

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:
 2A-8.005 Adjustments to Reflect Consumer
 Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent change in the Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Benefits to be paid beginning July 1, 2008.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March ~~2008~~ ~~2007~~ was ~~4.0~~ ~~2.8~~ percent. Therefore, the statutory amount for the period July 1, ~~2008~~ ~~2007~~ through June 30, ~~2009~~ ~~2008~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$59,694.46~~ ~~\$57,398.52~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$59,694.46~~ ~~\$57,398.52~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$179,083.29~~ ~~\$172,195.47~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
 5E-2.028 Restrictions on Use and Sale of
 Aldicarb; Permit Requirements and
 Procedures; Department Approval;
 Records; Penalties

PURPOSE AND EFFECT: The purpose of the proposed action is to delete obsolete website.

SUBJECT AREA TO BE ADDRESSED: Deletion of obsolete website.

SPECIFIC AUTHORITY: 487.042, 487.051, 570.07(23) FS.

LAW IMPLEMENTED: 487.051, 487.160 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. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Department Approval; Records; Penalties.

(1) No change.

(2) Permit Requirements and Procedures.

(a) Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically ~~on the web site~~ ~~http://www.temikpermit.com~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, ~~Rev. 03-08~~ ~~revised 9/06~~, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, ~~Rev. 04-08~~, to the address listed on the form.

(b) through (d) No change.

(3) Forms.

(a) Form DACS-13317 ~~Rev. 03-08~~, Application for Permit to Apply Aldicarb (Temik), ~~revised 9/06~~, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.flaes.org> or from the Pesticide Certification

Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399, telephone (850)488-3314.

(b) Form DACS-13356 ~~Rev. 04-08~~, Request for Username and Password for Electronic Temik Permit Application, ~~revised 5/04~~, hereby adopted and incorporated by reference, may be obtained from the web sites ~~http://www.temikpermit.com or~~ ~~http://www.flaes.org~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399, telephone (850)488-3314.

(4) through (6) No change.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History--New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, 11-8-06,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.105
 RULE TITLE: Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to add amendments to the rule regarding contracts for wood destroying organisms that would require the signature on these contracts, would require a master contract for treatment of multiple properties owned by a single owner, require periodic reinspections, require the use of a department form for informing consumers when a second contract for the same wood destroying organism control is offered, and require a damage repair warranty when a protection contract is offered but no treatment is performed.

SUBJECT AREA TO BE ADDRESSED: Contractual Agreements in the Public’s Interest-Control and Preventive Treatment for Wood Destroying Organisms.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051(3) FS.

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

DATE AND TIME: May 27, 2008, 10:00 a.m.

PLACE: Mid-Florida Research and Education Center; 2725 South Binion Road, Apopka, Florida 32703-8504, (407)884-2034

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)488-7447

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) No change.

(2)(a) through (j) No change.

(k) The signature of the licensee or his authorized representative, and the signature, ~~or when unavailable the verbal consent~~, of the property owner or authorized agent.

(3) Contracts covering treatments for the prevention of subterranean termites for new construction:

(a) Shall clearly set forth that additional treatment(s) shall be performed to control an infestation should subterranean termite infestation occur to the structure treated during the warranty period ~~shall clearly set forth that should subterranean termite infestation occur to the structure treated during the warranty period, additional treatment shall be performed to control the infestation.~~ The warranty shall show either the date of initial or final treatment and shall be issued to the property owner or agent within 30 days of the date of initial or final treatment, whichever is specified on the contract, and shall be for a period no less than one year from date of treatment specified on the contract, and

(b) The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Section 482.227, F.S., and contain information required by paragraphs 5E-14.105(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), and (k), F.A.C., and

(c) For treatment of multiple properties for a single owner, if individual contracts are not prepared prior to treatment, a licensee shall enter into a master contract with the owner or authorized agent prior to treatment that provides for the fulfillment of the requirements of paragraph (a) above.

(d) This section applies only to treatment for the prevention of subterranean termites for new construction which does not physically attach to or adjoin existing structures.

(4) through (5) No change.

(6) When periodic reinspections ~~or retreatments~~ are specified in wood-destroying organisms preventive or control contracts, the licensee shall furnish the property owner or his authorized agent, after each reinspection ~~or retreatment~~, a signed report of the condition of the property with respect to presence or absence of wood-destroying organisms covered by the contract and whether retreatment was made. A copy of the inspection report shall be retained by the licensee for a period of not less than three (3) years.

(7) A structure shall not be knowingly placed under a second contract for the same wood-destroying organism control or preventive treatment in disregard of the first contract, without first obtaining specific written consent in using DACS form 13671, 4/08 ~~letter form~~ signed by property owner or authorized agent.

(8) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 7-13-06, Amended 7-11-07,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-3.0291 Specifications for New School Buses

PURPOSE AND EFFECT: The purpose of the rule development is to implement Florida’s statutory requirements relating to the safe and efficient transportation of Florida public school students by county school districts and charter schools. The effect will be a rule which will be consistent with current statutes and higher benchmarks among student transportation providers for the safety of students.

SUBJECT AREA TO BE ADDRESSED: School transportation.

SPECIFIC AUTHORITY: 1006.25(2) FS.

LAW IMPLEMENTED: 1006.25(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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-4.001 Fees and Expenses

PURPOSE AND EFFECT: The purpose and effect is to correct an error occurring upon the last amendment to the rule where the fee for a substantive change review was incorrectly deleted.

SUBJECT AREA TO BE ADDRESSED: Licensure fees.

SPECIFIC AUTHORITY: 1005.22(1)(e), 2005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-4.001 Fees and Expenses.

(1) through (2) No change.

(3) Workload Fees. Each licensed institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and other duties assigned by the Commission. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

New Nondegree Institutions.....	\$2,000 + \$200 per program
New Degree-Granting Institutions	\$3,000 + \$200 per program

Annual Review of Licensure and License by Means of Accreditation Review:

- Level 1 = \$1,500
- Level 2 = \$2,000
- Level 3 = \$5,000
- Level 4 = \$7,000
- Level 5 = \$8,500
- Level 6 = \$10,000

Institutions not Licensed by Means of Accreditation shall pay \$50 per licensed program (not to exceed \$500) as part of the Annual Review of License.

Substantive Change Review.....\$1,000

- Provisional or Annual Licensure Extension (first).....\$500
- Provisional or Annual Licensure Extension (second).....\$750
- Provisional or Annual Licensure Extension (third).....\$1,500

New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs	\$500
Degree Programs	\$1,000
Site Visits:	
One Visit per Year	Included in licensure fee
Subsequent Visits directed by Commission.....	\$300 per day
Approval to Use “College” or “University”, First Time or Special Review	\$500
Annual Licensure of Recruiting Agents (nontransferable).....	\$200
Criminal Justice Information Investigation	\$50
Copy of Student Academic Transcript on File.....	\$10

(4) through (9) No change.

Specific Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, 1-30-08,_____.

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 BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-14.0055	Temporary Individual Slot Machine Occupational License

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule implements the division’s authority to issue a temporary individual slot machine occupational license upon the election of the division.

SPECIFIC AUTHORITY: 551.103(1), 551.1045, 551.122 FS.

LAW IMPLEMENTED: 551.1045 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: May 21, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.001	Purpose and Scope
63E-7.002	Definitions
63E-7.004	Youth Intake
63E-7.008	Facility and Food Services
63E-7.009	Behavior Management
63E-7.012	Transfer, Release and Discharge
63E-7.013	Safety and Security
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments update and clarify various portions of the rule governing the operation of residential commitment programs as follows: The amendments expand the scope of the rule to cover sex offender programs. They also eliminate an unnecessary medical authorization form, and clarify references to “treatment” so as to differentiate criminogenic intervention from clinical treatment. Best practices are incorporated with corresponding definitions. Intake classification factors are clarified in subsection 63E-7.004(8), F.A.C., and consistent amendments are made in subsection 63E-7.013(7), F.A.C. The need for digital video cameras and recording equipment in Rule 63E-7.008, F.A.C., is modified to accommodate smaller facilities, and an amendment to subsection 63E-7.013(17), F.A.C., clarifies the escape notification procedure.

SUBJECT AREA TO BE ADDRESSED: The amended rule expands the scope to cover sex offender programs, clarifies the distinction between treatment and intervention, modifies youth

classification, incorporates effective practices, modifies facility requirements for video recording, and clarifies the escape notification procedure.

SPECIFIC AUTHORITY: 20.316, 985.64, 985.601(3)(a) FS.
 LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b), 985.48 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: Friday, May 16, 2008, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

<p>RULE NOS.: 68B-13.008</p>	<p>RULE TITLES: Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer</p>
----------------------------------	--

<p>68B-13.010</p>	<p>Stone Crab Trap Limitation Program</p>
-------------------	---

PURPOSE AND EFFECT: The purpose of these rule amendments is to make the list of allowable materials for stone crab traps consistent with the list in rule for blue crab traps by allowing the use of galvanized 16 gauge or thinner staples to secure the required degradable panel to the trap and to extend the Stone Crab Advisory Board for an additional three years. The effect of this amendment will be to simplify trap specifications across the stone and blue crab trap fisheries and aid enforcement and to continue collaboration of the Fish and Wildlife Conservation Commission and the stone crab industry on issues related to the fishery.

SUBJECT AREA TO BE ADDRESSED: Stone Crabs.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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 V. Antista, General

Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

- (1) No change.
- (2) TRAP CONSTRUCTION. No person, firm, or corporation shall transport on the water, fish with, or cause to be fished with, set, or placed, in the harvest of stone crabs, any trap which does not meet the following requirements:

- (a) through (b) No change.
- (c) 1. through 3. No change.

4. Each plastic or wire trap used to harvest stone crabs shall have a degradable panel.

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

b. A wire trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(I) The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

(II) The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

(III) The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

(IV) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(V) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VI) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(VII) The trap contains at least one sidewall with a rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by galvanized staples 16 gauge or thinner, rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, 7-15-04,_____.

68B-13.010 Stone Crab Trap Limitation Program.

(1) through (6) No change.

(7) STONE CRAB ADVISORY BOARD. There is hereby established the Stone Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the trap limitation program and any problems in the fishery.

(a) through (f) No change.

(g) Dissolution. On July 1, 2011 ~~2008~~, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, 6-2-02, 7-1-03, 7-15-04,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-39.005
 RULE TITLE: Commercial Harvest, Statewide Regulations

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the Commission’s Mullet Rule. The purpose of amending Rule 68B-39.005, F.A.C., is to rescind the July 1 through January 31 weekend closure on commercial

harvest of striped mullet. The effect of this rule will be to provide additional opportunity for the commercial harvest of striped or black mullet, Mugil cephalus. The opening of the weekends for commercial harvest will allow for an increase in commercial landings while maintaining a healthy striped mullet population.

SUBJECT AREA TO BE ADDRESSED: Mullet.

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

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

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 V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.005 Commercial Harvest, Statewide Regulations.

(1) through (2) No change.

(3)(a) Except as provided in paragraph (c) of this subsection, no person shall harvest, possess while in or on the waters of the state, or land in any one day ~~striped or~~ silver mullet in quantities greater than the bag limit specified in Rule 68B-39.004, F.A.C., on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(b) No person shall purchase, sell, or exchange, or offer to purchase, sell, or exchange any ~~striped or~~ silver mullet harvested on any weekend during the period beginning on July 1 of each year and ending on January 31 of the following year.

(c) A person who has lawfully harvested ~~striped or~~ silver mullet for commercial purposes prior to the beginning of a weekend may possess, aboard a vessel, mullet in quantities greater than the bag limit after the weekend begins, if the vessel is tied up to the docking facilities of a licensed wholesale saltwater products dealer, the vessel was docked at the facility prior to the beginning of the weekend, and the person is in the process of landing the ~~striped or~~ silver mullet at the dealer’s facility.

(d) No person shall harvest or possess silver mullet in or on waters of the east region in quantities greater than the bag limit specified in Rule 68B-39.004, F.A.C. during the period beginning February 1 and continuing through the last day of February each year. During this period, no person shall purchase, sell, or exchange, or offer to purchase, sell, or exchange any silver mullet harvested from waters of the east region.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-19-89, Amended 10-1-90, 9-1-91, 11-16-93, 3-3-97, 11-16-98, Formerly 46-39.005, Amended 7-1-03,_____.

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

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

PURPOSE AND EFFECT: The purpose of this Rule is to indicate that President is Chief Administrative officer of the school and lists requirements necessary for the position.

SUMMARY: This rule establishes requirements needed to hold the position of President of the Florida School for the Deaf and the Blind.

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: 1002.36(4)(c) FS.

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

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

DATE AND TIME: Friday, June 6, 2008, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSSD Campus, St. Augustine, FL 32084

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: Elainer Ocuto, (904)827-2212. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elainer Ocuto, 207 N. San Marco Avenue, St. Augustine, FL 32084, phone (904)827-2212

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6D-4.002, F.A.C. See Florida Administrative Code for present text.)

6D-4.002 President.

(1) The President is the Chief Administrative officer serving as secretary to the Board of Trustees, and is responsible for the organization and management of the School, its programs and operations.

(2) Requirements.

(a) Master’s or higher degree.

(b) Current certification in Hearing Impaired/Deaf Education or Visually Impaired and current Certification in Educational Leadership/Administration and Supervision. If certifications noted above are not from Florida, upon appointment, shall obtain State of Florida Certification in Hearing Impaired/Deaf Education or Visually Impaired Certification and Certification in Educational Leadership/Administration and Supervision within a reasonable period of time.

(c) Ten years experience in an educational setting, five of which must be working with Hearing Impaired or Visually Impaired students.

(d) Five years supervisory experience.

(3) Duties and responsibilities for this position are outlined in the position description located in the Human Resources Management and Development Office.

Specific Authority 242.331(3) FS. Law Implemented 120.53(1)(a), 242.331(4) FS. History–New 12-19-74, Amended 10-29-84, 9-8-85, Formerly 6D-4.02, Amended 12-6-92, 5-14-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: L. Daniel Hutto, President

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 13 – March 28, 2008

DEPARTMENT OF TRANSPORTATION

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 14-86.001 Purpose, 14-86.002 Definitions, 14-86.003 Exceptions, Permit, and Assurance Requirements, 14-86.004 Permit Application Procedure, 14-86.005 General Conditions for a Drainage Permit, 14-86.006 Permit and Exception, Suspension or Revocation, 14-86.007 Forms, 14-86.008 Recovery of Fines, Penalties, and Costs