

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

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

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.820  
**RULE TITLE:** Maximum Management

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to reflect the Deputy Director of Health Services (Clinical) as a member of the MMRT instead of the Deputy Assistant Secretary of Health Services (Clinical) and modify Form DC6-171 to include information to assist staff in correctly processing the form.

**SUBJECT AREA TO BE ADDRESSED:** Maximum management.

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.820 Maximum Management.

(1) Definitions.

(a) No change.

(b) Maximum Management Review Team – refers to the committee in Central Office that has approval authority for placement in maximum management and the modification of conditions and restrictions imposed at the time an inmate is initially placed in maximum management. The Maximum Management Review Team shall consist of the following staff or those acting in that capacity:

1. through 3. No change.

4. Deputy ~~Director Assistant Secretary~~ of Health Services (Clinical).

(2) through (4) No change.

(5) Initial Placement Hearing and Decision Process.

(a) No change.

(b) The inmate shall be present for the hearing, unless:

1. through 2. No change.

3. If the inmate did not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered on Form DC6-171, Report of Maximum Management. Form DC6-171 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of this form is \_\_\_\_\_ ~~4-13-06~~.

(c) through (m) No change.

(6) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06,\_\_\_\_\_.

**COMMISSION ON ETHICS**

**RULE NO.:** 34-7.010  
**RULE TITLE:** List of Forms and Instructions

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to make revisions to various forms that are required to be filed by the Code of Ethics, and which are adopted by reference in Rule 34-7.010, Florida Administrative Code. Most changes are relatively minor changing the date, correcting statutory citations, updating addresses, etc.

**SUBJECT AREA TO BE ADDRESSED:** CE Form 1, CE Form 1F, CE Form 6, CE Form 6F, CE Form 9, CE Form 10, CE Form 3A, and CE Form 30 will be affected by this rulemaking.

**SPECIFIC AUTHORITY:** Art. II, Sec. 8(f), (h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS.

**LAW IMPLEMENTED:** Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 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:** August 15, 2006, 2:00 p.m.

**PLACE:** Conference Room, Commission on Ethics, 3600 Maclay Boulevard South, Suite 201, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julia Cobb Costas, Senior Attorney, Commission on Ethics, telephone: (850)488-7864

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2007 ~~4/2006~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2007 ~~4/2006~~.

(d) No change.

(e) Form 3A, Statement of Interest in Competitive Bid for Public Business. To be utilized by persons wishing to do business with their agency or to have employment or a contractual relationship with a business entity doing business with their agency, provided that the business is awarded under a system of sealed, competitive bidding, under Subsection 112.313(12)(b), Florida Statutes. Effective 1/2007 ~~4/95~~.

(f) through (k) No change.

(l) Form 9, Quarterly Gift Disclosure. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the quarterly gift disclosure requirements of Section 112.3148(8), Florida Statutes. Effective 1/2007 ~~4/2004~~.

(m) Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the gift disclosure requirements of Section 112.3148(6), Florida Statutes, and the honorarium disclosure requirements of Section 112.3149(6), Florida Statutes. Effective 1/2007 ~~4/2002~~.

(n) Form 30, Donor's Quarterly Gift Disclosure. To be utilized by political committees, committees of continuous existence, lobbyists (persons who for compensation sought to influence the governmental decisionmaking, proposal, or recommendation of an agency), and the partners, firms, principals, and employers of lobbyists for compliance with the gift disclosure requirements of Section 112.3148(5), Florida Statutes. Effective 1/2007 ~~4/2004~~.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2007 ~~4/2006~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2007 ~~4/2006~~.

(q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2007.

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9) FS., Chapter 2005-359, LOF. Law Implemented 112.313(9), (12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Chapter 2005-359, LOF. History–New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-07.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-4 Environmental Resource Permits

PURPOSE AND EFFECT: To develop supplemental water quality criteria for environmental resource permits for new development in the Upper and Lower Kissimmee, Lake Okeechobee, St. Lucie Estuary and Caloosahatchee Estuary basins.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting Water Quality criteria in Lake Okeechobee and Estuary Watersheds Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 22, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201 (second floor of the Bank of America building), Okeechobee, FL 34972

DATE AND TIME: August 24, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: Indian River Community College, 2400 S.E. Salerno Road, Stuart, FL 34997

DATE AND TIME: August 29, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: September 12, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Osceola County Extension, Osceola Heritage Park, 1921 Kissimmee Valley Lane, Kissimmee, FL 34744-6107

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South

Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876, or by email to [dmeiers@sfwmd.gov](mailto:dmeiers@sfwmd.gov). For procedural questions please contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

A draft of the rule text will be available on August 15, 2006, on the District's website located at: [my.sfwmd.gov/permitting](http://my.sfwmd.gov/permitting) in the right hand column under "rule development" and the District's LOER website located at: <http://www.sfwmd.gov/site/index.php?id=727> Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

## WATER MANAGEMENT DISTRICTS

### South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-41 Surface Water Management Basin  
and Related Criteria

PURPOSE AND EFFECT: To develop supplemental water quality criteria for environmental resource permits for new development in the Upper and Lower Kissimmee, Lake Okeechobee, St. Lucie Estuary and Caloosahatchee Estuary basins.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting Water Quality criteria in Lake Okeechobee and Estuary Watersheds Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 22, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201 (second floor of the Bank of America building), Okeechobee, FL 34972

DATE AND TIME: August 24, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: Indian River Community College, 2400 S.E. Salerno Road, Stuart, FL 34997

DATE AND TIME: August 29, 2006, 10:00 a.m. – 12:00 p.m.

PLACE: Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901

DATE AND TIME: September 12, 2006, 1:00 p.m. – 3:00 p.m.

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Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876, or by email to [dmeiers@sfwmd.gov](mailto:dmeiers@sfwmd.gov). For procedural questions please contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

A draft of the rule text will be available on August 15, 2006, on the District's website located at: [my.sfwmd.gov/permitting](http://my.sfwmd.gov/permitting) in the right hand column under "rule development" and the District's LOER website located at: <http://www.sfwmd.gov/site/index.php?id=727> Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

## DEPARTMENT OF MANAGEMENT SERVICES

### Enterprise Information Technology Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60EE-1 Not Available

PURPOSE AND EFFECT: To consider promulgation of rules implementing recent legislation on accessibility of electronic and information technology.

SUBJECT AREA TO BE ADDRESSED: Purpose and Scope of Proposed Rule Chapter; Definitions; Standards; Procurement and Development of Electronic and Information Technology.

SPECIFIC AUTHORITY: 282.604 FS.

LAW IMPLEMENTED: 282.601-.606 FS.

THREE RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: Monday, August 14, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Betty Easley Center Room 166, 4075 Esplanade Way, Tallahassee, Florida 32399

DATE AND TIME: Wednesday, August 16, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Embassy Suites Orlando North, 225 Shorecrest Drive, Altamonte Springs, Florida 32701

DATE AND TIME: Tuesday, August 29, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Embassy Suites-Ft. Lauderdale, 1100 S. E. 17th Street, Fort Lauderdale, Florida 33316

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in these meetings should advise the Department at least 2 business days before the workshop, by contacting Susan Counts at (850)487-3423. Please be aware that American Sign Language Interpreters, Certified Real Time Captioning, Audio/Visual Accommodations and alternative formats will be available on site.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Counts, Management Review Specialist, ADA Working Group, 4030 Esplanade Way, Ste. 315, Tallahassee, FL 32399-0950; (850)487-3423 [Susan.Counts@dms.myflorida.com](mailto:Susan.Counts@dms.myflorida.com)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61G15-30 Rules for Aluminum Structures

PURPOSE AND EFFECT: Purpose and effect is to develop rules concerning the appropriate and inappropriate uses of design manuals for aluminum and other structures.

SUBJECT AREA TO BE ADDRESSED: Rules concerning the appropriate and inappropriate uses of design manuals for aluminum and other structures.

SPECIFIC AUTHORITY: 471.008, 471.033 FS.

LAW IMPLEMENTED: 471.033 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

61G15-31 Rules for Aluminum Structures

PURPOSE AND EFFECT: Purpose and effect is to develop rules concerning the appropriate and inappropriate uses of design manuals for aluminum and other structures.

SUBJECT AREA TO BE ADDRESSED: Rules concerning the appropriate and inappropriate uses of design manuals for aluminum and other structures.

SPECIFIC AUTHORITY: 471.008, 471.033 FS.

LAW IMPLEMENTED: 471.033 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.: RULE TITLES:

61G17-3.0021	Education
61G17-3.0025	Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and mappers is amending Rule 61G17-3.0021, F.A.C. to clarify what types of courses an applicant applying for licensure pursuant to Section 472.013(2)(b), F.S., must complete to qualify for licensure. The Florida Board of Professional Surveyors and Mappers is creating new Rule 61G17-3.0025, F.A.C., to establish domestic degree equivalency criteria for applicants who graduated from a United States Non-ABET accredited surveying and mapping degree program.

SUBJECT AREA TO BE ADDRESSED: Education; Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs.

SPECIFIC AUTHORITY: 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013, 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-5.001	Continuing Education Requirements for Reactivation of Inactive License
61G17-5.0043	Obligations of Continuing Education Providers

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is amending Rule 61G17-5.0043, F.A.C., to revise an incorrect citation. The Florida Board of Professional Surveyors and Mappers is amending Rule 61G17-5.001, F.A.C., to revise the continuing education requirements for reactivating an inactive license.

SUBJECT AREA TO BE ADDRESSED: Obligations of Continuing Education Providers; Continuing Education Requirements for Reactivation of Inactive License.

SPECIFIC AUTHORITY: 455.2178, 455.219, 472.008, 472.011, 472.018, 472.019(2) FS.

LAW IMPLEMENTED: 455.2123, 472.018, 455.271(9), 472.019(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:	RULE TITLE:
61J1-4.001	Education Requirements

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-4.001, F.A.C., to implement changes to Section 475.617 of the Florida Statutes. Specifically, the Florida Real Estate Appraisal Board is increasing the number of classroom hours required to become registered as a trainee appraiser.

SUBJECT AREA TO BE ADDRESSED: Education Requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 ~~75~~ classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the original classroom hours taken at any time to become initially registered will be invalid and may not be used to secure another registration. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(c) No change.

(2) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 120 classroom hours may include the previous 75 or the current 100 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser.

(3) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 180 classroom hours may include the previous 75 or the current 100 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser.

(4) through (14) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Beaches and Shores**

RULE NOS.:	RULE TITLES:
62B-33.002	Definitions
62B-33.004	Exemptions from Permit Requirements
62B-33.005	General Criteria
62B-33.007	Structural and Other Requirements Necessary for Permit Approval
62B-33.008	Permit Application Requirements and Procedures
62B-33.013	Permit Modifications, Time Extensions, and Renewals
62B-33.014	Emergency Procedures
62B-33.024	Thirty-Year Erosion Projection Procedures
62B-33.0051	Coastal Armoring and Related Structures
62B-33.0081	Survey Requirements
62B-33.0085	Permit Fees
62B-33.0155	General Permit Conditions

PURPOSE AND EFFECT: The proposed amendment will clarify and/or update rule requirements for exemptions, denials, evaluation of impacts from discharges of water or other fluids, sand-filled geotextile container armoring procedures, emergency protection measures, permit application requirements, survey requirements, permit time extensions, emergency reporting procedures, general permit conditions, permit compliance reporting forms, and 30-year erosion projection procedures. Also this amendment will add and/or amend definitions for government entity, survey datum NAD 83/90, protective value, and rebuilding.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for construction and excavation seaward of the coastal construction control line.

SPECIFIC AUTHORITY: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.085 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: August 15, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Bureau of Beaches and Coastal Systems, Building B, Room 309 (Training Room), 5050 West Tennessee Street, 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 48 hours before the workshop/meeting by contacting: Leesia Koutz, (850)488-7816. 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: Leesia Koutz, Operations Review Specialist, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, call (850)488-7816 or e-mail: leesia.koutz@dep.state.fl.us.

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.:	RULE TITLE:
65A-1.205	Eligibility Determination Process

**PURPOSE AND EFFECT:** The proposed rule amendment clarifies the department's eligibility processing procedures applicable to all public assistance programs. It also removes reference to the Relative Caregiver Program (RCP) as the provision has been moved to Administrative Rule 65A-4.208, F.A.C., since it is only pertinent to individuals who meet Temporary Cash Assistance (TCA) eligibility factors.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment provides for the use of a paper or electronic/web based application to apply for public assistance. It also provides clarification on the department's eligibility determination process and removes reference to the RCP.

**SPECIFIC AUTHORITY:** 409.919, 414.45 FS.

**LAW IMPLEMENTED:** 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 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:** August 28, 2006, 1:30 p.m.

**PLACE:** 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Eileen Schilling, Program Administrator, Food Stamp/TANF Policy, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, telephone 414-5643

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65A-1.301	Citizenship
65A-1.704	Family-Related Medicaid Eligibility Determination Process
65A-1.705	Family-Related Medicaid General Eligibility Criteria

**PURPOSE AND EFFECT:** Amendment to the proposed rules will align citizenship requirements for Medicaid applicants and recipients in accordance with the federal law, the Deficit Reduction Omnibus Reconciliation Act (DRA) Of 2005 (Public Law 109-171).

**SUBJECT AREA TO BE ADDRESSED:** Proposed amendments will revise language to be consistent with federal requirements for individuals who declare to be a U.S. citizen or national. These individuals are required to provide documentation of U.S. citizenship and identity.

**SPECIFIC AUTHORITY:** 409.918, 409.919, 414.45 FS.

**LAW IMPLEMENTED:** 409.902, 409.903, 409.904, 409.818, 409.919, 410.033, 414.095(3), 414.31 FS.

**IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** August 28, 2006, 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 IS:** Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

**PURPOSE AND EFFECT:** The purpose of these proposed amendments are to align policies and procedures on income and asset exclusions for Medicaid coverage groups. The Social Security Protection Act of 2004 included several policy changes on income and asset exclusions for the Supplemental Security Income (SSI) program. By law these provisions must also apply to SSI-related Medicaid programs and State Funded Programs (Optional State Supplementation and Home Care for Disabled Adults). The Farm Bill of 2002 allows some state flexibility to align food stamp income related policies to those used by TANF and 1931 Medicaid programs. Florida is aligning the policies to further simplify program policies and procedures.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments contain specific provisions for income exclusions for infrequent or irregular earned and unearned income; interest and dividends; and educational grants, loans, scholarships, fellowships and gifts.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.903, 409.918, 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:** August 28, 2006, 2:30 p.m.

**PLACE:** 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Pat Whitford, Economic Self-Sufficiency, telephone (850)410-3479

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-4.209                      RULE TITLE: Income

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to align policies and procedures on income and asset exclusions for Temporary Cash Assistance (TCA). The Social Security Protection Act of 2004 included several policy changes on income and asset exclusions for the Supplemental Security Income (SSI) program. By law, these provisions must also apply to SSI-related Medicaid programs and State Funded Programs (Optional State Supplementation and Home Care for Disabled Adults). The Farm Bill of 2002 allows some state flexibility to align food stamp income and asset polices to those used by the Temporary Assistance for Needy Families (TANF) and 1931 Medicaid programs. Florida is aligning the policies to further simplify program policies and procedures.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment contains specific provisions for TCA income exclusions for infrequent or irregular earned and unearned income; interest and dividends; and educational grants, loans, scholarships, fellowships and gifts.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.095 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: August 28, 2006, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Eileen Schilling, Program Administrator, Food Stamps/TANF Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, telephone 414-5643

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-1.004                      RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to define “captive wildlife,” “critical incident,” “natural disaster,” “reptiles of concern,” and “venomous reptiles.”

SUBJECT AREA TO BE ADDRESSED: The proposed rule will define “captive wildlife,” “critical incident,” “natural disaster,” “reptiles of concern,” and “venomous reptiles.”

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 21, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Doyle Connor Building, Department of Agriculture, Division of Plant Industry, 1911 S.W. 34th Street, 1st Floor Auditorium, Gainesville, FL 32608-1201

DATE AND TIME: August 22, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Tampa Port Authority, 1101 Channelside Drive, 1st Floor Board Room, Tampa, FL 33602

DATE AND TIME: August 23, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Broward County Main Library, 100 S. Andrews Avenue, 8th Floor, Rooms 8A & 8B, Ft. Lauderdale, FL 33301-1830

DATE AND TIME: August 28, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Pensacola Junior College, 1000 College Blvd., Hagler Auditorium, Bldg. 2 Room 252, Pensacola, FL 32504-8910

DATE AND TIME: August 29, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 620 S. Meridian Street, 2nd Floor, Room 272, Tallahassee, FL 32399-1600

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) through (19) No change.

(20) Captive Wildlife – Any wildlife, specifically birds, mammals, reptiles, or amphibians maintained in captivity for exhibition, sale, personal use, propagation, preservation, rehabilitation, protection or hunting purposes.

(20) through (22) renumbered (21) through (23) No change.



(24) Critical Incident – Any condition which results in the release or escape of captive wildlife from its enclosure, cage, leash, or other constraint.

(23) through (47) renumbered (25) through (49) No change.

(50) Natural Disaster –A hurricane or other severe storm, flood, fire, or any other natural or man made disaster.

(48) through (64) renumbered (51) through (67) No change.

(68) Reptiles of Concern – As designated by the Commission, any member of the class Reptilia, including subspecies, taxonomic successors or hybrids thereof, which due to its nature, habits or potential to impact the environment, may be possessed and housed only in accordance with the regulations provided for reptiles of concern.

(65) through (86) renumbered (69) through (90) No change.

(91) Venomous Reptiles – All members of the class Reptilia including their taxonomic successors, subspecies or any hybrid thereof, regardless of surgical alteration, belonging to the families Elapidae, Crotalidae, Viperidae, and Hydrophiidae; all animals in the genus Heloderma; and all animals in the family Colubridae belonging to the genera Rhabdophis, Boiga, Dispholidus, Thelatornis, and Atractapsis; or their taxonomic successors and any other reptile species determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison.

(87) through (91) renumbered (92) through (97) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68A-6	Wildlife in Captivity
RULE NOS.:	RULE TITLES:
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.003	Facility and Structural Caging Requirements for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.007	Reptiles of Concern; Prohibited Species

68A-6.0071 Regulations Governing Dealers of Live Venomous Reptiles or Reptiles of Concern; Reporting Requirements

68A-6.0072 Regulations Governing Identification of Venomous Reptiles and Reptiles of Concern; Escape

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to address the possession and housing of captive wildlife, venomous reptiles and reptiles of concern. The proposed rules will provide clarification regarding permitting requirements, facility and land area requirements, standard caging requirements, record keeping and reporting requirements for the possession of captive wildlife, venomous reptiles or reptiles of concern, and identification of non-native venomous reptiles and reptiles of concern.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be covered in the proposed rules include possession and housing of captive wildlife, venomous reptiles and reptiles of concern. Proposed rules will: Require safety entrances for enclosures housing capuchin, spider and woolly monkeys; Address land area requirements for facilities housing Class I or Class II wildlife; Consolidate and clarify caging requirements for reptiles and amphibians; Develop minimum caging requirements for large constrictor snakes; Consolidate portions of Rule 68A-25.002 with Rule 68A-25.006 to create Rule 68A-6.007, F.A.C., addressing the possession, exhibition, and caging or venomous reptiles, and reptiles of concern, and prohibited species; Require development of Natural Disaster Plan or Critical Incident Plan for all permittees authorized to possess captive wildlife, venomous reptiles or reptiles of concern; Require development and posting of Bite Protocol and Cage Card Identification at venomous reptile facilities; Develop record keeping and reporting requirements for dealers of live venomous reptiles or reptiles of concern; Develop requirements for the permanent marking/identification of venomous reptiles and reptiles of concern; Require reporting within 24 hours of discovery of the escape of any non-native venomous reptile or reptile of concern.

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

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

- DATE AND TIME: August 21, 2006, 6:00 p.m. – 8:00 p.m.
- PLACE: Doyle Connor Building, Department of Agriculture, Division of Plant Industry, 1911 S.W. 34th Street, 1st Floor Auditorium, Gainesville, FL 32608-1201
- DATE AND TIME: August 22, 2006, 6:00 p.m. – 8:00 p.m.
- PLACE: Tampa Port Authority, 1101 Channelside Drive, 1st Floor Board Room, Tampa, FL 33602
- DATE AND TIME: August 23, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Broward County Main Library, 100 S. Andrews Avenue, 8th Floor, Rooms 8A & 8B, Ft. Lauderdale, FL 33301-1830

DATE AND TIME: August 28, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Pensacola Junior College, 1000 College Blvd., Hagler Auditorium, Bldg. 2 Room 252, Pensacola, FL 32504-8910

DATE AND TIME: August 29, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 620 S. Meridian Street, 2nd Floor, Room 272, Tallahassee, FL 32399-1600

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

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

FUTURE DRAFTS OF THE PROPOSED RULES WILL BE AVAILABLE AT NO CHARGE AND MAY BE OBTAINED FROM THE CONTACT PERSON LISTED ABOVE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68A-25 Rules Relating To Reptiles

RULE NO.: RULE TITLES:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles

68A-25.006 Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to consolidate regulations pertaining to the possession and housing of venomous reptiles in captivity with other regulations pertaining to wildlife in captivity found in Chapter 68A-6, Florida Administrative Code. The effect will be to amend Section 68A-25.002 and repeal Rule 68A-25.006, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be covered includes the deletion of language pertaining to permitting requirements for authorization to possess venomous reptiles in Rule 68A-25.002 and repeal of Rule 68A-25.006, F.A.C.

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

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

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 21, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Doyle Connor Building, Department of Agriculture, Division of Plant Industry, 1911 S.W. 34th Street, 1st Floor Auditorium, Gainesville, FL 32608-1201

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DATE AND TIME: August 29, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 620 S. Meridian Street, 2nd Floor, Room 272, Tallahassee, FL 32399-1600

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) Lawfully acquired, unskinned alligator carcasses with CITES tags legally affixed; skinned alligator carcasses with the CITES tag number and, if applicable, harvest tag number recorded on an attached tag; untanned hides with CITES tags legally affixed; and alligator feet, viscera, and skeletal parts may be bought, sold, possessed, transported, and imported without a permit provided that untanned alligator hides may only be bought by persons licensed pursuant to Section 372.66, F.S., and that records of transfers of alligator feet, viscera, and skeletal parts shall be maintained as specified in Rule 68A-25.052, F.A.C.

(b) Persons permitted pursuant to Section 372.921, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to Section 372.921, F.S., may sell, and they and their employees may transport, such alligators to:

1. Other persons permitted pursuant to Section 372.921, F.S.;

2. To persons permitted to receive such alligators; or

3. To persons out of state, provided that all transports/transfers conducted pursuant to subparagraphs 68A-25.002(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).

4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if appropriate, and forward the document to the Commission within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodylian trophies; untagged, tanned crocodylian hides; and manufactured goods wholly or partly composed of crocodylian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) Documentary evidence of the source of acquisition of such crocodylian products held for sale shall be maintained until the products are sold. Such products held for sale and documentary evidence of the source of acquisition shall be subject to inspection by Commission personnel during reasonable hours.

(b) No person shall sell such crocodylian products manufactured from a species declared to be endangered or threatened by the U.S. Fish and Wildlife Service or the Commission.

(c) No person shall sell any crocodylian product manufactured in the form of a stuffed baby crocodylian less than three feet in length as measured from the tip of the snout to the tip of the tail.

(3) Any alligator, crocodile, caiman or similar reptile, or any part thereof, seized or otherwise acquired by the Commission may be sold.

(4) The records of individuals or concerns selling any species of crocodylian will be subject to inspection and such individuals or concerns shall have in their possession invoices or other documentary evidence of the suppliers of such crocodylians. The advertisement or representation of any crocodylian other than American alligator, and meat and parts thereof, as alligator or "gator" and of caimans, and meat and parts thereof, as crocodile is prohibited.

(5) No person shall use, be in possession of or attend any hook, peg or other such device baited in such a manner as to be capable of taking alligators and suspended so that the bait is above water or submerged less than six inches except nuisance-alligator trappers taking nuisance alligators pursuant to Rule 68A-25.003, F.A.C., and except as otherwise provided in Rules 68A-25.032 and 68A-25.042, F.A.C.

(6) Freshwater turtles may be taken as prescribed in Rules 68A-23.012 and 68A-23.003, F.A.C., and manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macrolemys temmincki*), box turtle (*Terrapene carolina*), Barbour's map turtle (*Graptemys barbouri*), Escambia River map turtle (*Graptemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys concinna*), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two Barbour's map turtles, two Escambia River map turtles, two diamondback terrapins, two river cooters, two box turtles, two loggerhead musk turtles, or one alligator snapping turtle unless authorized by permit from the executive director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C. River cooters may not be taken from 15 April to 31 July.

(7) No softshell turtles (*Apalone* spp.) or their eggs may be taken from the wild during the period 1 May to 31 July.

(8) No person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the Executive Director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(9) No person shall buy, sell, take or possess any gopher tortoise (*Gopherus polyphemus*), or any part thereof, unless authorized by permit from the executive director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C.

(10) Possession of gopher tortoises may be authorized by permit from the executive director when the owner can demonstrate that such tortoise(s) was (were) legally acquired and possessed before July 1, 1988.

(11) No person shall possess any turtle or tortoise on which paint has been applied to its shell or body parts, provided that water-soluble, non-toxic identifying marking may be used in turtle racing contests.

(12) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic (= "albino") specimens.

(13) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.

~~(14) On or after July 1, 1990 any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:~~

(a) ~~Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(c), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.~~

(b) ~~Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.~~

(c) ~~Must be at least 18 years old at the time of application.~~

~~(14)(15) No leopard tortoise (Geochelone pardalis) or African spurred tortoise (Geochelone sulcata) shall be imported or transported into this state, without a special permit issued by the Commission. The basis for the issuance of such permit shall include:~~

(a) That each shipment is accompanied by a veterinary certificate stating that all specimens are free from external parasites;

(b) That all shipping containers used to transport such tortoises are incinerated within 24 hours;

(c) Such other conditions as may be necessary to insure that no tortoise infested with ticks capable of transmitting the Heartwater disease is imported into Florida.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, \_\_\_\_\_.

68A-25.006 Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species.

~~(1) Any person who keeps, possesses or exhibits poisonous or venomous reptiles shall comply with Sections 372.86, 372.87, 372.88, 372.89, 372.90 and 372.91, F.S.~~

~~(2) Venomous reptiles shall be kept enclosed in cages, cases, pits or enclosures of the following specifications:~~

(a) ~~Cage may be constructed of a variety of materials including: plate glass of at least one quarter inch thickness, break resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked to prevent unauthorized intrusion.~~

(b) ~~A room may contain poisonous reptiles in cages that are not locked provided that such a room is locked to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape proof, and, for commercial facilities, has been inspected and approved as conforming to these rules by Commission personnel prior to use.~~

(c) ~~Outdoor open-topped enclosures:~~

1. ~~For venomous reptiles native to the United States, the floors of outdoor cages shall be of concrete or masonry construction at least two inches in thickness. Sides shall be of similar construction, at least eight inches in thickness, or strength equivalent, with a minimum height of four feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:~~

a. ~~The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.~~

b. ~~The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.~~

e. ~~The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.~~

d. ~~All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.~~

2. ~~Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.~~

3. ~~For venomous reptile species not native to the United States, all outdoor enclosures shall be topped with close meshed wire or an equivalent barrier to provide additional security.~~

~~(3) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families Elapidae, Hydrophiidae or Laticaudidae are prohibited from being imported or possessed, except under the provisions of Section 370.081(4), F.S.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 370.081, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.06, Amended 5-10-87, 4-1-96, 9-15-96, Formerly 39-25.006, Amended 11-17-99, Repealed \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

69A-40 Uniform Fire Safety standards for Assisted Living facilities

RULE NOS.: RULE TITLES:

69A-40.024 Scope

69A-40.027 Definitions

69A-40.037 Intergenerational Respite Care Assisted Living Facility

PURPOSE AND EFFECT: To adopt standards for assisted living facilities which are also intergenerational respite care facilities.

SUBJECT AREA TO BE ADDRESSED: Assisted living facilities that are also intergenerational respite care facilities.

SPECIFIC AUTHORITY: 400.441, 633.01, 633.022 FS.

LAW IMPLEMENTED: 400.441, 633.022 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. (IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD):

DATE AND TIME: September 7, 2006, 9:00 a.m. – 12:00 noon

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)922-2553

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Kimberly Riordan, (850)413-3170.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-40.024 Scope.

(1) These rules apply to any institution, building, or buildings, residence, private home, boarding home, home for the aged, or any other place, whether operated for profit or not, which is an assisted living facility under the definitions of Chapter 400, F.S., and of Chapter 58A-5, F.A.C., and include the intergenerational respite care assisted living facility created pursuant to Section 400.4071, F.S. These rules do not apply to transient rentals, as defined in Section 212.03, F.S.

(2) No change.

Specific Authority 400.441, 633.01, 633.022 FS. Law Implemented 400.441, 633.022 FS. History—New 11-29-89, Amended 1-7-97, Formerly 4A-40.024, Amended \_\_\_\_\_.

69A-40.027 Definitions.

(1) through (5) No change.

(6) “Intergenerational Respite Care Assisted Living Facility” means a facility licensed pursuant to a 5 year pilot program established by the Agency for Health Care Administration to provide temporary personal, respite and custodial care to minors and adults with disabilities and elderly persons with special needs who do not require 24-hour nursing services, and that provides respite care services for minors and adults with disabilities and elderly persons with special needs for a period of at least 24 hours but not more than 14 consecutive days, in which minors and adults reside in distinct

and separate living units, with a maximum of 48 beds located in Miami-Dade County, and is operated as a not-for-profit entity.

(7)(6) “NFPA” is the abbreviation for the National Fire Protection Association.

(8)(7) “Owner” shall refer to the person, partnership, association, or corporation that owns the assisted living facilities enterprise, whether licensed or not. In the event a facility is operated by a person that leases the physical plant which is owned by another person, “owner” means the person that operates the facility. When the person that owns the physical plant is an affiliate of the person that operates the facility and has significant control over the day-to-day operation for the facility, he is considered an owner of the facility.

(9)(8) “Point of Safety” shall be as defined in Chapter 22 and 23, NFPA 101, Life Safety Code, incorporated by reference in subsection 69A-40.028(1), F.A.C.

(10)(9)(a) “Satisfactory Firesafety Inspection” shall mean there are no uncorrected firesafety deficiencies in the facility associated with fire alarm systems, installed fire sprinkler systems, or means of egress/escape components. For purposes of this definition, firesafety deficiencies associated with maintenance items, such as “an exit light burned out” or “an electrical wall outlet cover plate missing”, would not be considered as items for an unsatisfactory firesafety inspection.

(b) Facilities shall be granted a period of time to correct firesafety deficiencies that are determined by the firesafety authority having jurisdiction citing the deficiencies. The time periods granted shall be based on the risk to life and property created by the violation and the ease of correction. Those existing facilities that are required to install fire sprinkler systems shall be granted the time frames specified in Section 400.441(1)(a)2.i., F.S.

(c) During these time frames, the lack of a required fire sprinkler system shall not be grounds for denial of a “Satisfactory Firesafety Inspection.”

Specific Authority 400.441, 633.01, 633.022 FS. Law Implemented 400.441, 633.022 FS. History—New 11-29-89, Amended 1-7-97, Formerly 4A-40.027, Amended \_\_\_\_\_.

69A-40.037 Intergenerational Respite Care Assisted Living Facility.

(1) The living area for any minor, including the available means of egress, shall be on the level of exit discharge.

(2) Each living area or portion of living area for personal use, comprised of bathrooms, bathing areas, and sleeping areas serving minors, shall be served by exits separate from those serving other intergenerational respite care residents.

(3) Any exit designed to serve both minors and adults in any area other than the living area or portion of the living area for personal use referred to in subsection (2), such as living rooms and dining areas, shall be increased in size to 1.5 times the minimum required egress width.

Specific Authority 400.441, 633.01, 633.022 FS. Law Implemented 400.441, 633.022 FS. History—New \_\_\_\_\_.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5K-6 Food

RULE NO.: RULE TITLE:

5K-6.010 Grading Services for Shell Eggs

PURPOSE AND EFFECT: The Florida Department of Agriculture and Consumer Services provides grading services to food establishments that process shell eggs through a cooperative agreement with the U.S. Department of Agriculture. The Department charges the egg processor an hourly fee to recover the costs of this service. This rule amendment increases the hourly fees charged to a processor.

SUMMARY: The rule amendment changes the fee and cost schedule for shell egg grading services provided by Department graders commensurate with increases in personnel salaries and benefits, insurance, travel and any other applicable costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

DATE AND TIME: August 18, 2006, 10:00 a.m., Eastern Time
PLACE: Division of Dairy Conference Room, Room 27, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least

48 hours before the hearing by contacting Dr. John Fruin at (850)245-5520. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; telephone: (850)245-5520

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-6.010 Grading Services for Shell Eggs.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

- 1. Resident location \$30.30 27.50
2. Overtime \$34.30 31.00
3. Non-resident location \$37.30 34.00
4. Non-specified days \$37.30 34.00

5. In addition to the charge for the grader's time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, 9-5-01, 10-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, Department of Agriculture and Consumer Services

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Dr. Marion Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006