

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 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."

**Section II
Proposed Rules**

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**Section III
Notices of Changes, Corrections and Withdrawals**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.:	RULE TITLE:
5M-5.002	Approved Citrus BMPs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 2, January 14, 2011 issue of the Florida Administrative Weekly.

5M-5.002 Approved Citrus BMPs.

The document titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)* is hereby incorporated and adopted by reference in this rule for DeSoto, Hardee, Sarasota, Manatee and that part of Charlotte County within the jurisdictional boundaries of the Southwest Florida Water Management District, as well as citrus grown on flatwood soils in other counties or parts of counties that are not included in the *Water Quality/Quantity BMPs for Indian River Area Citrus Groves (May 2000)* adopted by reference in Rule 5M-2.002, F.A.C., or the *Gulf Citrus BMP Manual (March 2006)*, adopted by reference in Rule 5M-7.002, F.A.C. ~~another Florida Department of Agriculture and Consumer Services, Citrus Best Management Practices manual~~ Copies of the document may be obtained from the Peace River Manasota Basins Citrus BMP Steering Committee, c/o Peace River Valley Citrus Growers Association, 10 East Oak Street, Suite B, Arcadia, Florida 34266, or at <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>.

Rulemaking Authority 403.067(7)(c)2., 570.07(10), (23) FS. Law Implemented 403.067(7)(c)2. FS. History—New 2-27-05, Amended_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-7.0710	Instructional Materials Policies and Procedures

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 49, December 10, 2010 Florida Administrative Weekly has been continued from March 15, 2011 to May 17, 2011.

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DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NO.:	RULE TITLE:
58L-1.008	Administrative Assessment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**Division of Plant Industry**

RULE NO.: RULE TITLE:
5BER11-1 Fruit Fly Eradication

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Mediterranean fruit fly, commonly referred to as Medfly, is one of the most destructive pests of citrus and other known fruits and is the most important and widespread pest in the fruit fly group. Medfly attacks more than 260 different fruits and vegetables. In Florida, the pest has been eradicated twelve times, including five major outbreaks. A total of two Medflies have been identified from one Jackson trap removed from a trap location in Pompano Beach, Broward County, on January 31, 2011. If immediate action is not taken to eradicate Medflies from the Pompano Beach area, they will continue to spread and affect agriculture production areas resulting in millions of dollars in production losses and control costs, and impacting consumers through increased prices in the market place. In view of these specific facts and reasons, and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by Florida Statutes, Sections 570.07(21) (to declare an emergency), and 581.031(7), the Commissioner of Agriculture does hereby find that an immediate danger to the public health, safety and welfare exists and declares a quarantine in Florida host plants and regulated articles as set forth in the emergency rule hereby promulgated.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under this emergency because immediate action must be taken to eradicate the Mediterranean fruit fly before the infestation spreads. If immediate action is not taken, eradication costs will rise dramatically due to the increased area which then will need treatment. If the Mediterranean fruit fly continues to spread unchecked, it will cause substantial damage to fruit-bearing plants in home gardens and ultimately spread into agricultural production areas where it would cost millions of dollars in control costs, lost production and increased consumer prices in the marketplace.

SUMMARY: This emergency rule provides definitions; the criteria for establishing a quarantine area, the certification requirements for hosts or regulated articles, the criteria for establishing treatment areas, treatment procedures, mitigative measures and the criteria for declaring a fruit fly emergency.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Wayne N. Dixon, Acting Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, phone: (352)372-3505

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER11-1 Fruit Fly Eradication.

(1) Definitions. For the purpose of this rule the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Department. The Florida Department of Agriculture and Consumer Services.

(b) EPA. The United States Environmental Protection Agency.

(c) Fruit Fly. Any life stage of any species of tephritid fruit fly in the genera Anastrepha (except A. suspensa), Bactrocera, Ceratitis, Dacus and Tetradacus or synonyms thereof.

(d) Host. All fruit (including nuts, dates and berries), vegetables and the fruiting bodies of many wild and cultivated plants which are capable of infestation by any life stage of any species of fruit fly defined in paragraph (1)(b).

(e) Infested. Actually harboring a fruit fly in any of its life stages.

(f) Regulated articles. Any article, including soil, capable of transporting or harboring a fruit fly.

(g) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Service.

(2) Purpose. The purpose of this rule is to establish procedures for conducting a program to eradicate fruit flies defined in paragraph (1)(c) upon their detection in the State of Florida. This rule designates the size of quarantine areas, as provided for in Section 581.031(7), Florida Statutes, and the requirements for the movement and certification of hosts and regulated articles. It designates the size of treatment areas and the procedures for conducting treatments, outlines program mitigative measures and sets forth the requirements for declaring eradication.

(3) Declaration. Pursuant to Section 581.031(6), Florida Statutes, fruit flies as defined in paragraph (1)(b) are declared to be a plant pest and a public and agricultural nuisance. Their detection in the state endangers or threatens the horticultural, agricultural, environmental and public interests of the state and constitutes an emergency in accordance with Section 581.111, Florida Statutes.