagated for testing in the Department's facilities shall become property of the Department.

(6) Prospective parent trees of exceptional horticultural value that are found to be infected with one or more graft-transmissible pathogens can be subjected to shoot-tip grafting or other acceptable techniques to eliminate graft-transmissible pathogens provided this is done under the supervision of the Department. Plants that are shoot-tip grafted shall be retested for the graft-transmissible pathogen detected, subject to all other registration requirements, and if shoot-tip grafted by the Department, made available for distribution to all interested nurserymen and growers if approved by the owner.

(7) Parent trees will not be used for a source of propagating material, rather the tested registered propagation from the parent tree will be the source material of the parent tree clone to be used to establish foundation or scion trees.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.014 Foundation Trees.

Foundation trees belong to the Florida Department of Agriculture and Consumer Services and are kept in secure greenhouse facilities for budwood cutting and distribution to citrus nurseries. It shall be unlawful for any person to plant any genera, species, and varieties of the Rutaceous subfamilies Aurantioideae, Rutoideae, and Toddalioideae, within one mile of a foundation tree and unlawful to plant a commercial citrus grove within 10 miles of a foundation tree.

(1) Foundation trees originate from tested parent trees.

(2) Foundation trees shall be the source for all scion trees.

(3) Foundation trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.015 Scion Trees.

Scion trees shall be propagated from foundation trees, be registered on a Certificate of Source Tree Registration (DACs-08072) as specified in Rule 5B-62.012, F.A.C., and must meet the following requirements:

(1) Scion tree planting is witnessed by the Department on Growers Record of Registered Scion Tree Movement Form DACs-08071.

(2) Registered scion trees shall be vigorous, productive, and horticulturally true-to-type and shall have borne fruit.

(3) Scion trees on which annual registration fees are not paid shall be removed from the protected greenhouse within 30 days of the second notification of the Statement of Charges for Annual Source Tree Registration (DACs-08064).

(4) Scion trees found infected with a pathogen shall be removed from the protected greenhouse within 10 days of notification of test results.

(5) Scion trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

(6) Effective January 1, 2007, all scion trees must be located in an approved structure as described in Rule 5B-62.010, F.A.C.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.016 Increase Trees.

Increase trees shall be identified on a Source Tree Bud Cutting Report (DACs-08172) ~~registered on a Certificate of Source Tree Registration (DACs-08072)~~ as specified in Rule 5B-62.012, F.A.C., provided they have been propagated as follows:

(1) Budwood must have been obtained under the direct supervision of the Department from foundation, or scion trees.

(2) There must be a minimum vacant space of 24 inches between each clone of increase trees planted in the ground and 12 inches between each clone of plants grown on greenhouse benches (or a well-defined physical barrier between clones) with each clone individually identified.

(3) Trees propagated as increase trees under this rule chapter serve as registered sources of budwood with no testing required for a period of up to 36 months from budding.

(4) Nursery stock propagated from increase trees shall not serve as further sources of registered budwood.

(5) Increase trees from foundation trees used for increase budwood shall qualify for scion grove planting in accordance with Rule 5B-62.015, F.A.C.

(6) Increase trees shall meet all the requirements in Rule 5B-62.012, F.A.C., for source trees.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Amended.

5B-62.017 Source Tree Registration Certificate.

(1) Source tree registration certificate. The Department shall keep a record of all source trees. This record shall indicate the variety, clone strain, and age of the source trees; the owner; location of greenhouse, and location of individual trees in the greenhouse, row, and tree number and/or by identification number. This information shall be included in a Certificate of Source Tree Registration (DACS-08072) to be issued by the Department. Only those trees having a “Reg” (Registered) or “Cert” (Certified) in the Reg (Registered) column shall qualify for budwood cutting. This certificate shall be sent to the owner or agent of the source trees, and copies shall be filed in the office of the Bureau of Citrus Budwood Registration at Winter Haven. When registering increase trees, the Source Tree Bud Cutting Report (DACS-08172) shall be used instead of a Certificate of source Tree Registration (DACS-08072).

(2) Duration of registration certificate. The Certificate of Source Tree Registration (DACS-08072) shall be valid for a period of 12 months unless revoked due to failure to meet the requirements herein or voluntary withdrawal by the participant. The Source Tree Bud Cutting Report (DACS-08172) Certificate of Source Tree Registration (DACS-08072) for increase blocks shall be valid for a period of 36 months.

(3) Renewal. Source tree registration may be renewed, subject to continued eligibility, at the end of each 12 months with the payment of a renewal fee as described in Rule 5B-62.015, F.A.C.

(4) Billing. Annual source tree registration fees shall be billed annually on the Statement of Charges for Annual Source Tree Registration (DACS-08064).

(5) Cancellation. Source Tree Registration Certificates (DACS-08072) will be suspended upon:

(a) The detection of citrus pest or pathogens in the source tree or a progeny of the source tree;

(b) Alteration or misuse of the registration number;

(c) Mishandling of budwood taken from source trees, or the records thereof, which may confuse the facts regarding identity of source trees or nursery stock propagated from source trees;

(d) Evidence of an unacceptable degree of bud mutation on the source or progeny trees;

(e) Evidence that source trees are being allowed to decline or become unthrifty due to neglect, disease, pest infestation, or severe weather conditions;

(f) Failure to follow proper budwood harvesting sanitation procedures;

(g) Failure to pay fees.

(6) Registration fees will not be refunded if the Certificate of Source Tree Registration (DACS-08072) is canceled.

(7) Reinstatement. The Certificate of Source Tree Registration (DACS-08072) suspended as provided above will be reinstated when:

(a) Delinquent fees are paid;

(b) Careful examination or laboratory tests fail to disclose any evidence of the citrus pest or pathogens that cause the suspension;

(c) The source trees found to be pathogen-infected are removed from the planting;

(d) Unthrifty plantings or substandard trees are restored to a healthy condition.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.018 Procedure for Identifying and Recording Commercial Citrus Nursery Stock.

Identification and record of movement for commercial citrus nursery stock. For the benefit of the buyer, the nurseryman or grower shall identify registered nursery stock as being the progeny of registered source trees by completing the Citrus Nursery Stock Inspection Tag (DACS-08038) at the time of delivery.

(1) If the nursery stock was propagated from a certified tree, the Citrus Nursery Stock Inspection Tag (DACS-08038) must contain this information and the statement that the certified source had not yet been inspected for fruiting.

(2)(a) All movements of nursery stock shall be recorded on and accompanied by a Citrus Nursery Stock Inspection Tag (DACS-08038). The Citrus Nursery Stock Inspection Tag (DACS-08038) is substantiation of the movement of citrus trees. The nurseryman or grower shall keep these records (DACS-08038) for a period of three years, which shall be available for examination by the Department.

(b) Nurserymen may print the Inspection Tag (DACS-08038) on their invoices upon approval by the Division of Plant Industry.

(3) All movements of nursery stock shall also comply with all Department requirements pertaining to the inspection and certification as to freedom from plant pests.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.019 Inter- or Intra-Nursery Movement of Plant Material.

(1) Commercial Citrus trees cannot leave a nursery without a Citrus Nursery Stock Inspection Tag, Form (DACS-08038).

(2) Liners cannot leave or enter a nursery without a Citrus Nursery Stock Inspection Tag, Form (DACS-08038).

(3) Budwood cannot leave or enter a nursery without a Source Tree Bud Cutting Report, Form (DACS-08172).

(4) Scion trees cannot leave or enter a nursery without a Growers Record of Registered Scion Tree Movement, Form (DACS-08071).

(5) All seed movement must be accompanied with an invoice or a Citrus Nursery Stock Inspection Tag, Form (DACS-08038) that indicates the origin of the seed by seed block.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.020 Retail Sales.

Retail sales of dooryard citrus nursery stock shall abide by the following:

(1) All dooryard nursery stock shall originate from greenhouse nursery sites that have produced trees according to Rules 5B-62.007-.011, F.A.C.

(2) All citrus nursery stock maintained for retail sale including larger landscape citrus trees must be segregated from other nursery stock and maintained in a secure screen enclosure.

(a) Prior to entering the enclosure and upon exiting the enclosure, employees and customers must decontaminate hands, shoes and other articles coming into contact with citrus with an approved decontamination product.

(b) Retail outlets having less than 500 citrus trees in stock or retail sales areas within a larger nursery where less than 500 citrus trees are displayed for sale at any given time are exempt from subsection (2) provided long term maintenance of dooryard trees after leaving the approved structure is regulated

by an approved nursery protocol describing steps the nursery will implement to protect, chemically treat and inspect these trees.

(3) All retail citrus trees must be tagged with information to identify the variety of the root stock and scion stock and producing nursery. Each individual tree shall be identified with a slip-on label displaying the following information:

(a) The producing nursery's certificate of nursery registration number that was issued by the Department. It is not necessary to include the name of the producing nursery on the label.

(b) The variety name, rootstock and month and year acquired.

(4) Unsold citrus trees at a retail outlet may not be returned to the producing nursery or placed back within the approved structure but must be destroyed by double bagging and burial in an approved landfill. Citrus trees may be returned to the nursery in cases where delivery to the retail outlet was not possible provided they are segregated from other citrus nursery stock.

(5) Any retail citrus tree found to be infested with or exposed to the Asian citrus psyllid shall be subject to quarantine action.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History—New 12-26-06, Repromulgated.

5B-62.021 Requirements for Soil Pit Approval.

(1) Upon the request of the owner of a soil pit, the Department may use sampling or other approved methods for establishing the absence or presence of nematodes of citrus. All host plants within a minimum distance of 100 feet of a proposed soil pit must be sampled and found free of any injurious nematodes of citrus as described in Rule 5B-62.003, F.A.C. Distances may be increased when, in the opinion of an authorized representative, there may be a threat to the approved soil pit because of slope, drainage, standing water, and other factors that may be present. Minimum distances shall be measured from the dripline of host plants and from the edge of rights-of-way of any public or private thoroughfare.

(2) The soil pit shall be at least the minimum distances specified as follows:

(a) One hundred feet maintained free of hosts from known infestations of any injurious nematodes of citrus as described in Rule 5B-62.003, F.A.C.

(b) Fifty feet maintained free of hosts from land planted or previously planted to host plants and from all rights-of-way or public thoroughfares with a negative sampling.

(3) It shall be the responsibility of the owner of an approved soil pit to maintain adequate security around the approved soil pit to prevent the entry of non-certified regulated articles.

Specific Authority 570.07(23), 581.031(1), 581.1843(3), (4) FS. Law Implemented 581.031(6), 581.1843(3), (4) FS. History--New 12-26-06, Repromulgated.

5B-62.022 Requirements for Utility and Road Construction.

Road construction companies and governmental agencies building public thoroughfares or road rights-of-way through or within a distance of 50 feet of a commercial citrus grove, commercial citrus grove site, approved citrus nursery site, or approved soil pit shall only use fill dirt that has been sampled by the Department and found free of nematodes injurious to citrus.

Specific Authority 570.07(23), 581.031(1), (5), 581.1843(3), (4) Law Implemented 581.031(5), 581.1843(3), (4) FS. History--New 12-26-06, Repromulgated.

5B-62.023 Stop-Sale Notice or Hold Order (DACS-08016).

A Stop-Sale or Hold Order (DACS-08016) shall be issued for the following reasons:

- (1) Compromise or breach of structure.
- (2) Failure to submit bud-cutting reports to the Bureau of Citrus Budwood Registration.
- (3) Misrepresenting citrus nursery stock as being progeny of registered source trees.
- (4) Misrepresenting the type of source tree from which citrus nursery stock was produced as certified trees.
- (5) Mishandling of budwood or scions, citrus nursery stock, or misuse of records thereof which do not verify or substantiate the correct parentage of citrus nursery stock or source trees.
- (6) Knowingly propagating budwood not meeting the requirements of this rule.
- (7) Any citrus nursery stock found infected with plant pests listed in Rule 5B-62.003, F.A.C., or exposed to plant pests listed in Rule 5B-62.003, F.A.C., to such a degree that infestation is likely even if no visible symptoms are present. The presence of citrus canker or citrus greening in close proximity to a citrus nursery will not result in an automatic quarantine of the nursery provided the citrus nursery stock is in compliance with the other requirements of this rule chapter.
- (8) Any budwood source tree found infected with plant pests listed in Rule 5B-62.003, F.A.C., or exposed to plant pests listed in Rule 5B-62.003, F.A.C., to such a degree that infestation is likely even if no visible symptoms are present. Budwood source trees found infested with Asian citrus psyllids will be immediately quarantined and suspended from budwood cutting.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History--New 12-26-06, Repromulgated.

5B-62.024 Release from Quarantine or Withdrawal of Stop-Sale Notice or Hold Order (DACS-08016).

- (1) Trees shall be released from a Stop-Sale or Hold Order (DACS-08016) once conditions causing the Stop-Sale or Hold Order (DACS-08016) have been corrected and/or the pathogen threat has been found not to present a risk after evaluation by Department scientists.
 - (2) Risk evaluation shall be based on:
 - (a) Length of time deficiencies existed prior to correction.
 - (b) Number of past actions taken by the division.
 - (c) Type of pathogen or vector of concern.
 - (d) Identification of pathogen or vector.
 - (e) Test results.
 - (f) Presence or absence of pathogens, vectors and hosts in the geographic area of nursery site at such distances or levels that spread of these pathogens or vectors into the nursery is either likely or not.
 - (g) Degree of infestation or population numbers of vectors.
 - (h) Chemical application records supporting appropriate use of pesticides.
 - (i) Destruction or treatment of infested material.
 - (j) Interviews with employees or customers familiar with operational procedures.
 - (k) The implementation of a catastrophic weather plan.

Specific Authority 570.07(23), 581.031(1), (3), (8), 581.1843(3), (4) FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), 581.1843(3), (4) FS. History--New 12-26-06, Repromulgated.

5B-62.025 Fees.

An annual source tree registration fee shall be paid as follows: Source Tree (includes scion and seed source) \$5 per tree per year.

Miscellaneous fees for division services: Diagnostic Testing

Biological greenhouse testing	\$50 per test
Laboratory PCR testing	\$25 per test
Laboratory ELISA testing	\$10 per test
Parent tree indexing	\$200 per tree
Shoot-tip grafting	\$500 per selection
Budwood ¹	25 cents/eye, \$5.00 minimum
Cut from foundation trees	
Tip cuttings (6 inches)	\$1.00 each
Tip cuttings (6 inches)	\$2.00 each (Out-of-State)

New Division of Plant Industry releases	\$1.00/eye (first year)
Budwood shipment	\$2.00/eye, plus a \$100 processing fee (Out-of-State/Foreign)
Citrus seed	\$100 per quart
Shipping and handling fee for budwood and seed in Florida	
Actual cost	

Citrus Nursery Site Approval Fee shall include a \$50 per nematode sample plus mileage²

¹Requests for budwood are submitted on a Budwood Order Form DACS-08218.

²Mileage shall be based on the prevailing state mileage rate.

(1) Fees shall be paid prior to obtaining a Certificate of Source Tree Registration (DACs-08072) and annually thereafter on the anniversary date of the certificate.

(2) Fees not paid within 30 days of billing shall be considered past-due. A penalty of \$10.00 or 20 percent of the unpaid balance, whichever is greater, shall be assessed on all past-due fees.

(3) Cooperating research agencies whose registered citrus trees are used exclusively for planting on government property are exempt from payment of an annual registration fee for the first 100 trees.

Specific Authority 570.07(23), 581.031(1), (3), (8), ~~581.1843(3), (4)~~ FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), ~~581.1843(3), (4)~~ FS. History—New 12-26-06, Amended _____.

5B-62.026 Citrus Produced for Research Purposes.

Citrus trees produced for research purposes shall abide with the following items and shall not be exempt from other program requirements contained in this rule chapter.

(1) Citrus breeding programs at the USDA or University of Florida Institute of Food and Agricultural Sciences centers will be required to have protocols approved by the Division of Plant Industry for managing material from the field entering and leaving quarantine greenhouses, specifically dealing with testing for citrus tristeza virus, citrus greening and citrus canker.

(2) Source trees utilized by research agencies may remain on site provided they are maintained under protective cover as specified in Rule 5B-62.010, F.A.C.

(3) Breeding selections intended for general citrus industry release must meet all the requirements of Rule 5B-62.013, F.A.C., Parent Trees.

(4) Research facilities shall sign a Compliance Agreement – Citrus Tristeza Virus Testing Laboratory Certification, DACS-08031.

(5) Requests to plant pathogen infected material for research projects shall be made on an Application and Permit To Plant Citrus Pathogen Infected Stock, DACS-08274.

(6) Citrus breeding programs may propagate and replant evaluation material back on the site from which the material originated without testing the material for diseases contained in Rule 5B-62.003, F.A.C., provided it is replanted within 18 months of being moved from the original site. If top-worked, the buds must be top-worked directly back to the original site where the budwood source tree is located and not moved from the tree space where top-worked. Evaluation material cannot be planted in areas other than the original site without being tested for diseases contained in Rule 5B-62.003, F.A.C. Such evaluation material shall be propagated within a citrus nursery structure in accordance with Rule 5B-2.010, F.A.C., isolated from any citrus plant material intended for off site planting.

Specific Authority 570.07(23), 581.031(1), (3), (8), ~~581.1843(3), (4)~~ FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), ~~581.1843(3), (4)~~ FS. History—New 12-26-06, Amended _____.

5B-62.027 Exemptions.

(1) Retail outlets or retail sales areas having less than 500 citrus trees in stock at any given time, are exempt from subsection 5B-62.020(2), F.A.C.

(2) The Department will propagate and maintain pathogen-infected material for the purpose of testing or shoot-tip grafting. Such material will be kept in enclosed structures on department owned sites.

(3) Sites for dooryard citrus will be exempt from the nematode certification requirements.

Specific Authority 570.07(23), 581.031(1), (3), (8), ~~581.1843(3), (4)~~ FS. Law Implemented 570.07(2), (13), 570.0705, 581.031(1), (14), (17), (23), ~~581.1843(3), (4)~~ FS. History—New 12-26-06, Repromulgated _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.149
 RULE TITLE: Enforcement and Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal a section of the subsection 5E-14.149(10), F.A.C., that provides for a mechanism of payment of investigative costs for certain violations. This section is being repealed because it is duplicative. Investigative costs are already a factor in the calculation of a monetary fine as provided in subsection 5E-14.149(15), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Enforcement and Penalties, Investigative Costs.

SPECIFIC AUTHORITY: 482.051, 482.161 FS.

LAW IMPLEMENTED: 482.051, 482.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) through (9) No change.

~~(10) Investigative Costs. The Department will charge for investigative costs when investigations that document major violations require more than one inspection, more than one inspector, or the use of Department staff outside of the Division of Agricultural Environmental Services. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and other incidental expenditures related to the case.~~

~~(10)(11) Quarterly List. All disciplinary actions taken by the Department pursuant to Chapter 482, F.S., or the rules adopted pursuant to it, shall be published in the next available quarterly list published as required in Section 482.161(9), F.S., and on the Department’s website and shall include the identity of each individual or entity against which disciplinary action was taken, and a brief description of the offense and the disciplinary action, whether it was a warning letter, fine, probation, suspension or revocation. If the violator operated an unlicensed pest control business the name of the unlicensed business will also be listed.~~

~~(11)(12) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available remedies to ensure~~

voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, F.S.

~~(12)(13) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken or that good faith efforts to undertake these corrective actions have not been made, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.~~

~~(13)(14) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint. When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person and to the licensee, stating the complaint, identifying the complainant and requesting a written response within 10 working days.~~

~~(14)(15) Fine Guide. FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. The terms and values used in the fine guide calculation shall be:~~

A = Degree & Extent of Harm – Human, animal and environmental hazards occur as a result of pesticide misuse or mismanagement of another pest control method:

- 1 Human, animal or environmental harm not identified
- 5 Death of animals or injury to humans or animals requiring hospitalization or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment
- 7 Human death

B = Toxicity of the pesticide for which a pesticide misuse or violation, of label directions which could result in human or animal hazards:

- 0 No pesticide involved in complaint
- 1 Category III or IV – Signal Word “Caution”
- 2 Category II – Signal Word “Warning”
- 3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

- 1 Unknown or under \$1,000
- 2 Over \$1,000 and under \$5,000
- 3 Over \$5,000 and under \$10,000
- 4 Over \$10,000

D = Whether the violation was committed deliberately

- 1 No evidence violation was committed deliberately
- 5 Evidence violation was committed deliberately

E = Compliance record of the violator

- 0 No prior violations
- 1 One prior violation for a dissimilar violation
- 2 Two or more prior violations dissimilar to current violation

- 3 One prior violation for a similar violation
 - 4 Two or more prior violations for similar violations
- F = Investigative Costs
- 0 Routine investigation or Payment of all investigative costs
 - 2 Violation documented as a result of more than one inspection or requiring investigation by multiple inspectors, or by department personnel outside of the division of Agricultural Environmental Services
- G = Entity Category
- 500 Business licensee responsible for violation, or person operating a pest control business without a valid business license
 - 250 Certified Operator or Special Identification Cardholder responsible for violation
 - 100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 570.07(23) FS. Law Implemented 482.161, 482.163 FS. History—New 7-13-06, Amended 7-11-07,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
 RULE TITLE: Shellfish Harvesting Area Standards
 PURPOSE AND EFFECT: This amendment proposes to reclassify the Citrus County shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Citrus County shellfish harvesting area.
 SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Citrus County shellfish harvesting area for shellfish harvesting is in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable shellfish resources.
 SPECIFIC AUTHORITY: 597.020 FS.
 LAW IMPLEMENTED: 597.020 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: April 14, 2008, 4:00 p.m. – 5:00 p.m.
 PLACE: FWRI Senator George G. Kirkpatrick Marine Research Facility Classroom, 11350 SW 153rd. Ct., Cedar Key, Florida 32625-5700

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 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone: (850)488-4033

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.041	Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Career Centers

PURPOSE AND EFFECT: The purpose of this rule development is to better define who is eligible to receive a substitution of requirements for admission into a postsecondary institution, entry into a program or upper division, or graduation requirements and require postsecondary institutions to set policies for implementing the rule. Specific measures to be included in the policy are outlined.

SUBJECT AREA TO BE ADDRESSED: This rule will further clarify who is eligible to receive a substitution of admission requirements to an institution, program of study, entry to upper division, or graduation.

SPECIFIC AUTHORITY: 1007.264, 1007.265 FS.

LAW IMPLEMENTED: 1007.264, 1007.265 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Albee, Coordinator of Outreach and Access, Division of Community Colleges, 325 West Gaines Street, Room 1314, Tallahassee, FL 32399

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-4.002
 RULE TITLE: President

PURPOSE AND EFFECT: This rule establishes qualifications and responsibilities of the President of the Florida School for the Deaf and the Blind as its Chief Executive Officer.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule deleting language which lists job description found in the position description document in the Human Resources Office, and stating qualifications required.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

DATE AND TIME: Saturday, April 12, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, Florida School for the Deaf and the Blind, St. Augustine, 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 48 hours before the workshop/meeting by contacting: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799. 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: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-65.020	Definitions
9B-65.021	Distribution of Funds
9B-65.022	Energy Assistance Benefits
9B-65.023	Eligibility Factors
9B-65.024	Application Procedures and Processing
9B-65.025	Hearings

PURPOSE AND EFFECT: To amend Chapter 9B-65, F.A.C., to implement the Low-Income Home Energy Assistance federally mandated program requirements in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The amendment of Chapter 9B-65, F.A.C. The rules will be numbered 9B-65.020, 9B-65.021, 9B-65.022, 9B-65.023, 9B-65.024 and 9B-65.025.

SPECIFIC AUTHORITY: 120.53(1), 163.03(3) FS.

LAW IMPLEMENTED: 163.03 FS.

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

DATE AND TIME: April 16, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Second Floor, Conference Room 250L, Tallahassee, Florida 32399-2100

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 7 days before the workshop/meeting by contacting: Hilda Frazier, Manager, Low-Income Home Energy Assistance Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or by e-mail at hilda.frazier@dca.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Hilda Frazier, Manager, Low-Income Home Energy Assistance Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or by e-mail at hilda.frazier@dca.state.fl.us

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-90.004	Bus Transit System Operational Standards
14-90.0041	Medical Examinations for Bus Transit System Drivers
14-90.006	Operational and Driving Requirements
14-90.007	Vehicle Equipment Standards and Procurement Criteria

PURPOSE AND EFFECT: The amendment to Rule Chapter 14-90, F.A.C., removes obsolete Subsections which contained language specifically referring to standards to be used on or before July 1, 2006.

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule Chapter 14-90, F.A.C., removes obsolete language specifically referring to standards to be used on or before July 1, 2006.

SPECIFIC AUTHORITY: 334.044(2), 341.061(2)(a) FS.

LAW IMPLEMENTED: 334.044(12), 341.041(3), 341.061(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-90.004 Bus Transit System Operational Standards.

(1) through (7) No change.

~~(8) On or before July 1, 2006, every bus transit system shall comply with the 2005 amendments to this rule.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 119.071, 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-7-05,_____.

14-90.0041 Medical Examinations for Bus Transit System Drivers.

(1) through (7) No change.

~~(5) On or before July 1, 2006, every bus transit system shall comply with the 2005 amendments to this rule.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 334.044(12), 341.041(3), 341.061(2) FS. History—New 11-10-92, Amended 8-7-05,_____.

14-90.006 Operational and Driving Requirements.

(1) through (15) No change.

~~(16) On or before July 1, 2006, every bus transit system shall comply with the 2005 amendments to this rule.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 5-31-89, 11-10-92, 8-7-05,_____.

14-90.007 Vehicle Equipment Standards and Procurement Criteria.

(1) through (15) No change.

~~(16) On or before July 1, 2006, every bus transit system and manufacturer shall comply with the 2005 amendments to this rule.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-2-94, 8-7-05,_____.

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 CITRUS

RULE NO.: 20-3.002
 RULE TITLE: Processed Citrus Product Report

PURPOSE AND EFFECT: Amendment changing reporting frequency for Post Estimate Price Report.

SUBJECT AREA TO BE ADDRESSED: Changing reporting frequency for Post Estimate Price Report.

SPECIFIC AUTHORITY: 601.10(1), 601.15(4),(10) FS.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to address those situations when, on the same shift, an inmate resumes disruption after the camera operator has left the area. The rule provides for deference to the judgment of the supervisor as to whether return of the camera will be counterproductive to his efforts to regain control of the situation. The rule specifies that new initiation of video recording is required if shift change or other staff change occurs after the camera and operator left the area. The purpose and effect of the amendments to Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, is to provide for the use of CIT intervention techniques prior to application of chemical agents for designated inmates at Florida State Prison and Union Correctional Institution.

SUBJECT AREA TO BE ADDRESSED: Use of force – application of chemical agents.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used.

(a) All authorized use of force incidents will be video recorded.

(b) 1. The administration of chemical agents on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell will also be video recorded. The video recording will include: a specific introductory statement; the attempts to resolve the situation without the use of chemical agents; the final order by the supervisor; an advisement to the inmate that chemical agents will be administered if he or she continues the disruptive behavior; an additional advisement to the inmate that this warning will not be repeated prior to the application of chemical agents should he or she become disruptive again after the supervisor, camera and camera operator have left the area; and any response made by the inmate. The video recording will also include the actual application of chemical agents, the offer of a decontaminating shower and medical examination, and the inmate's return to a secure, decontaminated cell. Should the inmate refuse the shower for decontamination purposes or refuse the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded.

2. If, during the same shift, the inmate should cease the conduct creating the disturbance while the supervisor, camera and camera operator are present, but resume such conduct after the supervisor, camera and camera operator have left the area, videotaping of the actual application of the chemical agents is not required will not be videotaped. The department will defer to the judgment of the supervisor as to whether the reintroduction of the camera and operator at the scene of the

disruptive conduct to videotape the actual application of the chemical agents will be counterproductive to his or her efforts to regain control of the situation. If the determination is made to return the camera and operator to the scene, the warning that chemical agents will be administered if he or she continues the disruptive behavior and application of the chemical agents will be recorded. If the determination is made not to videotape the actual application of the chemical agents, ~~t~~he original video recording will resume following the final exposure to chemical agents, include a statement referring to the originating incident, and continue from this point until the decontaminating shower and medical examination are offered and the inmate is returned to secure, decontaminated housing.

3. If a different supervisor takes command of the incident due to shift change or other circumstances in which there is a staff change, a new video recording will be initiated and the requirements in 1. and 2. above will be repeated.

(c) All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing.

(d) Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(5) through (21) No change.

(22) 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 (m) No change.

(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective March 2, 2006.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The rulemaking is intended to develop District-wide water use permitting rules that include water conservation standards and criteria consistent with those

adopted for the Southern Water Use Caution Area for public supply, recreation and aesthetic water uses and to enhance and add additional conservation measures District-wide.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District water use permitting rules in Chapter 40D-2, F.A.C., and the Basis of Review For Water Use Permit Applications regarding additional and enhanced conservation requirements for public supply, recreation and aesthetic water use permits. Some of the proposed additional requirements for public supply permits for areas not included in the Southern Water Use Caution Area (SWUCA) are conservation rate structures, water billing requirements, water audits and annual reports for public supply utilities. Some of the other District-wide proposed additions and enhancements include reuse credits, limiting unaccounted water to a maximum of ten percent of production, requiring utilities to report conservation programs and initiatives within their service areas, information regarding reclaimed water generation, use and rate structure information, landscape codes, and water conservation projects/programs. Also proposed are amendments to apply District-wide the SWUCA conservation requirements for recreation and aesthetic water use permits. Other requirements may be developed during rulemaking.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

DATE AND TIME: April 21, 2008, 2:00 p.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Jeanette Houser, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-6.003 **RULE TITLE:** Licensure Application Procedures

PURPOSE AND EFFECT: This rule amendment involved ADULT DAY CARE CENTERS. The purpose of the proposed rule amendment is to comply with Sections 408.809 and 429.919, F.S., regarding background screening requirements for staff working in adult day care centers.

SUBJECT AREA TO BE ADDRESSED: Provision of proof of compliance with background screening requirements, pursuant to Sections 408.809 and 429.919, F.S., as part of the licensure application procedures for adult day care centers. Additionally, the electronic method of obtaining an adult day care center license.

SPECIFIC AUTHORITY: 429.929 FS.

LAW IMPLEMENTED: 408.809, 429.909, 429.913(1)(b), 429.915, 429.919, 429.929, 435.04(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: April 14, 2008, 9:30 a.m. – 10:30 a.m., EDST

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

IF NOT REQUESTED IN WRITING BY 5:00 P.M. ON APRIL 11, 2008, A RULE DEVELOPMENT WORKSHOP WILL NOT BE CONDUCTED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-6.003 Licensure Application Procedures.

(1) through (4) No change.

(5) Owners or operators of adult day care centers subject to licensure shall submit a completed application for a license through the Agency for Health Care Administration, 2727 Mahan Dr., Tallahassee, FL 32308. The Licensure Application for Adult Day Care Center, ADCC Form-1, dated December 2003, which is incorporated by reference, may be obtained from the Agency for Health Care Administration AHCA, Adult Day Care Program, 2727 Mahan Drive, Tallahassee, Florida 32308. ~~The cost of the application package, which includes Chapter 429, Part III, F.S., and this rule chapter, is \$5.00, in accordance with Section 429.929(3), F.S. The application may be also obtained from the AHCA Web site at: http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/adcc/ADCC_Application.pdf~~. Attached to the application shall be:

(a) through (b) No change.

(c) Proof of compliance with background screening requirements pursuant to Sections 408.809 and 429.919, F.S.

(6) through (7) No change.

Specific Authority 429.929 FS. Law Implemented 408.809, 429.909, 429.913(1)(b), 429.915(4), 429.919, 429.929 (3), 435.04(5) FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, 2-19-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-12.009 Fees

PURPOSE AND EFFECT: The Board proposes to review the rule to delete any unnecessary language and to add language to clarify fees as prescribed by the Board.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(6),(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(6),(7),(8), 489.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule provides criteria to determine if a Medicaid applicant or recipient receives fair compensation in regard to personal service contracts. Amendments also include a change in the look back period for Deficit Reduction Act provisions. Clarifications to policy are included.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language for personal service contracts, look back period and clarifications to policy.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: April 14, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.205	Indemnity Standard Risk Rates
69O-149.206	Preferred Provider/Exclusive Provider Standard Risk Rates
69O-149.207	Health Maintenance Organization Standard Risk Rates

PURPOSE AND EFFECT: To publish the standard risks rates as required by Section 627.6675(3)(c), F.S.

SUBJECT AREA TO BE ADDRESSED: Standard Risk Rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) 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: April 15, 2008, 1:30 p.m.

PLACE: 143 Larson Building, 200 E. Gaines St., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith at gerry.smith@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: Gerry Smith gerry.smith@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 TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-20.0025	Definitions
14-20.003	Placement of Shelters
14-20.0032	Placement of Benches
14-20.0033	Competitive Public Bidding of Advertising
14-20.004	Public Transit Bus Stops
14-20.010	General Use Permit

PURPOSE AND EFFECT: Rule Chapter 14-20, F.A.C., is being restructured into a Part I and Part II, with the existing rules on bus stops, shelters, and benches remaining in Part I, and a new Part II General Use Permits. Three existing rules are being amended and one rule is to be repealed. The rule chapter title is being expanded to "Use of Department Right of Way" with the existing rules addressed in this amendment becoming Part I "Bus Stops, Benches, and Transit Shelters."

SUMMARY: A new rule on General Use Permits is being adopted. The existing rules in the chapter will be in Part I with the new rule being in Part II. The overall rule chapter title is expanded to Use of Department Right of Way. Three existing rules related to bus stops, benches, and transit shelters are being amended and one rule is to be repealed. The rule chapter

title is being expanded to "Use of Department Right of Way" with the existing rules addressed in this amendment becoming Part I "Bus Stops, Benches, and Transit Shelters."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 334.044(2), 337.408(4), (6) FS.

LAW IMPLEMENTED: 334.044(13), 335.02(1), 337.408 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

USE OF DEPARTMENT RIGHT OF WAY BUS STOPS, SHELTERS, AND BENCHES PART I BUS STOPS, SHELTERS, AND BENCHES

14-20.0025 Definitions.

(1) "Bench" means a seat designed for seating two or more persons, which is placed along a regular transit bus route at or near recognized transit bus stops.

(2)(4) "Department" means the Florida Department of Transportation.

(3)(2) "School Bus" means as defined in Section 316.003, F.S. any motor vehicle that complies with the color and identification requirements of Chapter 234, F.S., and is used to transport children to or from school or in connection with school activities.

(3) "School Bus Shelter" ~~means a structure or facility located at a site designated and approved by the local school board to protect awaiting school children from the elements.~~

(4) "School Bus Stop" ~~means a site designated and approved by the local school board for the purpose of loading and unloading school children.~~

(4)(5) "Shelter" means a structure or facility located at a designated site to protect passengers from the elements. "Shelter" refers to both public transit bus shelters and school bus shelters.

(5)(6) "Transit Bus" means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.