

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.1035 Patient Consultation Area.

(1) A community pharmacy shall provide a private consultation area so all patients of the pharmacy will be able to obtain counseling without being overheard by others in the prescription dispensing area of the pharmacy. The consultation area must be accessible by the patient from the outside of the prescription dispensing area of the pharmacy without having to traverse a stockroom or the prescription dispensing area. In determining whether the area is suitable, consideration shall be given to the proximity of the counseling area to the check-out or cash register area, the volume of pedestrian traffic in and around the consultation area, and the presence of walls or other barriers between the counseling area and the prescription dispensing area of the pharmacy. The consultation area may consist of designated private counter space. The area shall be designated with a sign bearing "Patient Consultation Area", or words that are substantially similar.

(2) This rule shall be effective for all new community pharmacy permits 60 days after the rule effective date. All existing community pharmacies or those permitted within 60 days of the effective date of the rule must comply within two years of the rule effective date.

Specific Authority 465.005 FS. Law Implemented 465.022(1) FS. History-New _____.

64B16-28.6021 Class II Institutional Pharmacy – Emergency Department Dispensing.

(1) Individuals licensed to prescribe medicinal drugs in this state may dispense from the emergency department of a hospital holding a class II institutional pharmacy permit. Such dispensing must meet the requirements provided in section 465.019(4) and this section.

(2) The following records of prescribing and dispensing must be created by the prescriber/dispenser and maintained by the consultant pharmacist of record within the facility:

- (a) Patient name and address.
- (b) Drug and strength prescribed/dispensed.
- (c) Quantity prescribed/dispensed.
- (d) Directions for use.
- (e) Prescriber/dispenser.
- (f) Prescriber DEA registration, if applicable.
- (g) Reason community pharmacy services were not readily accessible.

(3) Labeling of the prescription container must meet the requirements of section 465.0276.

(4) Quantity dispensed must not exceed a 24-hour supply or the minimal dispensable quantity, whichever is greater.

(5) Violations of this section:

(a) Violations of this section by the prescriber/dispenser shall be referred to the prescriber/dispenser's regulatory board.

(b) The Board of Pharmacy may restrict emergency department dispensing after repeated violations of this section.

Specific Authority 465.005, 465.019(4) FS. Law Implemented 465.022(1), 465.019(2)(b), 465.019(4), 465.0196 FS. History-New _____.

64B16-28.850 Special Pharmacy – ESRD.

(1) through (7) No change.

(8) The ESRD pharmacy shall assemble the products to be delivered pursuant to the prescribing practitioner's prescription. In assembling such products for delivery, the ESRD pharmacy shall take steps necessary to assure the following:

(a) through (b) No change.

(c) All cartons and other packaging are properly labeled as noted below:

1. through 6. No change.

7. The date after which the drug(s) and/or device(s) must be discarded. Notwithstanding any other rule, the ESRD pharmacy may use, in lieu of a discard after date, the manufacturer's expiration date when such is displayed in an unopened sealed package.

(d) No change.

(9) through (17) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History-New 10-2-94, Formerly 59X-28.850, Amended _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE:

Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of the Division's State Touring Program Guidelines, the Grants Management Handbook, and the Division's grant award agreements.

SUMMARY: The proposed rule incorporates updates in the roster application form for the State Touring Program Guidelines, subsection (4)(d) of the rule; additional requirements, administrative language, and updated forms for

RULE NO.:

1T-1.001

the Grants Management Handbook, subsection (5) of the rule; and administrative language in the Division's grant award agreements, subsection (6) of the rule.

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

Any person who wishes to provide information regarding the statement of 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: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-265.56, 265.601-265.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Monday, May 10, 1999
PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American 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 Linda Downey at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

THE FULL TEXT OF THE PROPOSED RULE IS:

1T-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (4)(c) No change.

(d) State Touring Program Brochure, eff. 7/97, which contains instructions for touring presenters and application form #CA2E014, and State Touring Program Guidelines, eff. _____ 7/97, which contains instructions for touring roster applicants and application form CA2E013;

(e) through (g) No change.

(5) All grant awards except those under the Cultural Facilities and Cultural Endowment Programs shall be made through a grant award agreement and shall be administered in

accordance with the Grants Management Handbook, eff. _____ 10-5-98, which contains forms and instructions for the management of grant awards.

(6) Grant awards through the Cultural Facilities Program shall be made through Grant Award Agreement Form #CA2E038, eff. _____ 8/98, and use Grant Award Agreement Form #CA2E047 and Report Form #CA2E048, both eff. _____ 7/96. Grant awards through the Cultural Endowment Program shall be made through Grant Award Amendment Form #CA2E039, eff. _____ 8/98. Grant award agreements shall specify the grants management requirements.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-265.56, 265.601-265.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda B. Downey, Chief, Bureau of Grant Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Katherine Harris, Secretary of State and Peg Richardson, Director, Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Processing of Applications **RULE NO.:** 3E-301.002

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Branch Office Registration Form.

SUMMARY: The proposed amendment incorporates changes to the Branch Office Registration Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.151(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:

TIME AND DATE: 10:00 a.m., May 12, 1999
PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don B. Saxon, Director, Division of Securities, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-301.002 Processing of Applications

(1) through (6) No change.

(7)(a) The forms referred to herein which are incorporated and readopted by this Rule are as follows:

1. through 11. No change.

12. DOSIP Form DA-1-91, Branch Office Registration Form (Revised ~~4/99~~ ~~7-92~~);

13. through (b) 8. No change.

Specific Authority 517.03(1) FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nancy Wood, Division of Securities

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Division of Securities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLES:	RULE NOS.:
Registration of Issuer/Dealers, Principals and Branch Offices	3E-600.004
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Dealer, Investment Adviser, Branch Office and Associated Person Forms	3E-600.019

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Branch Office Registration Form and to delete the “revised” date references from Rules 3E-600.004 and 3E-600.019.

SUMMARY: The proposed amendments incorporate changes to the Branch Office Registration Form and delete the “revised” date references from Rules 3E-600.004 and 3E-600.019.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(12)(b), 517.161(5) 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:

TIME AND DATE: 10:00 a.m., May 12, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Don B. Saxon, Director, Division of Securities, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (3)(a) No change.

(3)(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Branch Office Registration Form (~~Revised 7-92~~) under Rule 3E-600.019.

(3)(b)2. through (3)(d)5.(iii) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.12(5),(10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97,_____.

3E-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) through (5) No change.

(6) The forms to be utilized for notice to the Department under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 3E-301.002, Florida Administrative Code, are:

(a) through (b) No change.

(c) Branch Office Registration Form (DOSIP DA-1-91) (Revised ~~4/99~~ ~~7-92~~).

(d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98,_____.

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Person Forms.

The forms prescribed by the Department for use in this Chapter are as follows:

(1) Form BD – Uniform Application for Broker-Dealer Registration (Revised 2-98)

(2) Form ADV – Uniform Application for Investment Adviser Registration (Revised 1-91)

(3) Form U-4 – Uniform Application for Securities Industry Registration or Transfer (Revised 11-97) (Use for application for registration of all associated persons.)

(4) Form BDW – Uniform Request for Withdrawal from Registration as a Broker Dealer (Revised 1-91)

(5) Form ADV-W – Notice of Withdrawal from Registration as Investment Adviser (Revised 1-91)

(6) Form U-5 – Uniform Termination Notice for Securities Industry Registration (Revised 2-98)

(7) DOSIP Form:

(a) DA-1-91 – Branch Office Registration Form (Revised 7-92)

(b) DA-5-91 – Issuer/Dealer Compliance Form (Revised 1-91)

(c) FL92125OZ – Florida Fingerprint Card (Revised 1-91)

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Geraldine Harrison, Chief, Bureau of Registrations, Division of Securities

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 1999

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Fees and Procedures Regarding

RULE CHAPTER NO.: 4-127

Department Information and Services

RULE TITLES: Database Information

RULE NOS.: 4-127.001

Cost of Publication

4-127.002

Penalties Pertaining to Filing Requirements

4-127.003

PURPOSE AND EFFECT: The methods for determining cost of publication as required by Section 624.313(3), F.S. SUMMARY: This rule is being amended to delete the parts, which are obsolete or duplicative.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307, 624.313(3) 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:

TIME AND DATE: 10:00 a.m., May 11, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jamie Payne, Document Processing, Department of Insurance

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 (488)922-3100, ext. 4214

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-127.001 Database Information.

(1) ~~The cost for the Annual Report of the Department of Insurance, pursuant to 624.313(1), Florida Statute, is \$30.00. This rule establishes procedures for individuals and entities purchasing certain data contained in the Department's computer database. These data are: the Department's annual report; other special reports; lists; labels; and bar codes.~~

(2) ~~There will be a special service charge of \$25.00 plus the applicable actual cost of duplication or retrieval, as permitted by Section 119.07(1)(b), Florida Statutes, for lists, mailing labels, additional bar-codes, or any records generated. All insurers, firms, individuals, or other entities requesting the information described in subsection (1) from the Department's computer database system shall submit their requests in writing to the Bureau of Data Control, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0300.~~

(3)(a) ~~Upon receipt of the request, the Data Collection Section of the Bureau of Data Control will prepare an invoice for the items requested.~~

(b) ~~The following costs are applicable:~~

1. ~~The cost for the Annual Report of the Department of Insurance is \$30.00.~~

2. ~~There will be a special service charge of \$25.00 plus the applicable actual cost of duplication or retrieval, as permitted by Section 119.07(1)(b), Florida Statutes, for lists, mailing labels, additional bar codes, or any records generated.~~

(c) ~~The purchaser shall return the original copy of the invoice to: Finance and Accounting, Revenue Processing Section, Bureau of Data Control, Post Office Box 6100, Tallahassee, Florida 32314-6100, along with payment in the appropriate amount. All checks shall be made payable to the Florida Department of Insurance.~~

(d) ~~Upon receipt of payment, the items requested will be forwarded to the requesting party.~~

Specific Authority 624.308(1) FS. Law Implemented 119.07(1)(b), 624.307, 624.313(3) FS. History—New 9-29-92, Amended _____.

4-127.002 ~~Cost Bulk Orders~~ of Publications.

(1) ~~The Department shall establish the cost of each publication issued pursuant to Section 624.313, Florida Statutes, which shall include the cost of printing, binding, writing, editing, typesetting, artwork, photography, and other similar activities, involved with the particular publication, plus the cost of packaging and shipping. The procedures in this rule apply to bulk orders of publications issued pursuant to the provisions of Section 624.313, Florida Statutes. A bulk order is defined as 25 or more copies of a publication.~~

~~(2) This rule applies to all persons or entities wishing to purchase publications in bulk, except for those persons and entities specifically exempted by subsection (3) of Section 624.313, Florida Statutes.~~

~~(3) The Department shall establish the cost of each publication, which shall include the cost of printing, binding, writing, editing, typesetting, artwork, photography, and other similar activities, as appropriate to the particular publication.~~

~~(4) The purchaser shall place the order with the Bureau of Consumer Outreach and Education, Division of Consumer Services, Department of Insurance, Larson Building, Tallahassee, Florida 32399-0300. The Bureau shall notify the purchaser of the total price, which will include a charge for packaging and shipping. The total price will be based on the current price for the publication ordered and the current cost for packaging and shipping. The purchaser shall send a check for the total amount to the Bureau. Upon receipt of the check, the Department will ship the order to the purchaser. All moneys received from the sale of publications shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.~~

Specific Authority 624.308 FS. Law Implemented 624.307, 624.313(3) FS. History—New 9-29-92, Amended 3-8-94, _____.

4-127.003 Penalties Pertaining to Filing Requirements.

Specific Authority 624.308(1) FS. Law Implemented 624.424(1)(b),(6), 624.307(2) FS. History—New 4-3-94, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jamie Payne, Document Processing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Nipper, Division of Administration, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 1999

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Voting Rights of Contract Owner	4-162.005
Standard Provision Application	4-162.007
PURPOSE AND EFFECT: Repeal Rules 4-162.005 and 4-162.007.	

SUMMARY: These rules were identified to the Joint Administrative Procedure Committee as lacking sufficient authority and need to be repealed.

SPECIFIC AUTHORITY: 627.805 FS.

LAW IMPLEMENTED: 627.802, 627.803, 627.464 FS.

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

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

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

TIME AND DATE: 10:00 a.m., May 12, 1999

PLACE: Room 645C, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lauri Goldman, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4276

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 Lauri Goldman at (850)413-4276.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-162.005 Voting Rights of Contract Owner.

Specific Authority 627.805 FS. Law Implemented 627.802 FS. History—Repromulgated 12-24-74, Formerly 4-10.05, 4-10.005, Repealed

4-162.007 Standard Provision Application.

Specific Authority 627.805 FS. Law Implemented 627.803, 627.464 FS. History—Repromulgated 12-24-74, Formerly 4-10.07, 4-10.007, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lauri Goldman, Senior Attorney, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jack Herzog, Executive Senior Attorney/Supervisor, Division of Legal Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE TITLE: Noxious Weed List
 RULE NO.: 5B-57.007

PURPOSE AND EFFECT: The purpose of this rule amendment is to add eleven new plant species to the noxious weed list and to reorganize the list for improved readability. The effect of the amendment will be the restriction of the movement of additional plants considered to be noxious weeds thereby reducing the artificial spread of these species into new areas. This will protect agricultural and native areas from encroachment by these invasive plant species.

SUMMARY: The noxious weed list is amended to exclude specific species in the Cuscuta, Orobanche and Prosopis genera instead of listing each noxious weed species individually. Eleven other species are added to the list. None are grown commercially except carrotwood, Cupaniopsis anacardioides, and a period until July 1, 2001 is provided to permit adequate time for nurseries to clear these trees from inventory.

SPECIFIC AUTHORITY: 570.07(13),(23) FS.

LAW IMPLEMENTED: 581.031(4),(5),(6), 581.083, 581.091 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS 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: 10:00 a.m., May 11, 1999

PLACE: Doyle Conner Building, 1911 S. W. 34 Street, Gainesville, FL 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614-7100, Phone (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-57.007 Noxious Weed List.

(1) Parasitic Weeds.

(a) Aeginetia spp. (Aeginetia).

(b) Aletra spp. (Aletra).

(c) Cuscuta spp. (~~dodders~~), ~~other than the following species:~~ Only the native Florida species are excluded from this list. These include:

1. C. americana.
- ~~2. C. applanata.~~
- ~~3. C. approximata.~~
4. C. attenuata.
5. C. boldinghii.
6. C. brachycalyx.
7. C. californica.

8. C. campestris.
 9. C. cassytoides.
 10. C. ceanothii.
 11. C. cepholanthii.
 - ~~12. C. compacta.~~
 13. C. corylii.
 14. C. cuspidata.
 15. C. decipiens.
 16. C. dentatasquamata.
 17. C. denticulata.
 18. C. epilinum.
 19. C. epithymum.
 20. C. erosa.
 21. C. europaea.
 - ~~22. C. exaltata~~ exalta.
 - ~~23. C. fasciculata.~~
 24. C. glabrior.
 25. C. globulosa.
 26. C. glomerata.
 - ~~27. C. gronovii.~~
 28. C. harperia.
 29. C. howelliana.
 - ~~30. C. indecora.~~
 31. C. jepsonii.
 32. C. leptantha.
 33. C. mitriformis.
 34. C. nevadensis.
 - ~~35. C. obtusiflora.~~
 36. C. occidentalis.
 37. C. odontolepis.
 - ~~38. C. pentagona.~~
 39. C. plantiflora.
 40. C. polygonorum.
 41. C. rostrata.
 42. C. runyonii.
 43. C. salina.
 44. C. sandwichiana.
 45. C. squamata.
 46. C. suaveolens.
 47. C. suksdorfii.
 48. C. tuberculata.
 - ~~49. C. umbellata.~~
 50. C. umbrosa.
 51. C. vetchii.
 52. C. warneri.
- (d) Orobanche spp. (broomrapes), with the exception of:
 other than the following species:
1. O. bulbosa.
 2. O. californica.
 3. O. cooperi.

4. *O. corymbosa*.
 5. *O. dugesii*.
 6. *O. fasciculata*.
 7. *O. ludoviciana*.
 8. *O. multicaulis*.
 9. *O. parishii*.
 10. *O. pinorum*.
 11. *O. uniflora* (oneflowered broomrape).
 12. *O. valida*.
 13. *O. vallicola*.
 (e) *Striga* spp. (witchweeds).
 (2) Terrestrial Weeds.
 (a) *Ageratina adenophora* (crofton weed).
 (b) *Alternanthera sessilis* (sessile joyweed).
 (c) *Asphodelus fistulosus* (onionweed).
 (d) *Avena sterilis* (including *Avena budoviciana*) (animated oat, wild oat).
 (e) *Borreria alata* (broadleaf buttonweed).
 (f) *Carthamus oxyacantha* (wild safflower).
 (g) *Chrysopogon aciculatus* (pilipiliula).
 (h) *Commelina benghalensis* (Benghal dayflower).
 (i) *Crupina vulgaris* (common crupina).
 (j) (Cupaniopsis anacardioides (carrotwood) Propagation prohibited effective 7/1/99; sale or distribution prohibited 1/1/2001).
 (k)(†) *Digitaria scalarum* (African couchgrass, fingergrass).
 (l)(†) *Digitaria velutina* (Velvet fingergrass, annual conchgrass).
 (m) *Dioscorea alata* (white yam).
 (n) *Dioscorea bulbifera* (air potato).
 (o)(†) *Drymaria arenarioides* (lightning weed).
 (p)(†) *Emex australis* (three-cornered jack).
 (q)(†) *Emex spinosa* (devil's thorn).
 (r)(†) *Euphorbia prunifolia* (painted euphorbia).
 (s)(†) *Galega officinalis* (goat's rue).
 (t)(†) *Heracleum mantegazzianum* (giant hogweed).
 (u)(†) *Imperata brasiliensis* (Brazilian Satintail).
 (v)(†) *Imperata cylindrica* (cogongrass).
 (w)(†) *Ipomoea triloba* (little bell, Aaia morning glory).
 (x)(†) *Ischaemum rugosum* (murainograss).
 (y)(†) *Leptochloa chinensis* (Asian sprangletop).
 (z)(†) *Lycium ferocissimum* (African boxthorn).
 (aa) *Lygodium japonicum* (Japanese climbing fern).
 (bb) *Lygodium microphyllum* (small-leaved climbing fern).
 (cc)(†) *Melaleuca quinquenervia* (melaleuca).
 (dd)(†) *Melastoma malabathricum* (Indian rhododendron).
 (ee)(z) *Mikania cordata* (mile-a-minute).
 (ff)(aa) *Mikania micrantha* (climbing hempweed).
 (gg)(bb) *Mimosa invisa* (giant sensitive plant).
 (hh)(ee) *Mimosa pigra* (catclaw mimosa).¹
 (ii)(dd) *Nassella trichotoma* (serrated tussock).
 (jj) *Neyraudia reynaudiana* (Burma reed).
 (kk)(ee) *Opuntia aurantiaca* (jointed prickly pear).
 (ll)(ff) *Oryza longistaminata* (red rice).
 (mm)(gg) *Oryza punctata* (red rice).
 (nn)(hh) *Oryza rufipogon* (wild red rice).
 (oo) *Paederia cruddasiana* (sewer-vine).
 (pp) *Paederia foetida* (skunk-vine).
 (qq)(ii) *Paspalum scrobiculatum* (Kodomillet).
 (rr)(jj) *Pennisetum clandestinum* (Kikuyu grass).
 (ss)(kk) *Pennisetum macrourum* (African feathergrass).
 (tt)(†) *Pennisetum pedicellatum* (Kyasuma grass).
 (uu)(mm) *Pennisetum polystachyon* (missiongrass, thin napiergrass).
 (vv)(nn) *Prosopis* spp. alata (mesquite).
 (oo) *Prosopis argentina* (mesquite).
 (pp) *Prosopis articulata* (mesquite).
 (qq) *Prosopis burkartii* (mesquite).
 (rr) *Prosopis caldenia* (mesquite).
 (ss) *Prosopis calingastana* (mesquite).
 (tt) *Prosopis campestris* (mesquite).
 (uu) *Prosopis castellanosi* (mesquite).
 (vv) *Prosopis denudans* (mesquite).
 (ww) *Prosopis elata* (mesquite).
 (xx) *Prosopis fareta* (mesquite).
 (yy) *Prosopis ferox* (mesquite).
 (zz) *Prosopis fiebrigii* (mesquite).
 (aaa) *Prosopis hassleri* (mesquite).
 (bbb) *Prosopis humilis* (mesquite).
 (ccc) *Prosopis kuntzei* (mesquite).
 (ddd) *Prosopis pallida* (mesquite).
 (eee) *Prosopis palmeri* (mesquite).
 (fff) *Prosopis reptans* (mesquite).
 (ggg) *Prosopis rojasiana* (mesquite).
 (hhh) *Prosopis ruizlealii* (mesquite).
 (iii) *Prosopis ruscifolia* (mesquite).
 (jjj) *Prosopis sericantha* (mesquite).
 (kkk) *Prosopis strombulifera* (mesquite).
 (lll) *Prosopis torquata* (mesquite).
 (ww) *Pueraria montana* (kudzu).
 (xx) *Rhodomyrtus tomentosa* (downy myrtle).
 (yy)(mmm) *Rottboellia cochinchinensis* (exaltata) (itchgrass; raoulgrass).
 (zz)(mm) *Rubus fruticosus* (bramble blackberry).
 (aaa)(ooo) *Rubus moluccanus* (wild raspberry).
 (bbb)(ppp) *Saccharum spontaneum* (wild sugarcane).
 (ccc)(qqq) *Salsola vermiculata* (wormleaf salsola).

~~(ddd)(rrr)~~ *Sapium sebiferum* (Chinese tallow tree)
~~(Propagation prohibited effective 7/1/96; sale or distribution prohibited 1/1/98).~~

~~(eee)(sss)~~ *Schinus terebinthifolius* (Brazilian pepper-tree).¹

~~(fff)(ttt)~~ *Setaria pallidifusca* (cattail grass).

~~(ggg)~~ *Solanum tampicense* (wetland nightshade).

~~(hhh)(uuu)~~ *Solanum torvum* (turkeyberry).

~~(iii)(vvv)~~ *Solanum viarum* (tropical soda apple).

~~(jjj)(www)~~ *Tridax procumbens* (coat buttons).

~~(kkk)(xxx)~~ *Urochloa panicoides* (liverseed grass).

¹Department of Environmental Protection ~~Natural Resources~~ permit required for these species.

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(6), 581.083, 581.091 FS. History—New 7-27-93, Amended 2-28-94, 6-30-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Constance C. Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Classification of Roads
 RULE CHAPTER NO.: 14-12

RULE TITLE: Scenic Highways
 RULE NO.: 14-12.021

PURPOSE AND EFFECT: This rule amendment is to adopt a revised version of Appendix F to the Department's *Florida Scenic Highways Program Manual*.

SUMMARY: Rule 14-12.021 is being amended to incorporate a revised version of Appendix F to the Department's *Florida Scenic Highways Program Manual*, which will supersede the October 1997, version previously adopted.

SPECIFIC AUTHORITY: 334.044(2), 335.093(2) FS.

LAW IMPLEMENTED: 335.093(1) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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:

TIME AND DATE: 10:00 a.m., May 25, 1999

PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-12.021 Scenic Highways.

The Department will designate scenic highways under Section 335.093, Florida Statutes, in accordance with Appendix F of the *Florida Scenic Highways Manual* (Rev. ~~01/07/99~~ ~~10/22/97~~), which is incorporated by reference herein. Copies of this document may be obtained from the Department's Environmental Management Office, 605 Suwannee Street, M.S. #37, Tallahassee, FL 32399-0450.

Specific Authority 334.044(2), 335.093(2) FS. Law Implemented 335.093(1) FS. History—New 2-24-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Buddy Cunill, Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 1999

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

RULE CHAPTER TITLE: Development of Regional Impact
 RULE CHAPTER NO.: 29D-3

RULE TITLES: Appeal Process
 RULE NOS.: 29D-3.0002

DRI Monitoring 29D-3.0004

PURPOSE AND EFFECT: The Northeast Florida Regional Planning Council proposes to repeal the process for appealing Development of Regional Impact Development Orders issued by local governments and to repeal the DRI Review Fee structure. Legislative changes to Chapter 380.06, F.S., removed the authority of regional planning councils to appeal local government development orders issued pursuant to Ch. 380, F.S. The adoption of Rule 9J-2.0252, F.A.C. by the Department of Community Affairs sets forth the procedures for assessing fees for review of DRI's superseded adopted RPC fee structure.

SUMMARY: This repeals the appeal process of the NEFRPC for development of regional impact development orders issued by local governments pursuant to Ch. 380.06(14), F.S. This also repeals to NEFRPC DRI Review Fee for DRI's.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 120.54, 186.505(1) FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida.

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:

TIME AND DATE: 9:00 a.m., May 10, 1999

PLACE: Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Brown, Director of Special Projects, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

THE FULL TEXT OF THE PROPOSED RULES IS:

29D-3.0002 Appeal Process.

Specific Authority 120.53(1), 163.01, 380.06, 380.07 FS. Law Implemented 120.53(1), 163.01, 380.06(14), 380.06(17), 380.07 FS. History—New 9-3-81, Formerly 29D-3.002, Repealed.

29D-3.0003 Development of Regional Impact Review Fee.

Specific Authority 120.53(1), 160.01, 160.02, 160.02(5), 160.05, 380.06 FS. Law Implemented 120.53(1), 160.01, 160.02, 160.02(5), 160.05, 380.06 FS. History—New 9-3-81, Amended 2-21-83, 1-20-86, Formerly 29D-3.003, Amended 6-28-87, 6-7-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Brown, Director of Special Projects, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Brian Teeple, Executive Director, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1998

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

RULE TITLE: RULE NO.:

Northeast Florida Comprehensive 29D-4.001
Regional Policy Plan

PURPOSE, EFFECT AND SUMMARY: To repeal the adopted Northeast Florida Comprehensive Regional Policy Plan which has been replaced and superseded by the adoption by rule of the Northeast Florida Strategic Regional Policy Plan, pursuant to the requirements of Sections 186.505, 186.507, and 186.508, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 120.54, 186.505(1), 186.507 FS.

LAW IMPLEMENTED: 120.54, 186.507, 186.508 FS., Chapter 93-206, Laws of Florida.

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:

TIME AND DATE: 9:00 a.m., May 10, 1999

PLACE: Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Brown, Director of Special Projects, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

THE FULL TEXT OF THE PROPOSED RULE IS:

29D-4.001 Northeast Florida Comprehensive Regional Policy Plan.

Specific Authority 120.53(1), 186.504, 186.505, 186.507, 186.508 FS. Law Implemented 186.507 FS. History—New 7-1-87, Amended 4-11-90, 10-9-91, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Brown, Director of Special Projects, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Brian Teeple, Executive Director, Northeast Florida Regional Planning Council, 9143 Phillips Hwy, Suite 350, Jacksonville, Florida 32256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Definitions
RULE NO.: 39-1.004

PURPOSE AND EFFECT: The purpose and effect of this rule change is to provide clearer definitions of the terms "endangered," "threatened," and the phrase "species of special concern," and to develop definitions for the phrases "candidate species" and "direct take."

SUMMARY: The Commission proposes to adopt definitions of the terms "endangered," "threatened" and the phrase "species of special concern" based on definitions of similar categories by the International Union for the Conservation of Nature and Natural Resources (IUCN). The Commission proposes to create definitions of the phrases "candidate species" and "direct take" as components of a revision to the state process for listing, delisting and reclassifying species in Rules 39-27.003, 39-27.004, and 39-27.005, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Second Floor Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-1.004 Definitions.

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

(18) Candidate species – A species, subspecies, or isolated population of a species or subspecies, which has been determined by the Commission to warrant listing under Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., but for which actual listing in the aforementioned rules is pending development of a management plan.

(18) through (23) renumbered (19) through (24) No change.

(25) Direct take – Intentionally pursuing, hunting, capturing, killing, or destroying fish or wildlife or the nests, eggs, homes or dens of fish or wildlife.

(26)(24) Endangered species – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is so few or depleted in number or so restricted in range or habitat due to any man-made or natural factors that it is in imminent danger of extinction as determined by (a), (b), (c), (d) or (e) below: ~~or extirpation from the state, or which may attain such a status within the immediate future.~~

(a) Population reduction in the form of either:

1. An observed, estimated, inferred or suspected reduction of at least 80% over the previous ten years or three generations, whichever is longer, based on, and specifying, any of the following:

a. Direct observation.

b. An index of abundance appropriate for the species.

c. A decline in area of occupancy, extent of occurrence or quality of habitat.

d. Actual or potential levels of exploitation.

e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites.

2. A reduction of at least 80%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b, 1.c, 1.d or 1.e above.

(b) Extent of occurrence estimated to be less than 40 square miles or area of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

a. Extent of occurrence.

b. Area of occupancy.

c. Area, extent and/or quality of habitat.

d. Number of locations or subpopulations.

e. Number of mature individuals.

3. Extreme fluctuations in any of the following:

a. Extent of occurrence.

b. Area of occupancy.

c. Number of locations or subpopulations.

d. Number of mature individuals.

(c) Population estimated to number fewer than 250 mature individuals and either:

1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer, or

2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and population structure in the form of either:

a. Severe fragmentation (that is, no subpopulation estimated to contain more than 50 mature individuals).

b. All individuals are in a single subpopulation.

(d) Population estimated to number less than 50 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or three generations, whichever is longer.

(25) through (70) renumbered (27) through (72) No change.

~~(73)(74) Species of special concern – As designated by the commission, a species, subspecies, or isolated population of a species or subspecies which is facing a moderate risk of extinction in the future, as determined by (a), (b), (c), (d) or (e) below: warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species; may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; may occupy such an unusually vital and essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; or has not sufficiently recovered from past population depletion.~~

~~(a) Population reduction in the form of either:~~

~~1. An observed, estimated, inferred or suspected reduction of at least 20% over the last ten years or three generations, whichever is longer, based on, and specifying, any of the following:~~

~~a. Direct observation.~~

~~b. An index of abundance appropriate for the species.~~

~~c. A decline in area of occupancy, extent of occurrence and/or quality of habitat.~~

~~d. Actual or potential levels of exploitation.~~

~~e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites.~~

~~2. A reduction of at least 20%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b, 1.c, 1.d or 1.e above.~~

~~(b) Extent of occurrence estimated to be less than 7,700 square miles or area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:~~

~~1. Severely fragmented or known to exist at only a single location.~~

~~2. Continuing decline, observed, inferred or projected, in any of the following:~~

~~a. Extent of occurrence.~~

~~b. Area of occupancy.~~

~~c. Area, extent and/or quality of habitat.~~

~~d. Number of locations or subpopulations.~~

~~e. Number of mature individuals.~~

~~3. Extreme fluctuations in any of the following:~~

~~a. Extent of occurrence.~~

~~b. Area of occupancy.~~

~~c. Number of locations or subpopulations.~~

~~d. Number of mature individuals.~~

~~(c) Population estimated to number fewer than 10,000 mature individuals and either:~~

~~1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer or;~~

~~2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and population structure in the form of either:~~

~~a. Severely fragmented (i.e. no subpopulation estimated to contain more than 1,000 mature individuals).~~

~~b. All individuals are in a single subpopulation.~~

~~(d) Population very small or restricted in the form of either of the following:~~

~~1. Population estimated to number fewer than 1,000 mature individuals.~~

~~2. Population is characterized by an acute restriction in its area of occupancy (less than 40 square miles) or in the number of locations (fewer than 5).~~

~~(e) Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.~~

~~(74)(72) Spring turkey season – The designated spring period during which only gobblers or bearded turkeys may be taken.~~

(73) through (74) renumbered (75) through (76) No change.

~~(77)(75) Threatened species – As designated by the commission, a species, subspecies, or isolated population of a species or subspecies which is facing a very high risk of extinction in the future, as determined by (a), (b), (c), (d) or (e) below: acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is declining in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.~~

~~(a) Population reduction in the form of either of the following:~~

~~1. An observed, estimated, inferred, or suspected reduction of at least 50% over the last ten years or three generations, whichever is longer, based on, and specifying, any of the following:~~

~~a. Direct observation.~~

~~b. An index of abundance appropriate for the species.~~

~~c. A decline in area of occupancy, extent of occurrence and/or quality of habitat.~~

~~d. Actual or potential levels of exploitation.~~

e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites.

2. A reduction of at least 50%, projected or suspected to be met within the next ten years or three generations, whichever is longer, based on, and specifying, any of 1.b, 1.c, 1.d, or 1.e above.

(b) Extent of occurrence estimated to be less than 2,000 square miles or area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at no more than five locations.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence.
- b. Area of occupancy.
- c. Area, extent and/or quality of habitat.
- d. Number of locations or subpopulations.
- e. Number of mature individuals.

3. Extreme fluctuations in any of the following:

- a. Extent of occurrence.
- b. Area of occupancy.
- c. Number of locations or subpopulations.
- d. Number of mature individuals.

(c) Population estimated to number fewer than 2,500 mature individuals and either:

1. An estimated continuing decline of at least 20% within five years or two generations, whichever is longer or:

2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and population structure in the form of either:

- a. Severely fragmented (i.e., no subpopulation estimated to contain more than 250 mature individuals).
- b. All individuals are in a single subpopulation.

(d) Population estimated to number fewer than 250 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five generations, whichever is longer.

(76) through (85) renumbered (80) through (89) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021 FS~~; Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Exclusion of Certain Areas From Open Season
RULE NO.: 39-4.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide the Executive Director of the Commission with authority to close newly-acquired state lands managed by the Game and Fresh Water Fish Commission for hunting, fishing and other related outdoor recreational purposes during the interim period before the lands are formally established as wildlife management areas and before wildlife assessments are completed. These lands would be closed to open season by executive order for a period of up to one year in order to accomplish necessary fish, wildlife and public-use assessments.

SUMMARY: The proposed rule provides authority to the Executive Director to close newly-acquired state lands to be managed by the Game and Fresh Water Fish Commission for hunting, fishing or other related outdoor recreational. These lands would be closed to open season by executive order for a period of up to one year so as to allow completion of necessary fish, wildlife and public-use assessments and formal establishment as wildlife management areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$30 for administrative preparation and \$62 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.
LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.121 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 1999
PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, FL 32830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-4.007 Exclusion of Certain Areas from Open Season.

(1) Whenever reference is made in these rules to open season or provision is made to permit the taking or possession of wildlife or freshwater fish, it shall be construed to mean to authorize the taking or possession of wildlife or freshwater fish only in open territory and shall not include state parks or recreation areas or the grounds of any of the state universities, colleges, schools, experiment stations, plant boards, hospitals or correctional institutions or state-operated fish hatcheries unless such taking or possession is authorized by the superintendent; nor upon any refuges, bird sanctuaries, restricted hunting areas or management areas established by the Commission unless specifically provided otherwise.

(2) Lands to be managed by the Game and Fresh Water Fish Commission or by the Florida Division of Forestry or the water management districts for hunting, fishing and other related outdoor recreational activities may be closed to the taking of wildlife or freshwater fish by executive order to protect fish and wildlife resources. Such executive closure orders shall be issued on an interim basis until appropriate fish and wildlife resource and public-use assessments are made by the Commission and until the area is formally established under Rule 39-14.001, F.A.C. Lands closed by executive order shall remained closed to the taking or possession of wildlife and freshwater fish for a period of time not to exceed one year. Lands closed pursuant to this subsection shall be posted as closed to the taking of wildlife and freshwater fish.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021 FS~~; Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, ~~420.53 FS~~. History—New 8-1-79, Formerly 39-4.07, Amended 10-29-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Scott Sanders

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Quota Hunt Permits and Special-opportunity Permits – Application; Selection; Issuance

RULE NO.: 39-5.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and clarify procedures for issuing special-opportunity permits.

SUMMARY: The proposed rule would (1) establish special-opportunity application forms, (2) extend the current application period for regular special-opportunity hunts and special-opportunity spring turkey hunts by eliminating the beginning date special-opportunity applications may be received, (3) provide exceptions for special-opportunity permit fee deadlines that fall on a weekend, and (4) extend the deadline for receipt of special-opportunity spring turkey permit fees from February 21 to March 1.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$71 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, FL 32830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-5.005 Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance.

(1) Application – Applicants for quota hunt permits and special-opportunity permits as designated by Rule 39-15.005, F.A.C., shall submit a properly completed application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service to the address specified on the application. For purposes of this rule, the Commission hereby adopts and incorporates herein the following application forms:

(i) Special-Opportunity Hunt Application (form number QA-900, effective _____), available from Commission offices.

(j) Special-Opportunity Spring Turkey Hunt Application (form number QA-901, effective _____), available from Commission offices.

(2) Selection – Unless other procedures are set forth in the application for a particular hunt or in specific area regulations, selection of quota hunt permits and special-opportunity permits shall be as provided in this rule.

(e) ~~Except as otherwise specified below, r~~Recipients of special-opportunity permits shall be selected by random computer selection from completed current-year applications received ~~before or on from May 1 through~~ June 15, irrespective of postmark date, unless June 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received by or on the first Monday after June 15 ~~except as otherwise specified below.~~

(f) Recipients of special-opportunity spring turkey permits shall be selected by random computer selection from completed current-year applications received, not postmarked, on or before the 25th day after beginning the first Monday following the close of the antlered deer season in the South Zone as established in Rule 39-13.004, F.A.C., ~~and ending 25 days thereafter.~~

(g) Special-opportunity permits, other than special-opportunity spring turkey permits, for which permit or license fees are not received by July 15, unless July 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after July 15, irrespective of postmark date, will be forfeited. A second-round random drawing shall be conducted to assign special-opportunity permits forfeited after July 15. Special-opportunity permits assigned during the second-round drawing for which permit or license fees are not received by August 15, unless August 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after August 15, irrespective of postmark date, will be forfeited. A third-round random drawing will be conducted to assign special-opportunity permits forfeited after August 15.

(i) Special-opportunity spring turkey permits for which permit fees are not received by March 1, unless March 1 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after March 1. ~~February 21,~~ irrespective of postmark date, will be forfeited. A second-round random drawing will be conducted to assign forfeited special-opportunity turkey permits.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021 FS~~; Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.121 FS~~; History—New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Scott Sanders
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Regulations Governing the Operation of Private Hunting Preserves
RULE NO.: 39-12.010

PURPOSE AND EFFECT: To allow private hunting preserves to be permitted adjacent to refuges and wildlife management areas where there are no conflicts with the management objectives of the adjacent wildlife management area or refuge or adverse impacts to wildlife or public safety.

SUMMARY: Under current rule, hunting preserves may not be located within one mile of any wildlife management area or refuge established by state or federal law or regulation. The proposed language will provide that such hunting preserves may be allowed in those circumstances wherein their operation would not conflict with the management objective of the adjacent wildlife management area or refuge or pose adverse impacts to wildlife or public safety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-12.010 Regulations Governing the Operation of Private Hunting Preserves.

(2) A hunting preserve shall consist of not more than 10,000 acres, including water area, and be owned or leased by the applicant. For the hunting of game mammals, the land shall be located wholly within a legally fenced tract. The boundaries of all preserves shall be posted with signs bearing the words "Licensed Hunting Preserve" which shall be placed at intervals of not more than 500 feet and easily visible from any point of ingress or egress. No hunting preserve shall be located within one mile of any wildlife management area, ~~or~~ refuge or park established by state or federal law or regulation unless:

(a) The operation of such hunting preserve does not conflict with the management objectives of the affected wildlife management area, refuge or park;

(b) The owner or manager of the affected refuge or park shall be notified of the application and shall be given the opportunity to submit comments or recommendation;

(c) The proposed hunting preserve poses no significant adverse impacts to wildlife or public safety on the affected wildlife management area, refuge or park.

(3) In the event the property is under lease to the applicant, said lease shall be for a term of not less than one year from date of application and such lease is subject to review and approval by the Commission as a condition to the granting of said license.

(3) through (19) renumbered (4) through (20) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 8-5-86, Formerly 39-12.10, Amended 4-11-90, 4-15-92, 10-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julie L. Jones

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots
RULE NO.: 39-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking ducks, geese, and coots in conformance with federal regulations. Rule wording would be changed to reduce the bag limit for scaup, lengthen the Canada goose season on Lake Seminole, and establish a season for light (snow [including blue] and Ross') geese.

SUMMARY: This rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule change will cost the agency approximately \$120 for administrative preparation and \$145 for advertising. There will be no direct cost or economic benefit as a result of this proposed rule change, and any such impacts would result not from proposed promulgation of this rule but from federal action to set migratory bird seasons. There is estimated to be no impact on competition or the open market for employment as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) Open season: Opening the Saturday before Thanksgiving and closing 59 days thereafter ~~November 21 through January 19.~~

(d) In addition to the open season specified in paragraph (1)(a) above, a "Youth Waterfowl Hunting Day" will be held on the first Saturday after January 20. Youth hunters must be under 16 years of age and must be accompanied by a non-hunting adult at least 18 years of age. Daily bag limits and species restrictions for ducks, geese, and coots will be as described in paragraph (1)(f). Florida gallinules (common moorhens) may also be taken on the "Youth Waterfowl Hunting Day;" bag and possession limits for this species will be as specified in Rule 39-13.008, F.A.C.

(f) Limits: The possession limit for ducks and coots shall be two days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, ~~two four~~ scaup, four scoters, two wood ducks, two redheads, one pintail, one black duck, one canvasback, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only one of which may be a hooded merganser.

2. Light geese: The daily bag limit for light geese is 15.

3. Coots: The daily bag limit for coots is ~~Daily bag:~~ 15.

(2) General restrictions:

(a) The taking of harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited.

(4) Canada goose season:

(a) Open season:

1. Opening the Saturday before Thanksgiving and closing 69 days thereafter. First phase—November 21 through November 29.

2. Second phase—January 9 through January 30.

3- Canada geese may be taken only in the Florida waters of Lake Seminole in Jackson County that are south of SR 2, north of the Jim Woodruff Dam, and east of SR 271.

(5) Falconry:

(a) Ducks, light geese, and coots may be taken from one-half hour before sunrise until sunset by the use of a falcon during the open season. The daily bag limit shall be three birds, singly or in the aggregate, and two days' bag may be possessed.

(b) Open season for ducks, light geese, and coots: November 1 through November 13, February 1 through February 28, and the open season specified in (1)(a) of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-23-79, Amended 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-12-84, 8-13-85, 10-1-85, 8-5-86, Formerly 39-13.03, Amended 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-10-90, 11-1-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-29-97, 11-12-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy E. O'Meara

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Hunting Regulations for Migratory Birds
Other than Ducks and Coots

RULE NO.: 39-13.008

PURPOSE AND EFFECT: While no changes to the migratory bird regulations are proposed in this notice, the purpose of advertising this rule is to provide the Commission with the opportunity to make changes to season dates and bag limits for migratory birds other than ducks and coots pursuant to federal regulations or public input.

SUMMARY: This rule is advertised to provide an opportunity for the Commission to change season dates and bag limits for migratory birds other than ducks and coots.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$45 for administrative preparation and \$55 for advertising. There will be no direct cost or economic benefit as a result of this proposed rule change. There is estimated to be no impact on competition, the open market for employment, or small business as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

The Commission has approved the following regulations and bag limits for taking crows and migratory game birds other than ducks and coots:

(1) Mourning doves and white-winged doves:

(a) Open seasons:

1. First phase – Opening the first Saturday of October and closing sunset 23 days thereafter.

2. Second phase – Opening 12 days prior to Thanksgiving and closing sunset on the Sunday after Thanksgiving, statewide.

3. Third phase – Opening the second Saturday of December and closing sunset 29 days thereafter statewide.

(b) Shooting hours: Noon until sunset during the first phase and one-half hour before sunrise until sunset during the second and third phases.

(c) Limits:

1. Daily bag: 12.

2. Possession: 24.

3. The daily bag limit of doves shall be 12 mourning and white-winged doves in the aggregate of which no more than four may be white-winged doves. Possession limit of white-winged doves shall be eight.

(2) Rails and gallinules (Common moorhens):

(a) Open season: September 1 through November 9.

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

1. Rails: Clapper and king.

a. Daily bag: 15.

b. Possession: 30, singly or in the aggregate.

2. Rails: Virginia and sora.

a. Daily bag: 25.

- b. Possession: 25, singly or in the aggregate.
- 3. Florida gallinules (common moorhens):
 - a. Daily bag: 15.
 - b. Possession: 30.
 - (3) Woodcock:
 - (a) Open season: Opening the third Saturday of December and closing sunset 29 days thereafter.
 - (b) Shooting hours: One-half hour before sunrise until sunset.
 - (c) Limits:
 - 1. Daily bag: three.
 - 2. Possession: six.
 - (4) Snipe:
 - (a) Open season: November 1 through February 15.
 - (b) Shooting hours: One-half hour before sunrise until sunset.
 - (c) Limits:
 - 1. Daily bag: eight.
 - 2. Possession: 16.
 - (5) Crow:
 - (a) Open season:
 - 1. First phase – Opening the second Saturday of November and closing 71 days thereafter.
 - 2. Second phase – On Saturdays and Sundays only starting the second Saturday in May through 176 days thereafter.
 - (b) Falconry:
 - (a) Migratory game birds other than ducks and coots may be taken from one-half hour before sunrise to sunset by the use of a falcon during the open season. The daily bag limit for all migratory bird species shall be three birds, singly or in the aggregate, and two days’ bag may be possessed.
 - (b) Open seasons:
 - 1. Mourning doves and white-winged doves: Opening the first Saturday of October and closing sunset 106 days thereafter.
 - 2. Rails: Opening September 1 and closing December 16.
 - 3. Florida gallinules (common moorhens): Opening September 1 and closing December 15.
 - 4. Woodcock: Opening November 24 and closing 106 days thereafter.
 - 5. Snipe: November 1 through February 15.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-17-89, Amended 8-10-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Repromulgated.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Timothy E. O’Meara
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLES:	RULE NOS.:
Establishment Orders	39-14.001
Establishment of Type I Wildlife Management Areas	39-14.002
Establishment of Type II Wildlife Management Areas	39-14.003
Establishment of Wildlife and Environmental Areas	39-14.004
Establishment of Wildlife Refuges	39-14.005
Establishment of Bird Sanctuaries, Critical Wildlife Areas or Restricted Hunting Areas	39-14.006
Establishment of Fish Management Areas	39-14.007
Establishment of Wild Hog Areas	39-14.008
Establishment of Miscellaneous Areas	39-14.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to consolidate the rules governing establishment orders so as to repeal unnecessary rule sections. The effect is to streamline the rulemaking process and save rule advertising cost, while providing information to the public as to the establishment of areas under Commission management.

SUMMARY: The proposed rule will repeal rules 39-14.002, 39-14.003, 39-14.004, 39-14.005, 39-14.006, 39-14.007, 39-14.008 and 39-14.009 and will incorporate any necessary information about the establishment orders into one rule section 39-14.001. The lists of all establishment orders now contained in the text of the rules will be incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-14.001 Establishment Orders.

(1) Whenever the Commission establishes an area to be a Type I or Type II wildlife management area; a wildlife and environmental area; a refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(a) The establishment order shall recite at least the following:

- 1. The legal description of the area to be established.
2. Any terms and conditions under which the area is established.

(b) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders a document called "Establishment Orders, Revised May 25, 1979" which shall contain a copy of all orders of the Commission establishing an area as a Type I or Type II wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a wild hog area or a miscellaneous area are herein incorporated by reference.

~~(2) The Commission does hereby adopt and incorporate by reference into these rules and regulations the establishment orders found in the document "Establishment Orders, Revised May 25, 1979." The document is available to the public pursuant to the provisions of chapters 119 and 120, F.S.~~

~~(2) This rule shall become effective June 30, 1999.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021 FS.~~ Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, 6-21-82, Formerly 39-14.01, Amended 10-29-97, 6-30-99.

39-14.002 Establishment of Type I Wildlife Management Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-22-80, 8-19-80, 12-29-80, 2-1-81, 6-4-81, 8-4-81, 9-29-81, 11-17-81, 6-21-82, 7-29-82, 10-4-82, 12-14-82, 6-23-83, 9-27-83, 7-5-84, 8-12-84, 10-2-84, 7-1-85, 8-13-85, 9-23-85, Formerly 39-14.02, Amended 6-1-86, 8-5-86, 9-30-86, 11-27-86, 5-10-87, 8-13-87, 10-8-87, 6-7-88, 8-18-88, 10-3-88, 2-14-89, 6-15-89, 8-17-89, 12-19-89, 8-9-90, 7-1-91, 10-31-91, 6-11-92, 8-23-92, 2-16-93, 9-2-93, 10-28-93, 2-28-94, 9-15-94, 1-2-95, 8-15-95, 4-1-96, 9-15-96, 9-7-97, 10-28-97, 1-29-98, 8-11-98, 11-12-98, 12-28-98, Repealed.

39-14.003 Establishment of Type II Wildlife Management Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 12-3-79, 8-19-80, 8-4-81, 7-31-82, 7-27-83, 9-27-83, 7-1-85, 9-23-85, 12-5-85, Formerly 39-14.03, Amended 8-5-86, 9-30-86, 8-13-87, 12-23-87, 6-7-88, 12-12-88, 6-15-89, 10-30-89, 8-10-90, 7-1-91, 8-23-92, 10-22-92, 9-2-93, 9-15-94, 8-15-95, 9-15-96, 8-7-99, 8-11-98, Repealed.

39-14.004 Establishment of Wildlife and Environmental Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 4-14-83, 9-27-83, 7-1-84, 7-1-85, Formerly 39-14.04, Amended 6-1-86, 6-7-88, 6-15-89, 7-1-91, 10-31-91, 6-11-92, 9-2-93, 9-15-94, 8-15-95, 9-15-96, 4-4-97, 8-7-97, 10-29-97, 8-11-98, Repealed.

39-14.005 Establishment of Wildlife Refuges.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121 FS. History--New 8-1-79, Amended 8-20-79, 10-23-79, 12-30-80, 2-1-81, 6-4-81, 8-4-81, 6-21-82, 12-14-82, 7-1-83, 7-1-84, 10-2-84, 7-1-85, 8-13-85, Formerly 39-14.05, Amended 6-1-86, 8-10-87, 8-17-89, 6-11-92, Repealed.

39-14.006 Establishment of Bird Sanctuaries, Critical Wildlife Areas or Restricted Hunting Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 8-20-79, 8-19-80, 2-1-81, 2-3-82, 2-23-87, 5-10-87 6-21-82, 7-29-82, 2-1-83, 7-27-83, 9-27-83, 1-8-84, 4-1-84, 7-1-84, 8-12-84, 10-2-84, 2-4-85, 8-13-85, 9-23-85, 2-16-86, 4-10-86, Formerly 39-14.06, Amended 8-5-86, 2-23-87, 5-10-87; 8-13-87, 2-21-88, 08-18-88, 2-14-89, 8-17-89, 2-8-90, 8-10-90, 2-25-91, 2-26-92, 4-10-92, 6-11-92, 8-23-92, 2-17-93, 9-2-93, 2-28-94, 9-15-94, 2-22-96, 11-23-97, Repealed.

39-14.007 Establishment of Fish Management Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, FS. History--New 8-1-79, Amended 2-19-80, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, 9-23-85, Formerly 39-14.07, Amended 8-23-92, 10-23-95, 4-1-96, 2-9-97, 6-29-97, 1-1-98, 10-20-98, Repealed.

39-14.008 Establishment of Wild Hog Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 372.121 FS. History--New 8-1-79, Amended 12-3-79, 8-19-80, 8-4-81, 6-21-82, 7-1-83, 7-1-84, 8-13-85, Formerly 39-14.08, Amended 6-1-86, 5-10-87, 8-18-88, 6-15-89, 4-11-90, 7-1-91, 4-20-93, 4-1-96, 9-15-96, 4-12-98, Repealed.

39-14.009 Establishment of Miscellaneous Areas.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 8-4-81, 6-21-82, Formerly 39-14.09, Amended 4-14-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: James V. Antista

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

RULE NO.: 39-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish quotas for quota hunts on the proposed Fisheating Creek Wildlife Management Area (WMA).

SUMMARY: The proposed rule would establish the following quota hunts on the proposed Fisheating Creek WMA: archery (50 each hunt by special hunt application, no exemptions), muzzleloading gun (50 each hunt by special hunt application, no exemptions), general gun (50 each hunt by regular quota application, no exemptions), spring turkey (35 each hunt by spring turkey application, no exemptions), and general gun hog (40 by regular quota hunt application, no exemptions).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$115 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) During the first nine days of the general hunting season and at other times specified herein, a quota or special-opportunity permit in addition to other license, permit and stamp requirements, shall be required for any person while hunting on wildlife management areas, wildlife and environmental areas, and fish management areas or specified units thereof, identified in this rule. Those persons exempt from license requirements by s. 372.57(1), F.S., or stamp requirements by s. 372.57(6), F.S., or persons age 65 or over who have obtained a Florida lifetime hunting or lifetime sportsman's license are also exempt from quota permit requirements on all areas except those specified by "(no exemptions)" in this rule. Quota, antlerless deer and special-opportunity permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee. Quota, antlerless deer, and special-opportunity permits shall be transferable, except that special-opportunity alligator hunt permits shall not be transferable and that quota, antlerless deer, and special-opportunity permits issued to exempt persons shall be transferable only to another exempt

person, and application for same, if necessary, shall be made in accordance with Rule 39-5.005, F.A.C. The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be as follows:

(a) South Region

42. Fisheating Creek, archery (each hunt) – 50 by special hunt application (no exemptions).

43. Fisheating Creek, muzzleloading gun (each hunt) – 50 by special hunt application (no exemptions).

44. Fisheating Creek, general gun (each hunt) – 50 by regular quota application (no exemptions).

45. Fisheating Creek, spring turkey (each hunt) – 35 by spring turkey application (no exemptions).

46. Fisheating Creek, general gun hog – 40 by regular quota hunt application (no exemptions).

(4) This rule shall be effective upon the execution of an establishment order by the Executive Director creating the Fisheating Creek Wildlife Management Area.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife

RULE NO.: 39-15.061

Management Areas – South Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish specific regulations for the proposed Fisheating Creek Wildlife Management Area (WMA) in Glades County to provide for appropriate public use and effective management of wildlife resources.

SUMMARY: The proposed rule change would establish specific regulations for the proposed Fisheating Creek WMA. Open seasons would be established for archery (September 17-19 and 24-26); muzzleloading gun (October 16-18 and 22-24); general gun (November 5-7 and 12-14); Spring Turkey (March 9-12, 16-19, 23-26, March 30-April 2, and April 6-9); general gun hog (December 4-5); and fishing and frogging (throughout the year). All legal game, fish and furbearers would be established as legal to take except that turkeys would not be legal to take during the archery season and only wild

hogs would be legal to take during the general gun hog season. The bag limit for antlered deer would be established at one per quota hunt permit, and the bag limit for turkey during the spring turkey season would be established at one gobbler (or bearded turkey) per quota hunt permit. Camping would be permitted at the Fisheating Creek campground throughout the year and at designated primitive campsites during periods when the area is closed to hunting. Entry into or exit from the area would be permitted only at designated entrances. The use of tracked vehicles, motorcycles, all-terrain vehicles or horses would be prohibited. Airboats and personal watercraft would be prohibited west of the "head of the bushes." All public use may be prohibited in areas posted as closed for public safety reasons or to protect biologically sensitive sites or cultural resources. Hunters would be required to check in and out at a check station when entering and exiting the area and check all game taken including checking all harvested deer, wild hog or turkey before such game is dismembered. During periods when the area is closed to hunting, public access other than by foot, bicycle, or boat would be prohibited. Operation of vehicles would be allowed only on named and numbered roads. Hunting with dogs other than bird dogs and retrievers would be prohibited. Only tents, trailers, or self-propelled camping vehicles would be allowed for camping. Fires other than campfires would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$95 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.

(16) Fisheating Creek Wildlife Management Area

(a) Open season:

1. Archery – September 17-19 and 24-26.
2. Muzzleloading gun – October 16-18 and 22-24.
3. General gun – November 5-7 and 12-14.
4. Spring turkey – March 9-12, 16-19, 23-26, March 30-April 2, and April 6-9.

5. General gun hog – December 4-5.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. During the general gun hog season, only wild hogs may be taken.

(c) Camping: Permitted at the Fisheating Creek campground throughout the year. Camping is permitted at designated primitive campsites during periods when the area is closed to hunting.

(d) General regulations:

1. Entry into or exit from the area at locations other than designated entrances is prohibited.

2. The use of tracked vehicles, motorcycles, personal watercraft, all-terrain vehicles, or horses is prohibited. The use of airboats is prohibited west of the "head of the bushes." All public use shall be prohibited in areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

4. During periods when the area is closed to hunting, public access other than by foot, bicycle, or boat is prohibited.

5. Vehicles may be operated only on named or numbered roads.

6. Hunting with dogs other than bird dogs and retrievers is prohibited.

7. No deer, wild hog or turkey shall be dismembered until checked at a check station.

8. Only tents, trailers, or self propelled camping vehicles may be used for camping.

9. Fires other than campfires are prohibited.

(17) This rule shall take effect upon execution of an order by the Executive Director to establish the Fisheating Creek Wildlife Management Area.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History--New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-16-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 23, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife
RULE NO.: 39-15.063
Management Areas – Northwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish an additional still hunt area on the northwestern perimeter of the Blackwater Wildlife Management Area (WMA) where hunting with dogs other than bird dogs and retrievers would be prohibited.

SUMMARY: The proposed rule would prohibit the use of dogs other than bird dogs and retrievers on that portion of Blackwater WMA west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road.

STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$85 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.
LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 1999
PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:
39-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.
(4) Blackwater Wildlife Management Area
(d) General regulations:

2. Hunting with dogs other than bird dogs and retrievers is prohibited in the still hunt area, which includes that portion of the area south of State Road 4 and that portion of the area north of State Road 4 and east of Hurricane Lake Road and Beaver Creek Highway and south of the Brake Fork Fireline, west of Eadie Cotton Road, south of Peaden Bridge Road, east of Sherman Kennedy Road, north of Mattie Kennedy Road and Kennedy Bridge Road, east of Bullard Church Road and east of Ashburn Fork Fireline; and that portion of the area west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road; hunting with dogs other than bird dogs and retrievers is prohibited.

(17) This rule shall take effect July 2, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-21-82, Amended 7-1-83, 7-1-84, 7-1-85, 5-7-86, 5-10-87, Amended 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 9-1-91, 9-2-91, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-2-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 23, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife
RULE NO.: 39-15.065
Management Areas – Central Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish specific regulations for the proposed Ross Prairie Wildlife Management Area (WMA) in Marion County to provide for appropriate public use and effective management of wildlife resources.

SUMMARY: The proposed rule change would establish specific regulations for the proposed Ross Prairie WMA. Open seasons would be established for supervised small game hunts (October 16-22, November 20-26, December 18-24, and January 15-21). All legal small game and furbearers would be established as legal to take. Camping would be permitted only at designated campsites. Motorized vehicles would be prohibited except in designated parking areas, and horses and bicycles would be permitted only on roads, firelines, and designated trails. Hunters would be required to enter and exit the area at designated entrances, register upon entry, and record their game harvest upon leaving. Hunting with dogs would be prohibited except that bird dogs and dogs with a shoulder height of 15 inches or less would be permitted for hunting small game. The use of airboats, tracked vehicles and all-terrain vehicles would be prohibited. The possession of

firearms other than shotguns would be prohibited. During the supervised small game season, only persons under 16 years of age and their adult supervisor would be permitted to hunt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$95 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 375.313 FS.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.065 Specific Regulations for Type I Wildlife Management Areas – Central Region.

(31) Ross Prairie Wildlife Management Area

(a) Open Season:

1. Supervised small game – October 16-22, November 20-26, December 18-24 and January 15-21.

(b) Legal to take: All legal small game and furbearers.

(c) Camping: Permitted at designated campsites only.

(d) General regulations:

1. Motorized vehicles are prohibited except in designated parking areas. Horses and bicycles are permitted only on roads, firelines, and designated trails.

2. All hunters shall enter or exit the area only at designated entrances.

3. All hunters shall register at designated entrances and record their game harvest upon leaving.

4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15" or less may be used for hunting small game.

5. The use of airboats, tracked vehicles and all-terrain vehicles is prohibited.

6. The possession of firearms other than shotguns is prohibited.

7. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in s. 790.22, F.S.

(32) This rule shall take effect July 2, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, 7-2-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles
RULE NO.: 39-25.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to close the harvest of softshell turtles during the nesting season (1 May-31 July) so as to protect softshell turtles and their eggs during the nesting season. The proposed rule will also clarify the prohibition against the sale of turtle eggs, will clarify the possession limits on the eggs of certain turtles and will establish an aggregate bag limit for the possession of eggs of freshwater turtles native to Florida.

SUMMARY: The proposed rule provides for closure of harvest of softshell turtles or their eggs during the nesting season, clarifies existing limitations on the collection of certain turtle eggs, prohibits the purchase and sale of turtle eggs and allows for possession of not more than 50 turtle eggs in the aggregate of native species of freshwater turtles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No costs are anticipated for other governmental agencies. There will be a small economic impact to commercial turtle farms who now harvest softshell turtles during the nesting season.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(10) No softshell turtles (*Apalone* sp.) or their eggs may be taken from 1 May to 31 July.

(11) No person shall take or possess more than 50 eggs in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the Executive Director as provided in Rules 39-5.004, 39-9.002, and 39-27.002, F.A.C. Eggs of those turtles species enumerated in 39-25.002(9), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(10) through (15) renumbered (12) through (17) No change.

(18) This rule shall be effective August 1, 1999.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul E. Moler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: RULE NO.:

Procedures for Listing, Delisting and Reclassifying Endangered, Threatened, and Species of Special Concern 39-27.001

PURPOSE AND EFFECT: The purpose and effect of this rule change is to provide a process in rule for effecting changes to the state list of endangered, threatened and special concern species. The proposed process will use biological criteria alone to determine the appropriate listing category for the species, and will weigh economic and social implications of undertaking recommended management actions in the formulation of protective regulations.

SUMMARY: Through creation of this new rule, the Commission proposes to adopt a new process for making changes to the state list of endangered, threatened and species of special concern.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$10,950 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.001 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.

(1) Petition to list, delist, or reclassify a species in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C.

(a) Persons wishing to add, delete or reclassify species in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., shall submit a written petition to the Commission.

1. Petitions shall be clearly identified as such, and must contain the following in order to be considered complete:

a. The rule to which the species is proposed to be added, removed from or reclassified to.

b. The name, address and signature of the petitioner, and

c. Sufficient information on the biology and distribution of the species to determine its status using the criteria contained in definitions of endangered, threatened or species of special concern in Rule 39-1.004, F.A.C.

(b) Incomplete petitions will be returned to the petitioner with insufficiencies clearly noted in writing. Corrected petitions may be resubmitted for consideration.

(c) Complete petitions will be evaluated in accordance with the provisions in subsection (2).

(d) If, in the opinion of the Executive Director, immediate inclusion of a species in Rule 39-27.003(1), F.A.C., is essential to prevent imminent extinction, such listing may be effected on a temporary basis not to exceed 240 days. The Commission shall conduct the evaluations prescribed in (2) and (3) of this subsection to determine the appropriate final classification of the species.

(2) Review of petitions to determine biological status; Phase 1.

(a) The Commission shall establish a deadline for completion of the biological review of each complete petition.

(b) The Commission shall solicit information from interested parties on the biological status of species. Written comments regarding biological status shall be accepted by the Commission for a period of no less than 45 days following public notice.

(c) The Commission shall summarize information provided in the petition, information obtained from the public and other readily available information on status into a biological status report. The biological status report shall contain a recommended classification for the petitioned species consistent with the available biological data.

(d) The Commission shall designate a biological review panel of scientists with demonstrated knowledge and expertise pertaining to imperiled species conservation and management. This panel shall independently evaluate information compiled on the petitioned species' biological status relative to its proposed classification in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C.

(e) The biological status report shall be provided to members of the panel of scientific experts for the review mandated in (d) of this subsection. Panel members shall have no fewer than 45 days to review the document and provide recommendations to the Commission.

(f) The Commission shall consider the final biological status report, biological recommendations from the panel of scientific experts and public testimony regarding biological status in making a final determination whether addition, deletion or reclassification of the petitioned species in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., is warranted.

(g) If the petitioned species is determined by the Commission to warrant inclusion in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., the Commission shall:

1. Specify the appropriate listing category for the species based on biological status.
2. Establish a deadline for completion of a management plan for the species as described in subsection (3) below, considering the recommendation of Commission employees and other interested parties.
3. If the species is not already listed in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., it shall be added to the list of candidate species in Rule 39-27.0021, F.A.C., and the protective provisions therein shall apply to the species.

(3) Development of management plans, regulations, permit requirements for candidate species; Phase 2.

(a) Within 45 days following designation of a candidate species, the Commission shall solicit information from interested parties on the conservation needs of the species, and any economic and social factors that should be considered in its management.

(b) The Commission shall use information obtained from the public and other readily available information to develop a draft management plan for each candidate species that addresses:

1. Biological status as determined in Phase 1.
2. Conservation objectives.
3. Recommended management actions.
4. Recommended regulations and incentives.
5. Anticipated economic and social impacts of implementing or not implementing the recommended conservation actions.

(c) The Commission shall advise interested persons of the availability of the draft management plan. Written comments regarding conservation recommendations and expected economic and social impacts of implementation of the management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.

(d) Final Commission action on the petition shall include:

1. Deletion of the species from 39-27.0021 if appropriate, and addition to and/or deletion from Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C., in accordance with the determination made in (2) of this subsection.

2. A determination on any proposed regulations in the management plan.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: RULE NO.:

Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property 39-27.002

PURPOSE AND EFFECT: The purpose of this rule change is to eliminate sections in Rule 39-27.002, F.A.C., regarding prohibitions and permit conditions for endangered, threatened and special concern species that are proposed for incorporation in Rules 39-27.003, 39-27.004 and 39-27.005, F.A.C. There will be no substantive effect resulting from this change, as prohibitions and permit requirements will not change.

SUMMARY: The Commission proposes to add language relating to prohibitions and permit conditions for endangered, threatened and special concern species currently in Rule

39-27.002, F.A.C., to appropriate sections in Rules 39-27.003, 39-27.004 and 39-27.005, F.A.C. No change to prohibitions and permit conditions is proposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$150 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property General Prohibition; Permits.

~~(1) Endangered species — No person shall pursue, molest, harm, harass, capture, possess, or sell any endangered species or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.~~

~~(2) Threatened species — No person shall take, possess, transport, molest, harass or sell any threatened species or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.~~

~~(3) Permits for endangered or threatened species — Permits to engage in activities prohibited in subsections (1) and (2) as they relate to those endangered species designated in Rule 39-27.003(1), (6), (7), (8), (9), (34), (35), (36) (37) or (38), F.A.C., or threatened species designated in Rule 39-27.004(2) or (3), F.A.C., may be issued by the Secretary of the Department of Environmental Protection. Permits relating to any other endangered or threatened species may only be issued by the executive director of the Commission.~~

~~(4) Species of special concern — No person shall take, possess, transport, or sell, any species of special concern or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.~~

~~(5) No person shall feed key deer by hand or by placing any food that serves to attract such deer.~~

~~(6) Species of birds and mammals protected in Rules 39-27.003, 39-27.004, and 39-27.005, F.A.C., may be harassed on airport property as specified in Rule 29-12.009(7), F.A.C., if aircraft safety and human lives are in imminent jeopardy.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.072 FS~~; History—New 8-1-79, Amended 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.02, Amended 6-1-86, 5-10-87, 4-13-88, 4-11-90, 6-24-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Designation of Candidate Species; Prohibitions; Permits

RULE NO.: 39-27.0021

PURPOSE AND EFFECT: The purpose of this new rule is to establish a list of candidate endangered, threatened and special concern species that have been determined to warrant inclusion in Rules 39-27.003, 39-27.004 and 39-27.005, F.A.C., but for which management plans are under development. The effect of this rule is to identify candidate species and to establish a prohibition on their direct take.

SUMMARY: This rule will establish a list of candidate species that have been determined to warrant inclusion in Rules 39-27.003, 39-27.004 and 39-27.005, F.A.C., but for which management plans are under development. Development of this list is an integral component of a new species listing process developed by the Commission in response to input from stakeholders and public workshops aimed at improving the imperiled species listing process. Candidate species will be protected from direct take.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$10,950 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.0021 Designation of Candidate Species; Prohibitions, Permits.

(1) The species in subsection (3) are hereby declared to be candidate species for inclusion in Rules 39-27.003, 39-27.004 or 39-27.005, F.A.C.

(2) No person shall engage in direct take of any candidate species except as authorized by specific permit from the Executive Director.

(3) The following species are hereby declared to be candidate species:

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

RULE NO.: 39-27.003

PURPOSE AND EFFECT: The purpose of this rule change is to revise the structure and format of the state endangered species list to facilitate adoption of a new process for effecting changes to the state list of endangered, threatened and special concern species. The proposed change does not affect the content or prohibitions currently afforded endangered species, but it will facilitate tailoring prohibitions to specifically fit the conservation needs of future endangered species.

SUMMARY: This proposed change modifies the structure and format of Florida's endangered species list to facilitate incorporation of species-specific prohibitions and permit procedures for future endangered species.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$10,950 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.003 Designation of Endangered Species; Prohibitions; Permits.

(1) The following species are hereby declared to be endangered, and shall be afforded the protective provisions specified.

(a) No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

(1) through (40) renumbered 1. through 40. No change.

(2) In addition to prohibitions and permit requirements in (1), no person shall feed endangered species listed in this subsection by hand or by placing any food that serves to attract such species.

(a) Key deer (*Odocoileus virginianus clavium*)

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021, 372.072 FS~~; Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.072 FS~~; History-New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Brian A. Millsap
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 12, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Designation of Threatened Species;
 Prohibitions, Permits

RULE NO.: 39-27.004

PURPOSE AND EFFECT: The purpose of this rule change is to revise the structure and format of the state threatened species list to facilitate adoption of a new process for effecting changes to the state list of endangered, threatened and special concern species. The proposed change does not affect the content or prohibitions currently afforded threatened species, but it will facilitate tailoring prohibitions to specifically fit the conservation needs of future threatened species.

SUMMARY: This proposed change modifies the structure and format of Florida's threatened species list to facilitate incorporation of species-specific prohibitions and permit procedures for future threatened species.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$10,950 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.004 Designation of Threatened Species;
Prohibitions, Permits.

(1) The following species are hereby declared to be threatened, and shall be afforded the protective provisions specified.:

(a) No person shall take, possess, transport, molest, harass or sell any threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by specific permit from the Executive Director, permits being issued only for scientific or conservation purposes and only upon a showing by the applicant that the permitted activity will not have a negative impact on the survival potential of the species.:

(1) through (27) renumbered 1. through 27. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021, 372.072~~ FS. Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.072~~ FS. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-85, Formerly 39-27.04, Amended 6-1-86, 5-10-87, 4-27-89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 2, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Designation of Species of Special Concern;
 Prohibitions, Permits

RULE NO.: 39-27.005

PURPOSE AND EFFECT: The purpose of this rule change is to revise the structure and format of the state species of special concern list to facilitate adoption of a new process for effecting changes to the state list of endangered, threatened and special concern species. The proposed change does not affect the content or prohibitions currently afforded species of special concern, but it will facilitate tailoring prohibitions to specifically fit the conservation needs of future species of special concern.

SUMMARY: This proposed change modifies the structure and format of Florida's species of special concern list to facilitate incorporation of species-specific prohibitions and permit procedures for future species of special concern.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the Commission \$10,950 for development, implementation and advertising. No mandatory costs are anticipated to other government agencies as a result of the proposed rule.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATE: 9:00 a.m., May 14, 1999

PLACE: Buena Vista Suites, 14450 International Drive, Lake Buena Vista, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-27.005 Designation of Species of Special Concern; Prohibitions, Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.:

(a) No person shall take, possess, transport, or sell, any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(1) through (50) renumbered 1. through 50. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.021, 372.072 FS~~. Law Implemented Art. IV, Sec. 9, Fla. Const., ~~372.072 FS~~. History—New 8-1-79, Amended 6-22-80, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brian A. Millsap

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE CHAPTER TITLE: Minimum Codes for State Construction Under the Jurisdiction of the Department of Management Services

RULE CHAPTER NO.: 60D-7

RULE TITLE: Minimum Basic Codes

RULE NO.: 60D-7.005

PURPOSE, EFFECT AND SUMMARY: To adopt later edition of building codes for the state facilities.

SPECIFIC AUTHORITY: 553.73(1) FS.

LAW IMPLEMENTED: 553.73 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

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:

TIME AND DATE: 9:00 a.m., May 13, 1999

PLACE: Division of Building Construction, Suite 335N, 4030 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard A. Webb, Building Official, Department of Management Services, Division of Building Construction, Tallahassee, Florida 32399-0950, Telephone (850)487-9953, Fax (850)488-6755

THE FULL TEXT OF THE PROPOSED RULE IS:

60D-7.005 Minimum Basic Codes.

The following Codes are adopted as the minimum Codes for the areas or counties specified:

(1) Building Codes:

(a) Standard Building Codes, 1997 ~~1994~~ Edition including the engineering design criteria contained in Section 1606, excluding Chapter 11, "Accessibility for People with Physical Disabilities" and Appendix E, "Energy Conservation" for all counties except Dade and Broward.

(b) South Florida Building Code, 1994 Edition for ~~Broward and Dade~~ County ~~Counties~~.

(c) South Florida Building Code, 1996 Edition for Broward County.

(2) No change.

(3) Electrical Code:

(a) National Electric Code, 1996 ~~1993~~ Edition (NFPA 70, 1996 ~~1993~~).

(b) No change.

The electrical codes and standards indicated shall apply on a statewide basis.

(4) Mechanical Code:

(a) Standard Mechanical Code, 1997 ~~1994~~ Edition for all counties except Broward and Dade.

(b) South Florida Building Code, 1996 ~~1994~~ Edition for Broward County.

(c) No change.

(5) Gas Code (statewide):

(a) Standard Gas Code, 1997 ~~1994~~ Edition.

(b) No change.

Specific Authority 553.71(1),(2) FS. Law Implemented 553.73 FS. History--New 9-7-81, Amended 7-10-85, Formerly 13D-17.05, Amended 10-31-90, Formerly 13D-17.005, Amended 5-12-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Harold Barrand

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Mills, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants

RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose and effect of the rule amendment for Rule 61J2-3.008 is to amend the effective date of the updated and revised broker's course syllabus (Course II), so that it will parallel the 1999 edition of the *Florida Real Estate Broker's Guide*. The *Guide* and the course syllabus need to be coordinated to allow real estate schools and instructors to properly familiarize students with the textbook and to adequately prepare the students for the Course II examination. The proposed amended effective date is September 1, 1999.

SUMMARY: Rule 61J2-3.008 amends the effective date of the Course II syllabus to September 1, 1999.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, May 19, 1999

PLACE: Office of the Real Estate Commission, 400 West Robinson Street, Suite 301, South Tower, Orlando, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) through (6)(a) No change.

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider at least 30 days after submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective June 30, 1993 (course I) and effective September 1, 1999 ~~August 13, 1992~~ (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(6)(c) through (12) No change.

PROPOSED EFFECTIVE DATE: 9-1-99.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Herbert S. Fecker, Jr., Division Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Certification by Examination
RULE NO.: 64B8-72.002
Licensure Without Examination 64B8-72.003

PURPOSE AND EFFECT: The Board of Medicine has approved the repeal of obsolete sections from Rule 64B8-72.002. The Board of Medicine has approved for Rule 64B8-72.003 to be repealed in its entirety.

SUMMARY: The Advisory Council on Respiratory Care determined that certain rule text should be deleted because the language is no longer current. A portion of Rule 64B8-72.002 is being repealed and Rule 64B8-72.003 is being repealed in its entirety because the rule is obsolete due to changes in the Florida Statutes. The Board of Medicine concurred.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated 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: 468.353(1), 455.574(1) FS.

LAW IMPLEMENTED: 468.355, 468.357(3), 468.365 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Advisory Council on Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-72.002 Certification by Examination.

(1) Every applicant for certification as a respiratory care practitioner by examination shall demonstrate to the Council the following qualifications set forth below.

(2) For purposes of interpreting Section 468.357(3)(b), Florida Statutes, as amended by Section 4 of Chapter 87-553, Laws of Florida, the Board finds that the reference to October 1, 1984, is a scrivener's error and that the intended reference was to October 1, 1983. This interpretation is based upon

consideration of subsection (b) in pari materia with subsection (a) and of prior drafts of similar amendments to this statutory provision, such as those embodied in CS/HB 1166 during the 1986 legislative session and CS/HB 245 during the 1987 legislative session. On all prior dates, the provisions of (3)(a) applied as of amending date set forth which was the date immediately preceding the beginning date set forth in (3)(b). The Board finds that there is no basis to believe that the one-year gap created by the literal wording of the amendments in Chapter 87-553, Laws of Florida, was intended by the Legislature. Furthermore, the Board specifically finds that to interpret (3)(b) literally would lead to a ludicrous result. Statutes are not to be interpreted in such a manner.

(3) through (4) renumbered (2) through (3) No change.

(4)(5) That he meets one of the following:

(a) Has successfully completed a training program for respiratory therapy technicians or respiratory therapists approved by the Committee on Allied Health Education and Accreditation of the American Medical Association, or the equivalent thereof, as accepted by the Council, or

(b) Was employed in Florida on October 1, 1984, as a respiratory therapist or respiratory therapy technician (or respiratory care practitioner), but does not hold the "Certified Respiratory Therapy Technician" credential issued by the National Board for Respiratory Care. Such an applicant must meet all of the requirements of Section 468.357, Florida Statutes, on or before November 15, 1987.

(6) through (7) renumbered (5) through (6) No change.

Specific Authority 468.353(1), 455.574(1) FS. Law Implemented 468.355, 468.357, 468.365 FS. History-New 4-29-85, Amended 1-5-86, Formerly 21M-35.02, Amended 9-29-86, 5-12-88, Formerly 21M-35.002, 61F6-35.002, 59R-72.002, Amended _____.

64B8-72.003 Licensure Without Examination.

Specific Authority 468.353(1) FS. Law Implemented 468.357(3) FS. History-New 5-12-88, Formerly 21M-35.0025, 61F6-35.0025, Amended 9-29-94, Formerly 59R-72.003, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Advisory Council on Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Payment of Fines
RULE NO.: 64B8-74.0015

PURPOSE AND EFFECT: The Board of Medicine has approved a new rule that addresses the time frame in which payment of fines are to be paid.

SUMMARY: The Advisory Council on Respiratory Care proposed a new rule to address the time frame in which payment of fines are to be paid pursuant to recent legislation. The Board of Medicine agreed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated 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: 455.624(3), 468.353, 468.365(2)(c),(4) FS.

LAW IMPLEMENTED: 455.624(3), 468.365(2)(c) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Advisory Council on Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-74.0015 Payment of Fines.

All fines imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Specific Authority 455.624(3), 468.353, 468.365(2)(c),(4) FS. Law Implemented 455.624(3), 468.365(2)(c) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Advisory Council on Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 1998

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Continuing Education Requirement

RULE NOS.: 64B8-75.001

Provider Approval and Renewal Procedures

64B8-75.0041

PURPOSE AND EFFECT: The Board of Medicine has approved an update to Rules 64B8-75.001 and 64B8-75.0041.

SUMMARY: The Advisory Council on Respiratory Care recommended to the Board of Medicine that certain obsolete rule text be deleted from Rule 64B8-75.001. The Advisory Council on Respiratory Care also recommended amendments to Rule 64B8-75.0041 in an attempt to clarify provider approval and renewal procedures. The Board of Medicine agreed to the changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated 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: 455.587(3), 468.361(3), 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 455.587(3), 468.361(3) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Advisory Council on Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-75.001 Continuing Education Requirement.

(1) No change.

(2) Each licensed respiratory care professional shall submit proof satisfactory to the Council of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education except as provided in Rule 64B8-75.001(3), Florida Administrative Code. ~~However, anyone licensed without examination under the provisions of Section 468.357(3), F.S., must complete 20 contact hours of continuing education each year. A minimum of 16 hours must be related to respiratory care and a maximum of four of these hours may be in non-respiratory areas such as risk management, personal growth and educational techniques. A maximum of four of the required hours may be home study.~~

(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended _____.

64B8-75.0041 Provider Approval and Renewal Procedures.

(1) The provider seeking approval shall:

(a) Make application on forms provided by the Department and allow a minimum of 90 days prior to the date the offering begins, and submit the following:

1. through 4. No change.

5. a sample certificate of completion.

(b) No change.

(c) Submit a minimum of one (1) offering for the Council's review.

(2) All course offerings ~~which~~ shall be relevant to the practice of respiratory care as defined in Section 468.352(4), Florida Statutes, must be offered for the purpose of keeping licensees apprised of advancements and new developments in the practice of respiratory care, and is designed to enhance learning and skills consistent with contemporary standards for the profession.

(2) through (6) renumbered (3) through (7) No change.

(8) The provider seeking approval for video-taped productions also shall understand and agree:

(a) Not more than one offering shall be submitted per tape.

(b) Each tape shall contain a maximum of four contact hours worth of material.

(c) The offering shall begin with an introduction of the speaker(s) and with a statement of the educational objectives of the program, including the criteria for successful completion of the program.

(d) Approval for an offering related to the direct delivery of respiratory care services shall expire at the end of the biennium; however, the offering may be resubmitted for consideration by the Council as is or with changes if accompanied by a statement that the offering is current and reflective of advancements and new developments regarding respiratory care services.

(9) The provider seeking approval for home study courses also shall understand and agree:

(a) In addition to the credit exclusion for recertification, review, refresher or preparatory courses as provided in Rule 64B8-75.004, a home study course submission shall not include reprints from textbooks.

(b) Each home study course submitted for the Council's review shall not exceed four contact hours in length as defined in Rule 64B8-75.002 with reference to the reading ability of the average licensee reviewing the material and responding to the questions asked.

(10) The provider seeking approval for an offering provided via the Internet also shall provide the Council with a printed or hard copy of the offering.

Specific Authority 455.587(3), 468.361(3) FS. Law Implemented 455.587(3), 468.361(3) FS. History--New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Advisory Council on Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 1998 and December 18, 1998

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Data Processing Systems in Pharmacy 64B16-28.119

PURPOSE AND EFFECT: The proposed rule is being repealed since it has been superseded by rule 64B16-28.140, F.A.C.

SUMMARY: This rule has been superseded by 64B16-28.140, and it is therefore being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated 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: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.026, 893.07 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: 10:00 a.m., May 11, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.119 Data Processing Systems in Pharmacy.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History--New 9-21-83, Formerly 21S-1.38, 21S-1.038, Amended 7-31-91, Formerly 21S-28.119, Amended 3-16-94, Formerly 61F10-28.119, 59X-28.119, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 1999

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES:	RULE NOS.:
Definitions	64E-14.002
Construction Procedures	64E-14.003
Permit, Standards, Inspections, Violations, Complaints and Retaliation	64E-14.004
Application and Variance Fees	64E-14.005
Field Sanitation Facilities	64E-14.016
Fire Protection	64E-14.019
Citations	64E-14.020
Responsibility of Operator	64E-14.021

PURPOSE AND EFFECT: The proposed rule changes include changes related to the creation of the new Department of Health and revisions to the citation form references.

SUMMARY: The proposed amendment to Rule 64E-14.003 specifies the current agency mailing address. The proposed amendments to Rule 64E-14.004 change the name of county public health units to their current designation and list the Bureau of Facility Programs as the correct headquarters' office to which complaints may be made. The proposed amendment to Rule 64E-14.005 requires variance fees to be used solely for the enhancement of the Migrant Labor Camp and Residential Migrant Housing Program. The proposed amendment to Rule 64E-14.016 adds the correct name of the county health departments. The proposed amendments to Rule 64E-14.019 incorporate the department's current policy regarding fire protection standards and add the correct name of the county health departments. The proposed amendment to rule 64E-14.020 adds the date of the most current citation form that is to be used. The proposed amendment to Rule 64E-14.021 adds the current name of the county health departments.

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

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

SPECIFIC AUTHORITY: 381.006(6), 381.0086 FS.

LAW IMPLEMENTED: 381.0081, 381.0084, 381.0086, 381.0087 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:

TIME AND DATE: 9:00 a.m., May 12, 1999

PLACE: Environmental Health Services Conference Room, 1317 Winewood Blvd, Building. 5, Room 203, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Rick R. Narezo, Bureau of Facility Programs, 2020 Capital Circle, S. E., Bin A08, Tallahassee, Florida 32399-1710, (850)487-0004

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-14.002 Definitions.

(3) "Department" – The Department of Health and its representative county ~~public health departments units~~.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0083, 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.52, Amended 8-6-92, 11-17-94, Formerly 10D-25.052, Amended.

64E-14.003 Construction Procedures.

(1) No change.

(2) Variances. A person may apply for a permanent, structural variance from specific standard(s) by filing a written application for such a variance with the Department of Health. The variance shall be in writing, shall state the particular standard(s) involved, and shall state as conditions of the variance the specific alternative measures which have been taken to protect the health and safety of the workers. The applicant must submit payment of \$100 with the request for variance. Checks made payable to the Department of Health shall be forwarded with the variance request and mailed to the Bureau of Facility Programs State Health Office at 1317 Winewood Blvd., Tallahassee, Florida 32299-0700 and must:

(a) through (c) No change.

(3) No change.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0083, 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.53, Amended 8-6-92, 11-17-94, Formerly 10D-25.053, Amended.

64E-14.004 Permit, Standards, Inspections, Violations, Complaints and Retaliation.

(1) No change.

(2) Application for Permit. All applications shall be filed with the department 30 days prior to the date of operation on DH Form 4082, Application For A Migrant Labor Camp Permit, Jan. 990, incorporated herein by reference. In the event of a change of ownership of a migrant labor camp or residential migrant housing, the new owner shall file DH Form 4082 with the department at least 15 days before the change of ownership occurs and pay the application fee amount designated in 64E-14.005(1)-(3). DH Form 4082 is available at county ~~public health departments units~~ located in each county. Completed applications shall be submitted to the county ~~public health department unit~~ where the farmworker housing is located.

(3) No change.

(4) No change.

(5) Violations. When a major deficiency is reported to housing permittees or supervisors, a maximum of 48 hours shall be given to make satisfactory corrections or provisions for correction that are satisfactory to the county ~~public health department unit~~ director or their a designee. Continual or repeat violations of the same inspection items related to migrant farmworker housing are cause for the issuance of a fining citation. Three or more violations which meet the

criteria of major deficiency as defined in section 64E-14.002(7), during an inspection shall be cause for the department to seek legal remedy in accordance with section 64E-14.023.

(6) Complaints. Any person may file a complaint when they believe that any occupied migrant labor camp or residential migrant housing is in violation of any housing standard contained herein. Such complaint may be made to the county health department or to the Bureau of Facility Programs Office of Rural Health and Migrant Labor. Upon receipt of the complaint, county health department ~~departmental~~ staff shall make an inspection of the housing identified to determine if a violation does exist. Should the complaint allege a major deficiency at the migrant labor camp or residential migrant housing, the inspection shall be made as soon as practicable. All other complaints will result in a notification to the owner and operator advising them of the complaint and that the alleged violation must be remedied within 3 business days. The department shall conduct an inspection as soon as practicable following such three day period. When the outcome of the complaint investigation meets the regulatory standards for health and sanitation, the complainant and the owner and operator shall be notified in writing of the outcome within 15 working days of the closure of the complaint process. Upon request of the complainant, the department shall conduct the inspection so as to protect the confidentiality of the complainant.

(7) No change.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0081, 381.0082, 381.0083 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.54, Amended 8-6-92, 11-17-94, Formerly 10D-25.054, Amended.

64E-14.005 Application and Variance Fees.

(1) through (5) No change.

(6) Each \$100 fee collected for requests for variances shall be deposited to a unique revenue code and shall be used solely for the enhancement of the Migrant Labor Camp and Residential Migrant Housing Program ~~Office of Rural Health and Migrant Labor~~.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0084 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.55, Amended 8-6-92, 11-17-94, Formerly 10D-25.055, Amended.

64E-14.016 Field Sanitation Facilities.

FIELD SANITATION FACILITIES REQUIREMENTS

Number of persons	Toilets Hand	Washing Units	Drinking Water
5-10	1	1	Yes

(1) through (3) No change.

(4) Drinking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material and shall be maintained by sanitary methods. The containers shall be marked with the words "Drinking Water", in English and the native language of the majority of the workers. Single service cups shall be provided unless water

is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County ~~public health~~ department unit staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.67, Amended 8-6-92, 11-17-94, Formerly 10D-25.067, Amended.

64E-14.019 Fire Protection.

~~Operating smoke detection devices and fire extinguishers shall be installed in all facilities.~~ County health department ~~Departmental~~ staff shall provide the local fire jurisdiction a copy of the annual listing and location of permitted migrant farmworker housing facilities for proper inspection by the local fire jurisdiction.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.70, Amended 8-6-92, 11-17-94, Formerly 10D-25.070, Amended.

64E-14.020 Citations.

(1) Citations will be written on DH Form 4084, June 98, herein incorporated by reference, and shall describe the particular nature of the violation, including a specific reference to the provisions of statute or rule allegedly violated and each day the violation exists constitutes a separate violation for which a citation may be issued. The citation shall be issued to the owner, supervisor, or operator of the migrant farmworker housing or to the responsible person for remedying the field sanitation facilities' violation including the crew leader, the harvesting company, or the property owner and when a responsible person cannot be identified, any of the above may be cited.

(2) through (3) No change.

(4) To have the amount of the imposed fine reduced up to one-half, the citation recipient must submit physical proof to the department's county ~~public health~~ department ~~unit~~ director, administrator, or other authorized staff that the violation was corrected within 24 hours from the time of the citation. In reducing the amount of the fine, department staff shall take into consideration such factors as the gravity of the violation and the history of compliance of the violator.

(5) No change

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.71, Amended 8-6-92, 11-17-94, Formerly 10D-25.071, Amended.

64E-14.021 Responsibility of Operator.

(1) The operator and owner shall be responsible for complying with all statutory requirements and rules issued thereunder relating to migrant labor camps and residential

migrant housing. Migrant housing owners or operators who have established rules for access and visitation shall provide a copy of those rules to the county public health department unit. The county public health department unit shall maintain on file a copy of the access and visitation rules provided by the housing management.

(2) through (5) No change.

Specific Authority 381.006(6), 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.72, Amended 8-6-92, 11-17-94, Formerly 10D-25.072, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Narezo

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Grimm, Chief, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

Section III
Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.073	Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough, and Pinellas Counties

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. 25, No. 10, page 1010, March 12, 1999, issue of the Florida Administrative Weekly: Subparagraph 40D-80.073(4)(a)2. shall now read as follows:

2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in 40D-80.073(4)(b), F.A.C., below. If these other source(s) are not feasible, and if the provision of water for Minimum Flow from the City’s drinking water supply would compromise the public health, safety, and welfare, the City shall not be required to meet the Minimum Flow until the City can obtain sufficient replacement water or January 1, 2010, whichever occurs first.

Paragraph 40D-80.073(4)(d) shall now read as follows:

(d) On or before October 1, 1999, the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water

quantity, and existing changes and structural alterations, to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. The study will provide recommendations to enhance or improve the biologic communities below the dam in the Lower Hillsborough River. The study shall be completed by December 31, 2005, unless an extension of time is mutually agreed to by the District and the City. If the study demonstrates the need for revisions to the Minimum Flow for the Lower Hillsborough River established in paragraph 40D-8.041(2), F.A.C. the District shall initiate rulemaking to adopt a revised Minimum Flow considering this study and the study results on the Minimum Flow requirement shall be binding on the City and the District in any rulemaking proceeding on the revised Minimum Flow.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.:	RULE TITLE:
61G16-6.006	Licensure by Endorsement

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. 25, No. 3, January 22, 1999, issue of the Florida Administrative Weekly. A new subparagraph (3) shall be added to proposed rule 61G16-6.006, to read as follows:

61G16-6.006 Licensure by Endorsement.

(3) For all applicants for licensure by endorsement, the Board will review the licensure examination results for the applicant’s current license, certificate, or registration to practice geology to determine if the applicant received a score on such examination which was equal to or greater than the score required for licensure by examination in the State of Florida. Only those applicants who received a score on the licensure examination for their current license, certificate, or registration which was equal to or greater than the score required by this state for licensure by examination shall be eligible for licensure as a professional geologist by endorsement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Rimes, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62N-22	The Florida Manatee Sanctuary Act

RULE NO.:	RULE TITLE:
62N-22.005	Lee County Zones