

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLE: Medicare Supplement Insurance
RULE NO.: 4-156, Part I

PURPOSE AND EFFECT: This Medicare Supplement rule is amended to incorporate changes needed to bring this regulation into compliance with Federal standards. Additionally, the amendments also include clarification of particular issues related to the issuance of Medicare Supplement Insurance.

SUBJECT AREA TO BE ADDRESSED: The subject area of the rule development is the proposed amendments to the minimum standards for Medicare Supplement Insurance in Florida.

SPECIFIC AUTHORITY: 624.308, 627.673, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.647(3), 627.673, 627.674, 627.6741, 627.6745, 627.6746 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., February 3, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Bracher, Bureau Chief, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Liz Morris at (850)413-5112.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE UPON REQUEST FROM LIZ MORRIS AT THE ABOVE-LISTED TELEPHONE NUMBER AFTER JANUARY 22, 1999.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individual
RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To revise the Board's rules to provide that a grandparent who is a purchaser of a contract may request the transfer of the contract to an eligible substitute beneficiary who is a grandchild of the purchaser.

SUBJECT AREA TO BE ADDRESSED: Transfer of contracts to substitute beneficiaries.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., February 1, 1999

PLACE: Suite 210, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

A purchaser may request a transfer of a contract to an eligible substitute beneficiary who is either the brother, sister, half brother, half sister, step-brother, or step-sister of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary matriculating at a state postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 12-5-93, 6-20-96, 8-18-97, 12-15-97, Formerly 4G-8.001, Amended _____.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

The Crossings at Fleming Island Community Development District

RULE TITLE: Boundary
RULE NO.: 42H-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend The Crossings at Fleming Island Community Development (“District”), a community development district (CDD), pursuant to Chapter 190, F.S. The District currently consists of approximately 2,801.21 acres located entirely within Clay County. It is generally located northwest, southwest, and southeast of the intersection of U.S. 17 and C.R. 220 on Fleming Island. The petition to amend the boundaries of the District submitted by the District requests that the Florida Land and Water Adjudicatory Commission

amend Florida Administrative Code Chapter 42H-1 by adding approximately 46.36 acres (expansion parcel) to the existing CDD. After expansion, the District will consist of approximately 2,847.57 acres. The lands sought to be added have already been added to the land area included within The Crossings at Fleming Island Development of Regional Impact (DRI) and the DRI project has been planned and is already functioning as one interrelated community. Currently the lands to be included within the amended boundaries of the District are designated as Planned Community under the Future Land Use Element of the Clay County Comprehensive Plan. Land uses adjacent to the area to the expansion parcel are classified as Planned Community or Rural Fringe. Currently, the lands within the expansion parcel are undeveloped. The District has written consent to amend the District from the owners of 100% of the real property to be added to the District. The petition evidences the District's intention to participate in the acquisition or construction of certain road and drainage improvements, potable water distribution, wastewater collection systems, and reclaimed water systems for the lands to be added to the District. Certain capital costs associated with these improvements would be borne by the District.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of The Crossings at Fleming Island Community Development District.

SPECIFIC AUTHORITY: 190.0050 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – Noon, Monday, February 1, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty at (850)488-7793 at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan Johnson, Hopping Greens Sams & Smith, P.A., 123 South Calhoun Street, P. O. Box 6526, Tallahassee, Florida 32314, or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

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

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear **RULE CHAPTER NO.:** 46-4

RULE TITLE: Gear Definitions **RULE NO.:** 46-4.002

PURPOSE AND EFFECT: The current definition of the term "cast net" in the Marine Fisheries Commission rule chapter governing gear specifications and prohibited gear describes that net as being "cone-shaped". While a cast net is cone-shaped when held at the center, once it is thrown and when it hits the water and begins to fish, it is more accurately described as "circular" in shape. The purpose of this rule development is to make this minor adjustment to the definition of the term "cast net". The effect will be to bring the definition in line with general understanding of the shape of the gear and coincide with MFC specifications for cast nets, which establish a maximum radius.

SUBJECT AREA TO BE ADDRESSED: Definition of the term "cast net".

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-4.002 Gear Definitions.

As used in Title 46, F.A.C., unless otherwise defined:

(1) "Cast net" means a ~~circular cone-shaped~~ net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-89, Amended 11-26-92, 1-1-97, 4-28-98,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Stone Crabs **RULE CHAPTER NO.:** 46-13

RULE TITLE: Stone Crabs, Regulation **RULE NO.:** 46-13.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to specify further means by which stone crab trappers can render their wire traps degradable.

Degradability is necessary to make sure that traps that are lost will not continue fishing indefinitely. The effect will be the biological benefits of trap degradability.

SUBJECT AREA TO BE ADDRESSED: Wire stone crab trap specifications.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-13.002 Stone Crabs, Regulation.

(2) Gear, Traps, Buoys, Permit Numbers.

(a) 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:

1. Each trap shall be constructed of either wood, plastic, or wire.

2. Such traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet.

3.a. The throats or entrances to all wood and plastic traps shall be located on the top horizontal section of the trap. If the throat is longer in one dimension, the throat size in the longer dimension shall not exceed 5 1/2 inches and in the shorter dimension shall not exceed 3 1/2 inches. If the throat is round, the throat size shall not exceed 5 inches in diameter.

b. Each throat (entrance) in any wire trap used to harvest stone crabs shall be horizontally oriented. The width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, shall be greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from where the throat opening meets the vertical wall of the trap to the throat opening at its farthest point from the vertical wall, inside the trap.

4. Each wire trap used to harvest stone crabs shall have at least three unobstructed escape rings installed, each with a minimum inside diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

5. 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 hook~~ composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the ~~loop hook~~ 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 vertical 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)~~(IV) The trap contains at least one sidewall with a vertical 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)~~(V) The trap contains at least one sidewall with a vertical 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 vertical 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 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.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 4-10-85, Formerly 46-13.02, Amended 4-18-90, 6-17-93, 10-4-95, 9-30-96, 1-1-98, _____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Reef Fish
 RULE CHAPTER NO.: 46-14
 RULE TITLE: Regulation and Prohibition of Certain Harvesting Gear
 RULE NO.: 46-14.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to specify further means by which black sea bass trappers can render their wire traps degradable. Degradability is necessary to make sure that traps that are lost will not continue fishing indefinitely. The effect will be the biological benefits of trap degradability.

SUBJECT AREA TO BE ADDRESSED: Black sea bass trap specifications.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-14.005 Regulation and Prohibition of Certain Harvesting Gear.

(4) Black sea bass traps. All black sea bass traps shall be constructed of wire and shall meet the dimensions established in Section 370.1105(1)(c), Florida Statutes. Additionally, each such trap shall comply with the following specifications:

(a) Biodegradable panel. For purposes of Section 370.1105(1)(c), Florida Statutes, a black sea bass trap shall be considered to have a "biodegradable panel" or a "degradable panel" if one of the following methods is used in construction of the trap:

1. 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.

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

3. 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.

~~4.3-~~ The trap contains at least one sidewall with a vertical 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.

~~5.4-~~ The trap contains at least one sidewall with a vertical 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. "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

~~6.5-~~ The trap contains at least one sidewall with a vertical 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.

7. The trap contains at least one sidewall with a vertical 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 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.

(b) Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

1. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

- 2. A circular vent, 2 inches (5.1 cm) in diameter.
- 3. A square vent with sides of 1.75 inches (4.4 cm) measures inside the square.

Specific Authority 370.027(2) FS., sections 7 & 9 of Chapter 83-134, Laws of Florida. Law Implemented 370.025, 370.027 FS., sections 7 & 9 of Chapter 83-134, Laws of Florida. History--New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Spanish Mackerel
 RULE CHAPTER NO.: 46-23
 RULE TITLES: Size Limit
 RULE NOS.: 46-23.0035
 Other Prohibitions 46-23.006
 PURPOSE AND EFFECT: Spanish mackerel harvested in Florida were traditionally governed by a 12-inch minimum size limit imposed by Florida Statutes, which applied to all "mackerel". When a new 20-inch size limit was adopted by the Marine Fisheries Commission several years ago for king mackerel, the Commission necessarily had to effect the repeal of the statutory size limit. The purpose of this rulemaking is to reimpose the 12-inch minimum size limit for Spanish mackerel. The effect will be to protect juvenile Spanish mackerel until they can spawn and be harvested at larger sizes.
 SUBJECT AREA TO BE ADDRESSED: Size limit for Spanish mackerel.

SPECIFIC AUTHORITY: 370.027(2) FS.
 LAW IMPLEMENTED: 370.025, 370.027 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-23.0035 Size Limit.

(1) No person shall harvest from state waters, possess while in or on state waters, or land any Spanish mackerel with a fork length less than 12 inches, measured from the tip of the snout to the rear center edge of the tail.

(2) All Spanish mackerel harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a Spanish mackerel that has been deheaded,

sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills before landing is not prohibited.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New_____.

46-23.006 Other Prohibitions.

(1) It is unlawful for any person to possess, transport, buy, sell, exchange or attempt to buy, sell or exchange any Spanish mackerel harvested in violation of this chapter.

(2) The prohibitions of this chapter apply as well to any and all persons operating a vessel in state waters, who shall be deemed to have violated any prohibition which has been violated by another person aboard such vessel.

~~(3) All Spanish mackerel harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of Spanish mackerel that have been deheaded, sliced, divided, filleted, ground, skinned, scaled or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, or mere removal of gills from Spanish mackerel, before landing is not prohibited.~~

Specific Authority 370.027(2) FS., Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027, 370.028 FS. History--New 10-30-86, Amended 10-1-88,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster
 RULE CHAPTER NO.: 46-24
 RULE TITLE: Gear: Traps, Buoys, Identification
 RULE NO.: 46-24.006

Requirements, Prohibited Devices
 PURPOSE AND EFFECT: Several years ago, the Florida Legislature established a trap reduction program for the spiny lobster commercial fishery, which is primarily located in the Florida Keys. As part of that program, the Legislature eliminated the use of traps as recreational gear. Recreational harvesters primarily harvest these animals by hand while diving. Nonetheless, several references to "recreational traps" still exist in Rule 46-24.006, F.A.C. The purpose of this rule development effort is to eliminate these references from the rule. The effect will be to conform the rule to current Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Spiny lobster recreational gear.

SPECIFIC AUTHORITY: 370.027(2) FS.
 LAW IMPLEMENTED: 370.025, 370.027 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(4) Each trap and buoy used to harvest spiny lobster shall have the commercial harvester's current crawfish license or trap number permanently affixed in legible figures ~~or the recreational harvester's trap number~~. On each buoy, the affixed number shall be at least 2 inches high. The buoy color and license or trap number shall also be permanently and conspicuously displayed on any vessel used by a commercial harvester for setting traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air – The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

(b) From the Water – The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

(5) Except as provided herein, no numbers shall be used to identify traps or buoys other than the commercial harvester's current crawfish license or trap numbers, ~~the recreational harvester's trap number~~, or numbers designating federal permits. Ownership of spiny lobster traps used by any commercial harvester may be transferred to other persons, so long as the following conditions are met:

(a) The person acquiring ownership of such traps shall notify the Division of Law Enforcement of the Department of Environmental Protection within five days of acquiring ownership as to the number of traps purchased, the vendor, and the license or trap number currently displayed on the traps, and shall request issuance of a crawfish license or trap number if the person does not possess same.

(b) Buoys shall be renumbered and recolored at the first pulling of traps.

(c) The new license or trap number shall be permanently attached to the traps prior to their being set at the beginning of the next open season.

(d) The new owner shall retain a valid bill of sale.

(7) Permission to pull or work traps belonging to another, during the regular, season may be granted by the Division of Law Enforcement of the Department of Environmental Protection. Such permission shall be granted by the Division only upon receipt of a written statement signed by the commercial harvester ~~or recreational harvester~~ detailing license or trap number and buoy colors. Additionally, the harvester shall list the license or trap number, buoy colors, and audit numbers of the harvester and general locations of the pulling activity of the boat engaged in pulling or working the traps. Permission to pull traps in this manner shall be obtained daily; however, extension of permission may be obtained by telephone for up to a maximum of 5 days.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Oysters	46-27
RULE TITLES:	RULE NOS.:
Statewide Bag Limits on Oyster Harvesting	46-27.014
Apalachicola Bay Oyster Harvesting Restrictions	46-27.017

PURPOSE AND EFFECT: The purpose of this rule development effort is to make slight adjustments in the commercial oyster harvesting regime effective in Apalachicola Bay. An additional day each week will be allowed for such harvest during the summer season and the vessel possession limit applicable during the winter season will be increased. The effect will be to relax regulations on commercial oyster harvesters slightly to allow them to take advantage of a healthy and abundant annually renewable resource.

SUBJECT AREA TO BE ADDRESSED: Apalachicola Bay commercial oyster harvest.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-27.014 Statewide Bag Limits on Oyster Harvesting.

(1) Commercial Bag Limit.

(a) Except as provided in paragraph (b), in all counties of the state no person shall harvest or take for commercial purposes more than twenty (20) bags of oysters per person or vessel, whichever is less, per day.

(b) Beginning October 1 each year and continuing through June 30 of the following year, in Apalachicola Bay, each person who harvests or takes oysters for commercial purposes shall be subject to a bag limit of twenty (20) bags of oysters per day. On any vessel in the bay during this period, a vessel limit equal to twenty (20) bags of oysters times the number of persons aboard the vessel harvesting or taking oysters for commercial purposes shall apply and possession of more than this number of bags of oysters aboard such a vessel in the bay is prohibited. Paragraph (a) shall apply in Apalachicola Bay to all commercial harvesters during the rest of the year.

(2) In all counties of the state, no person harvesting oysters for recreational purposes shall possess more than two (2) bags per person or vessel, whichever is less, per day. The possession of more than two bags of oysters per person or vessel, whichever is less, per day by such a harvester shall constitute a violation of this rule.

(3) No person shall harvest for recreational and commercial purposes within any one day.

~~(4) The possession of more than two bags of oysters per person or vessel, whichever is less, per day shall constitute a violation of this rule.~~

~~(4)(5)~~ When vessels are connected in any way, for example by towing, no person shall claim more than one bag limit for all vessels so connected.

~~(5)(6)~~ Possession of oysters in excess of the applicable bag limit aboard a vessel harvesting oysters in or on the waters above any public oyster bed is prohibited.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 3-10-91, Amended 11-29-93, 7-15-96,_____.

46-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

(1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:

(a) On any ~~Friday, Saturday, or Sunday~~ or Monday from July 1 through September 30 of each year.

(b) On any Saturday or Sunday from October 1 through November 15 of each year.

(2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes

any day of the week during the period beginning on November 16 each year and continuing through June 30 of the following year.

(b) If during the period specified in paragraph (a), the Department's Shellfish Assessment and Enhancement Section, through its regular monitoring of the abundance of oyster resources on Cat Point Bar and East Hole Bar in the bay, through the Standard Resource Management Protocol (a scale based on scientific sampling that provides a predictive index of the number of oysters available for harvest), establishes that such resources cannot sustain a harvest of 300 bags of oysters per acre, the harvest of oysters for commercial purposes from the bay on Saturday and Sunday of each week for the remainder of the period is prohibited. The Secretary of the Department, shall give notice of such weekend closure in the manner provided in Section 120.81(5), Florida Statutes. The weekend closure shall begin no sooner than one week following such notice.

(3) Harvesting oysters for recreational purposes as provided in Rule 46-27.014 shall be permitted on any day provided the Bay is not closed for public health reasons.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 3-10-91, Amended 11-29-93,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Shrimp
RULE TITLES: Definitions
Northwest Region Food Shrimp Production
Gear Specifications

RULE CHAPTER NO.: 46-31
RULE NOS.: 46-31.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to allow on a time and area limited basis the use of skimmer trawls for the harvest of shrimp in Apalachicola Bay. The effect will be to give shrimp harvesters in the bay an opportunity to develop another gear type that can be efficiently used to harvest this annually renewable species.

SUBJECT AREA TO BE ADDRESSED: Allowable gear and gear specifications for shrimp harvest.

SPECIFIC AUTHORITY: 370.027(2) FS.
LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-31.006 Definitions.

As used in Rules 46-31.005 through the remainder of the chapter:

(20) “Skimmer trawl” means a trawl with the following features:

(a) A rigid “L”-shaped or triangular metal frame that is deployed amidship from either side of the harvesting vessel.

(b) The inboard portion of the frame is attached to the vessel, while the outboard portion runs along the seabed on a skid or “shoe”.

(c) The net mouth or perimeter is hung along the outer edges of the frame and kept open with a bullet weight holding the lower inboard corner of the net mouth on the bottom.

(d) A tickler chain may be attached below the lead line between the shoe and the bullet weight.

(e) The trawl is pushed alongside the harvesting vessel and generally fishes the entire water column.

(21) “Southeast Region” means all state waters of Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

(22)~~(24)~~ “Southwest Region” means all state waters of Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties.

(23)~~(22)~~ “Tampa Bay” means all waters of the bay east and north of the Sunshine Skyway Bridge (U.S. 19 and Interstate 275).

(24)~~(23)~~ “Trawl” means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.

(25)~~(24)~~ “Trip” means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

(26)~~(25)~~ “Try net” means a small otter trawl used to test waters for the presence or size of shrimp.

(27)~~(26)~~ “Wing net” means a net in the form of an elongated bag kept open by a rigid frame that is attached to either side of a vessel, and is not towed behind a vessel or dragged along the bottom.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96, _____.

46-31.010 Northwest Region Food Shrimp Production Gear Specifications.

Each person harvesting shrimp in the Northwest Region as a food shrimp producer shall comply with the requirements specified in this rule.

(1) Allowable Gear – No person shall harvest shrimp in the nearshore and inshore Florida waters of the region as a food shrimp producer with any type of gear other than:

(a) A roller frame trawl meeting the following specifications:

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.

2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.

3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.

4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 46-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

(c) Until July 1, 2001, and only in the area of the Northwest Region specified herein, no more than two unconnected skimmer trawls meeting the following specifications:

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.

2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.

3. The netting of a skimmer trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

4. No skimmer trawl shall be used to harvest shrimp except in the following described area in Apalachicola Bay in the Northwest Region: All waters of Apalachicola Bay in Franklin County bounded on the north by the John Gorrie Memorial Bridge, on the west by the Apalachicola Shipping Channel to Channel Marker No. 2, on the south by ICWW Channel, and on the east by the Bryant Patton Bridge.

(2) No trawl shall be used for food shrimp production in the inshore waters of the Northwest Region that has a mesh size less than 3/4 inch bar measurement in the body of the net and 5/8 inch bar measurement in the cod end. In any trawl with a rigid turtle excluder device (TED), the section of netting surrounding the device shall have a mesh size no smaller than 1/2 inch bar measurement and shall be no more than 50 meshes in total length.

(3) No otter or skimmer trawl shall be used for food shrimp production in the Northwest Region that is not in compliance with Rule 46-31.004.

(4) In the Northwest Region, no person harvesting shrimp as a food shrimp producer shall operate or fish any otter or skimmer trawl, or possess any otter or skimmer trawl that is rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 46-31.0045.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-92, Amended 1-1-96, 8-17-98,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Shrimping and Stonecrabbing: Closed Areas and Seasons
 RULE CHAPTER NO.: 46-38

RULE TITLE: Southwest Florida Seasonal Shrimp Closures
 RULE NO.: 46-38.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to join two areas north and south of Wiggins Pass in Southwest Florida currently closed to shrimping during all or a portion of stone crab season and make the new full closure area subject to the October 1 through May 31 closure period currently applicable only in the northern area. The effect of this effort will be to reduce conflicts between the shrimp and stone crab fisheries, which in the past have been costly and sometimes violent. The resulting rule changes should separate the fisheries and their incompatible gear types in state waters approximately from Boca Grande Pass to Key West.

SUBJECT AREA TO BE ADDRESSED: Separation of the shrimp and stone crab fisheries in state waters off southwest Florida.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-38.002 Southwest Florida Seasonal Shrimp Closures.

(1) From October 1 of each year and continuing through May 31 of the following year, no person shall operate any trawl, except a trawl used for live bait shrimping pursuant to license issued by the Division of Marine Resources as required by Section 370.15(8), Florida Statutes, within the following described area of state waters off the southwest coast of Florida:

Beginning with Bell Buoy No. 8 (Point H) in the Boca Grande ship channel; thence easterly to the northernmost extent of the Colregs Demarcation Line at the northern end of Cayo Costa; thence following the Colregs Demarcation Line southerly and easterly along the shorelines of and across the passes between Cayo Costa, North Captiva Island, Captiva Island, Sanibel Island, Estero Island, the unnamed island southwest of Black Island, Big Hickory Island, Little Hickory Island, and Wiggins Island to the point south of Wiggins Pass where along the Colregs Demarcation Line meets 26° 16.0' North Latitude at the northernmost point of land on the south side of Wiggins Pass; thence due west to Point Z A, and following a continuous line from Point Z A through points A, B, C, D, E, F and G; thence northwesterly to the point of beginning at Bell Buoy No. 8 (Point H). Points Z, A, B, C, D, E, F, and G are expressed as follows by latitude and longitude (~~Loran notations are unofficial and are included only for the convenience of fishermen~~):

Point	North		West		Loran Chain 7980		
	Latitude	Longitude	W	X	Y	Z	
<u>Z</u>	26°16.00'	81°58.50'					
A	26°20.00'	81°61.00'					
	26°17.23'	81°55.55'	14110	30700	43826	62657.5	
B	26°22.31'	81°59.00'	14114.1	30715	43868	62672.8	
C	26°20.25'	82°04.39'	14099.5	30694	43904	62700.5	
D	26°22.00'	82°10.79'	14090.4	30681	43961	62733	
E	26°26.05'	82°15.55'	14089.4	30688	44012	62756	
F	26°34.40'	82°18.90'	14101	30720	44070	62771.4	
G	26°38.28'	82°16.92'	14113.8	30745	44070	62760.8	

(3) Beginning October 1 each year ~~January 1~~ and continuing through May 31 of the following ~~20 each~~ year, no person shall operate any trawl within state waters of the Gulf of Mexico east of a line drawn between the following described points:

Point	North		West	
	Latitude	Longitude		
<u>Z B</u>	26°16.0' N	81°58.5' W		
C	26°00.0' N	82°04.0' W		
D	25°09.0' N	81°47.6' W		
E	24°54.5' N	81°50.5' W		
M	24°49.3' N	81°46.4' W		

X is the point where the line beginning at Point E extended through Point M intersects U.S. Highway 1 just east of Boca Chica Key.

(4) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 10-1-89, Amended 11-16-98,_____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Marine Life	46-42
RULE TITLES:	RULE NOS.:
Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species"	46-42.001
Size Limits	46-42.004
Commercial Season, Harvest Limits	46-42.006
Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed	46-42.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to make minor adjustments to the Commission's rules governing the harvest of tropical ornamental species. Porkfish, a species of grunt, and the blue-legged or tricolor hermit crab are added to the chapter. Porkfish will have new minimum size and daily commercial harvest limits. The blue-legged or tricolor hermit crab and starsnails will have daily commercial harvest and possession limits established. Size limits and daily commercial harvest and possession limits are adjusted for Spanish and Cuban (spotfin) hogfish. Provisions are updated to assure the exemption of aquacultured live rock from prohibitions against the harvest and landing of natural live rock. Most of these changes have been suggested by the tropical ornamental marine life industry. The effect of this effort is the continued protection of these valuable species for future generations of Floridians.

SUBJECT AREA TO BE ADDRESSED: Tropical ornamental marine life species.

SPECIFIC AUTHORITY: 370.01(20), 370.027(2), 370.06(2)(d) FS.

LAW IMPLEMENTED: 370.01(20), 370.025, 370.027 370.06(2)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species".

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

- (a) Moray eels – Any species of the Family Muraenidae.
- (b) Snake eels – Any species of the Genera *Myrichthys* and *Myrophis* of the Family Ophichthidae.
- (c) Toadfish – Any species of the Family Batrachoididae.
- (d) Frogfish – Any species of the Family Antennariidae.
- (e) Batfish – Any species of the Family Ogcocephalidae.
- (f) Clingfish – Any species of the Family Gobiessocidae.
- (g) Trumpetfish – Any species of the Family Aulostomidae.
- (h) Cornetfish – Any species of the Family Fistulariidae.
- (i) Pipefish/seahorses – Any species of the Family Syngnathidae.
- (j) Hamlet/seabass – Any species of the Family Serranidae, except groupers of the genera *Epinephalus* and *Mycteroperca*, and seabass of the genus *Centropristis*.
- (k) Basslets – Any species of the Family Grammistidae.
- (l) Cardinalfish – Any species of the Family Apogonidae.
- (m) Porkfish – *Anisotremus virginicus*.
- (n)(m) High-hat, Jackknife-fish, Spotted drum, Cubbyu – Any species of the genus *Equetus* of the Family Sciaenidae.
- (o)(n) Reef Croakers – Any of the species *Odontocion dentex*.
- (p)(o) Sweepers – Any species of the Family Pempheridae.
- (q)(p) Butterflyfish – Any species of the Family Chaetodontidae.
- (r)(q) Angelfish – Any species of the Family Pomacanthidae.
- (s)(r) Damsel fish – Any species of the Family Pomacentridae.
- (t)(s) Hawkfish – Any species of the Family Cirrhitidae.
- (u)(t) Wrasse/hogfish/razorfish – Any species of the Family Labridae, except hogfish, *Lachnolaimus maximus*.
- (v)(u) Parrotfish – Any species of the Family Scaridae
- (w)(v) Jawfish – Any species of the Family Opistognathidae.
- (x)(w) Blennies – Any species of the Families Clinidae or Blenniidae.
- (y)(x) Sleepers – Any species of the Family Eleotrididae.
- (z)(y) Gobies – Any species of the Family Gobiidae.
- (aa)(z) Tangs and surgeonfish – Any species of the Family Acanthuridae.
- (bb)(aa) Filefish/triggerfish – Any species of the Family Balistes, except gray triggerfish, *Balistidae capricus*.

~~(cc)(bb)~~ Trunkfish/cowfish – Any species of the Family Ostraciidae.

~~(dd)(ee)~~ Pufferfish/burrfish/balloonfish – Any of the following species:

1. Balloonfish – *Diodon holocanthus*.
2. Sharpnose puffer – *Canthigaster rostrata*.
3. Striped burrfish – *Chilomycterus schoepfi*.

(3) The following invertebrate species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:

(a) Sponges – Any species of the Class Demospongia, except sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges, Order Dictyoceratida.

(b) Upside-down jellyfish – Any species of the Genus *Cassiopeia*.

(c) Siphonophores/hydroids – Any species of the Class Hydrozoa, except fire corals, Order Milleporina.

(d) Soft corals – Any species of the Subclass Octocorallia, except sea fans *Gorgonia flabellum* and *Gorgonia ventalina*.

(e) Sea anemones – Any species of the Orders Actinaria, Zoanthidea, Corallimorpharia, and Ceriantharia.

(f) Featherduster worms/calcareous tubeworms – Any species of the Families Sabellidae and Serpulidae.

(g) ~~Starsnails~~ ~~Star shells~~ – Any of the species *Lithopoma americanum* ~~*Astraea americana*~~ or *Australium phoebium* ~~*Astraea phoebia*~~.

(h) Nudibranchs/sea slugs – Any species of the Subclass Opisthobranchia.

(i) Fileclams – Any species of the Genus *Lima*.

(j) Octopods – Any species of the Order Octopoda, except the common octopus, *Octopodus vulgaris*.

(k) Shrimp – Any of the following species:

1. Cleaner shrimp and peppermint shrimp - Any species of the Genera *Periclimenes* or *Lysmata*.

2. Coral shrimp – Any species of the Genus *Stenopus*.

3. Snapping shrimp – Any species of the Genus *Alpheus*.

(l) Crabs – Any of the following species:

1. Yellowline arrow crab – *Stenorhynchus seticornis*.

2. Furcate spider or decorator crab – *Stenocionops furcatus* ~~*furcata*~~.

3. Blue-legged or tricolor hermit crab – *Clibanarius tricolor*.

~~4.3~~ Thinstripe hermit crab – *Clibanarius vittatus*.

~~5.4~~ Polkadotted hermit crab – *Phimochirus operculatus*.

~~6.5~~ Spotted porcelain crab – *Porcellana sayana*.

~~7.6~~ Nimble spray or urchin crab – *Percnon gibbesi*.

~~8.7~~ False arrow crab – *Metoporphaphis calcarata*.

(m) Starfish – Any species of the Class Asteroidea, except the Bahama starfish, *Oreaster reticulatus*.

(n) Brittlestars – Any species of the Class Ophiuroidea.

(o) Sea urchins – Any species of the Class Echinoidea, except longspine urchin, *Diadema antillarum*, and sand dollars and sea biscuits, Order Clypeasteroidea.

(p) Sea cucumbers – Any species of the Class Holothuroidea.

(q) Sea lillies – Any species of the Class Crinoidea.

Specific Authority 370.01(20), 370.027(2), 370.06(2)(d) FS. Law Implemented 370.01(20), 370.025, 370.027, 370.06(2)(d) FS. History–New 1-1-91, Amended 7-1-92, 1-1-95,_____.

46-42.004 Size Limits.

(5) Porkfish – No person shall harvest, possess while in or on the waters of this state, or land any porkfish (*Anisotremus virginicus*) of total length less than 1 1/2 inches.

(6) Cuban (Spotfin) and Spanish hogfish

(a) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) of total length less than 2 inches.

(b) No person shall harvest, possess while in or on the waters of this state, or land any Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length less than 3 inches.

~~(c)(b)~~ No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (*Bodianus rufus*) or Cuban (spotfin) hogfish (*Bodianus pulchellus*) of total length greater than 8 inches.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History–New 1-1-91, Amended 7-1-92, 1-1-95,_____.

46-42.006 Commercial Season, Harvest Limits.

(2) Persons harvesting tropical ornamental marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess while in or on the waters of the state, or land tropical ornamental marine life species in excess of the following limits:

(a) A limit of 75 angelfish (Family Pomacanthidae) per person per day or 150 angelfish per vessel per day, whichever is less.

(b) A limit of 75 butterflyfishes (Family Chaetodontidae) per vessel per day.

(c) A limit of 75 porkfish (*Anisotremus virginicus*) per person per day, and a maximum possession limit of 150 porkfish at any time aboard a vessel with two or more persons licensed as required in subsection (1).

~~(d)(e)~~ A limit of 50 Spanish hogfish (*Bodianus rufus*) and 50 Cuban (spotfin) hogfish (*Bodianus pulchellus*) per person per day, and a maximum possession limit of 100 of either at any time aboard a vessel with two or more persons licensed as required in subsection (1).

(e) There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone

(EEZ) waters adjacent to state waters is closed. At such time, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in Section 120.81(5), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

~~(f)(4)~~ A limit of 400 giant Caribbean or "pink-tipped" anemones (Genus *Condylactus*) per vessel per day.

(g) A limit of one gallon of starsnails (*Lithopoma americanum* or *Australium phoebium*) per person per day, and a maximum possession limit of 2 gallons at any time aboard a vessel with two or more persons licensed as required in subsection (1).

(h) A limit of one quart of blue-legged or tricolor hermit crabs (*Clibanarius tricolor*) per person or per vessel each day, whichever is less.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 1-1-91, Amended 7-1-92, 1-1-95, _____.

46-42.008 Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed.

(1) No person shall harvest any live rock in or from state waters or land any live rock harvested in or from state waters, except as may be provided in subsection (3).

(2) No person shall sell, within the State of Florida, any live rock harvested in or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters unless such person possesses a saltwater products license and a federal Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 C.F.R. Part 638 ~~with both a marine life fishery endorsement and a restricted species endorsement.~~

(3) Subsection (1) shall not apply to:

(a) Any person possessing a saltwater products license and an Aquaculture Certificate issued by the Florida Department of Agriculture and Consumer Services pursuant to Chapter 597, Florida Statutes, with a marine life endorsement harvesting and landing live rock cultured on state submerged lands leased from the State of Florida. Rock used for such culture shall be of a readily distinguishable geologic character from rock native to the area or be securely marked or tagged so as to differentiate the cultured rock from naturally occurring live rock. The rock shall be placed on leased submerged lands by the lease-holder or a person possessing written authorization from the lease-holder.

(b) Any person lawfully harvesting substrate as part of the harvest of octocorals pursuant to Rule 46-42.005(4) or Rule 46-42.006(2)(c).

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 7-1-92, Amended 10-18-93, 1-1-95, _____.

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Blue Crab
 RULE CHAPTER NO.: 46-45

RULE TITLES: Purpose and Intent; Repeal of Statutory

Provisions; Designation as Restricted Species 46-45.001
 Regulation and Prohibition of Certain

Harvesting Gear 46-45.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to clarify identification requirements for blue crab traps and specify further means by which blue crab trappers can render their traps degradable. Degradability is necessary to make sure that traps that are lost will not continue fishing indefinitely. The effect of this rulemaking will be the uniform identification of traps and biological benefit from trap degradability. The repeal of a provision of Florida Statutes that has a conflicting specification for marking blue crab trap buoys is effected to eliminate confusion.

SUBJECT AREA TO BE ADDRESSED: Blue crab trap specifications.

SPECIFIC AUTHORITY: 370.01(20), 370.027(2) FS.; Sections 2 and 7, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, and Section 1, Chapter 85-163, Laws of Florida.

LAW IMPLEMENTED: 370.01(20), 370.025, 370.027 FS.; Sections 2 and 7, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121 and Section 5 of Chapter 86-219, Laws of Florida.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER NOTICED IN THIS PUBLICATION.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

46-45.001 Purpose and Intent; Repeal of Statutory Provisions; Designation as Restricted Species.

(2) It is the intent of this chapter to expressly effect the repeal of and replace the second distinct sentence of subsection (1) of Section Sections 370.135(2) and (3), Florida Statutes.

Specific Authority 370.01(20), 370.027(2) FS.; s. 2 and 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 1 of Chapter 85-163, Laws of Florida. Law Implemented 370.01(20), 370.025, 370.027 FS.; s. 2 and 7 of Chapter 83-134, as amended by Chapter 84-121 and s. 5 of Chapter 86-219, Laws of Florida. History—New 12-14-93, Amended 6-1-94, 10-4-95.

46-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) Except as provided in subsections (2), (3), (4), (5) and (6) below, the following types of gear shall be the only types of gear allowed for the harvest of blue crab in or from state waters:

(a) Traps meeting the following specifications:

1. Traps shall be constructed of wire with a minimum mesh size of 1 1/2 inches and have throats or entrances located only on a vertical surface. Beginning on January 1, 1995, traps shall have a maximum dimension of 24 inches, by 24 inches, by 24 inches or a volume of 8 cubic feet and a degradable panel that meets the specifications of subsection (7) of this rule.

2. All traps shall have a buoy or a time release buoy attached to each trap or at each end of a weighted trotline which buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be of such color, hue and brilliancy to be easily distinguished, seen, and located. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a blue crab trap or attached to a trotline shall float on the surface of the water.

3. Each trap used for harvesting blue crab for commercial purposes shall have the harvester's blue crab endorsement number permanently affixed to it. Each buoy attached to such a trap used for harvesting blue crab for commercial purposes shall have the ~~harvester's blue crab endorsement license~~ number permanently affixed to it in legible figures at least two inches high. The buoy color and license number shall also be permanently and conspicuously displayed on any vessel used for setting the traps and buoys, so as to be readily identifiable from the air and water, in the following manner:

a. From the Air – The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. If the vessel is an open design (such as a skiff boat), in lieu of a separate display, one seat shall be painted with buoy assigned color with permit numbers, unobstructed and no smaller than 10 inches in height, painted thereon in contrasting color. Otherwise, the display shall exhibit the harvester's

approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

b. From the Water – The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel near amidship. The display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 8 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 4 inches in height.

4. The buoy attached to each trap used to harvest blue crab, other than those used to harvest for commercial purposes, shall have a legible "R", at least two inches high, permanently affixed to it. The trap shall have the harvester's name and address permanently affixed to it in legible letters. The buoy requirements of this subparagraph shall not apply to traps fished from a dock.

5. Each trap with a mesh size of 1 1/2 inches or larger shall have at least three unobstructed escape rings installed, each with a minimum inside diameter of 2 3/8 inches. One such escape ring shall be located on a vertical outer surface adjacent to each crab retaining chamber.

6. Each throat (entrance) in any trap used to harvest blue crabs shall be horizontally oriented, i.e., the width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, is greater than the height of any such opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from the opening where the throat meets the vertical wall of the trap to the opening of the throat at its farthest point from the vertical wall, inside the trap.

7. Subparagraphs 1. through 6. shall not apply to any trap used to harvest blue crabs for other than commercial purposes, which trap has a volume of no more than 1 cubic foot and is fished from a vessel, a dock, or from shore.

(b) Dip or landing net.

(c) Drop net.

(d) Fold-up trap with a square base panel no larger than one foot square.

(e) Hook and line gear.

(f) Push scrape.

(g) Trotline.

(7) A trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(a) 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.

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

(c) 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.

(d)(~~e~~) The trap contains at least one sidewall with a vertical 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.

(e)(~~d~~) The trap contains at least one sidewall with a vertical 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.

(f)(~~e~~) The trap contains at least one sidewall with a vertical 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.

(g) The trap contains at least one sidewall with a vertical 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 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.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History--New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 1-1-98,_____.

DEPARTMENT OF ELDER AFFAIRS

Assisted Living Program

RULE CHAPTER TITLE	RULE CHAPTER NO.:
Assisted Living Facilities	58A-5
RULE TITLES:	RULE NOS.:
Definitions	58A-5.0131
License Application, Change of Ownership, and Provisional License	58A-5.014
License Renewal and Conditional License	58A-5.015
License	58A-5.016
Inspection Responsibilities	58A-5.0161
Admission and Continued Residency	58A-5.0181
Resident Care Standards	58A-5.0182
Marketing; Rebates Prohibited	58A-5.0184
Medication Practices	58A-5.0185
Staffing Standards	58A-5.019
Staff Training Requirements and Training Fees	58A-5.0191
Food Service Standards	58A-5.020
Fiscal Standards	58A-5.021
Facility Maintenance and Housekeeping Standards	58A-5.022
Water Supply	58A-5.0221
Garbage and Rubbish	58A-5.0223
Physical Plant Standards	58A-5.023
Records	58A-5.024
Resident Contracts	58A-5.025
Emergency Management	58A-5.026
Extended Congregate Care	58A-5.030
Limited Nursing Services	58A-5.031
Administrative Enforcement	58A-5.033

PURPOSE AND EFFECT: During the 1998 session there were several bills that amended part III, chapter 400, F.S., relating to the regulation of assisted living facilities: Chapter 98-80, L.O.F., relating to licensure and assistance with medication;

chapter 98-148, L.O.F., relating to rule promulgation authority; and chapter 98-171, L.O.F., relating to licensure and background screening. This rule development proposal implements all of these bills as well as carry out the agency rule directive established in sections 120.536 and 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Regulation of Assisted Living Facilities.

SPECIFIC AUTHORITY: 400.402, 400.407, 400.415, 400.424, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.431, 400.441, 400.442, 400.444, 400.452 FS.

LAW IMPLEMENTED: Part III, Chapter 400 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Monday, February 1, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Dunn, Office of General Counsel, (850)414-2000, Meta Calder, Assisted Living Facilities, (850)414-2309; Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE UPON REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Other Business Activities

RULE NO.: 61H1-21.009

PURPOSE AND EFFECT: The above referenced rule is being repealed due to it becoming unnecessary, outdated, or because it is covered elsewhere by statute or rule.

SUBJECT AREA TO BE ADDRESSED: Other Business Activities.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-21.009 Other Business Activities.

Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History--New 9-16-84, Formerly 21A-21.09, 21A-21.009, Repealed.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Form of Practice and Name-Shared Office Space

RULE NO.: 61H1-26.001

PURPOSE AND EFFECT: Under the authority of the Board, this proposed rule is being amended to allow for the sharing of office facilities within the requirements provided in the proposed rule.

SUBJECT AREA TO BE ADDRESSED: Form of Practice and Name-Shared Office Space.

SPECIFIC AUTHORITY: 473.304, 473.3101, 473.321 FS.

LAW IMPLEMENTED: 473.3101, 473.321 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-26.001 Form of Practice and Name-Shared Office Space.

(1) through (2) No change.

(3) ~~A certified public accountant shall not share office facilities with any person that is not a partner or shareholder with him or in his employ unless the office is designed to clearly distinguish the practice of the licensee in a manner that would enable a reasonable person to determine the practice is not associated with a profession or occupation not regulated by the Board. A common waiting area may be acceptable if the public can clearly distinguish the practice of the licensee from that of non-licensees. A licensee must have a separate entrance to the licensee's own offices. Certified Public Accountants may share office facility's provided that there is adequate disclosure that would enable a reasonable person to determine the practice is not associated with the profession or occupation not regulated by the Board, such as written agreements, signs, etc.~~

Specific Authority 473.304, 473.3101, 473.321 FS. Law Implemented 473.3101, 473.321 FS. History--New 12-4-79, Amended 11-7-84, 10-28-85, Formerly 21A-26.01, Amended 10-20-86, 12-28-89, 7-1-91, 1-7-93, Formerly 21A-26.001, Amended 11-30-93, 12-30-97, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-01R
 RULE CHAPTER TITLE: Permitting and Construction of Public Water Systems
 RULE CHAPTER NO.: 62-555
 RULE TITLE: Certification of Delivery of Consumer Confidence Report
 RULE NO.: 62-555.900

PURPOSE AND EFFECT: Incorporation of form needed for implementation of federal requirements for consumer confidence reports.

SUBJECT AREA TO BE ADDRESSED: Certification that the water system has delivered the consumer confidence report, which is an annual water quality report provided to the consumers by all community drinking water systems.

SPECIFIC AUTHORITY: 403.861(9) FS.

LAW IMPLEMENTED: 403.861(17) FS.

A RULE DEVELOPMENT WORKSHOP FOR THE SUBJECT MATTER HAS BEEN NOTICED IN A PREVIOUS FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT WHEN AVAILABLE IS: Virginia Harmon, Drinking Water Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, FL 32399-2400; telephone (850)921-6844
 THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

RULE TITLE: Requirement for Insurance
 RULE NO.: 64B24-7.013

PURPOSE AND EFFECT: The Department proposes to amend this rule to change the date when midwives have to provide proof of professional liability insurance coverage.

SUBJECT AREA TO BE ADDRESSED: The date when midwives must provide proof of professional liability insurance coverage.

SPECIFIC AUTHORITY: 409.908(12)(d), 467.005 FS.

LAW IMPLEMENTED: 409.908(12), 467.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., February 9, 1999

PLACE: Room 201, Office of the General Counsel, 1309 Winewood Boulevard, Building 6, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Adam Ehrlich, Paralegal, Medical Quality Assurance, General Counsel's Office, 1309 Winewood Blvd., Building 6, Room 240, Tallahassee, FL 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B24-7.013 Requirement for Insurance

(1) Except as provided herein, applicants for licensure, applicants for licensure reactivation, and applicants for licensure renewal shall at the time of application submit proof of professional liability insurance coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000 from an authorized insurer as defined under s. 624.09, F.S., from a surplus lines insurer as defined under s. 626.914(2), F.S., from a risk retention group as defined under s. 627.942, F.S., from the Joint Underwriting Association established under s. 627.351(4), F.S., or through a plan of self-insurance as provided in s. 627.357, F.S. All midwives licensed prior to December 31, 1997 shall have until December 31, 1999 ~~90 days from the effective date of this rule~~ to provide proof of professional liability insurance coverage in accordance with ~~this~~ the subsection.

(2) through (4) No change.

Specific Authority 409.908(12)(d), 467.005 FS. Law Implemented 409.908(12), 467.014 FS. History--New 7-14-94, Formerly 59DD-7.013, Amended 5-4-98,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: Health Related Requirements
 RULE NO.: 65C-20.010

PURPOSE AND EFFECT: The modifications contained in this document will ensure appropriate and constructive disciplinary methods for all children in care at licensed family day care homes, thus reducing the potential for physical abuse of said children, by caretakers.

SUBJECT AREA TO BE ADDRESSED: Family Day Care Standards.

SPECIFIC AUTHORITY: 402.313 FS.

LAW IMPLEMENTED: 402.313 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 5, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Vezquez, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 65C-20.010 Health Related Requirements.
 - (1) General Requirements.
 - (a) through (p) No change.
 - (q) Child Discipline
 - 1. The children received for care in a family day care home should be disciplined only in a constructive manner.
 - 2. Children in a family day care home shall not be subject to discipline which is severe, humiliating, or frightening.
 - 3. Discipline shall not be associated with food, rest or toileting in family day care homes.
 - 4. Spanking or any other form of physical punishment is prohibited in family day care homes.
 - (2) through (6) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended _____.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements RULE NO.: 4-137.001

PURPOSE AND EFFECT: The rules are being amended to update NAIC manual references to adopt new improvements to the manuals and maintain consistency with the NAIC and other jurisdictions.

SUMMARY: Current versions of NAIC manuals are adopted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 9:30 a.m., February 9, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0327, phone (850)413-5038

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 4-137.001 Annual and Quarterly Reporting Requirements.
 - (1) through (3) No change.
 - (4) Manuals Adopted.
 - (a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:
 - 1. ~~The~~ NAIC's Annual Statement Instructions, Property and Casualty, ~~1998~~ 1996;
 - 2. ~~The~~ NAIC's Annual Statement Instructions/Life, Accident and Health, ~~1998~~ 1996;
 - 3. ~~The~~ NAIC's Accounting Practices and Procedures Manual for Property and Casualty Insurance Companies, ~~1998~~ 1996; and
 - 4. ~~The~~ NAIC's Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies, ~~1998~~ 1996.

(b) Copies of the manuals are available:

1. ~~From~~ the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105, and ~~are available~~

2. ~~For~~ inspection during regular business hours at the Bureau of Life and Health Insurer Solvency or the Bureau of Property and Casualty Insurer Solvency, as appropriate, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0300.

Specific Authority 624.308(1) FS. Law Implemented ~~624.307(1), 624.424(1)~~ FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michelle Newell, Life & Health Insurer Solvency, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 1998