

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the construction of the Suncoast Parkway, Project 1 and the associated interchanges and mainline plazas. The project is located in Hillsborough, Pasco, and Hernando counties.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 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.

HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 7:00 p.m., February 24, 1999 (Informal Session to begin at 6:00 p.m.)

PLACE: Land O' Lakes High School (Room 81), 20325 Gator Lane, Land O' Lakes, Florida

TIME AND DATE: 7:00 p.m., February 25, 1999 (Informal Session to begin at 6:00 p.m.)

PLACE: Southwest Florida Water Management District (District Boardroom), 2379 Broad Street, Brooksville, 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:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, _____.

NAME OF PERSONS ORIGINATING PROPOSED RULE: James L. Ely, District Secretary, Turnpike District, and Deborah H. Stemle, Director, Office of Toll Operations

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 1998

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity **RULE NO.:** 33-7.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prevent inmates from manipulating their inmate bank accounts in order to receive discharge gratuity funds intended for inmates with limited funds, and to clarify and simplify procedures for payment of discharge gratuities.

SUMMARY: The proposed rule disallows discharge gratuities to inmates who have participated in programs for which they received payment within 120 days of release and to inmates who previously maintained account balances of \$200.00 or more and transferred funds out of the account during the 180 days prior to release. The proposed rule also simplifies and clarifies the policy regarding exclusion of inmates being released to detainers, simplifies the procedure for inmates being reinstated to supervision, and removes the provision for additional hardship gratuities.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., February 17, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

SUMMARY: The proposed rule provides a cross-reference proposed rule 33-4.016 which sets forth driver’s license requirements for all correctional officers and correctional probation officers.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED 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: 2:00 p.m., February 17, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-24.011 Officers: Appointment and Responsibility.

(1) Officers are appointed by the state of Florida under the authority of the Department of Corrections and are responsible for supervision and control of offenders, including the enforcement of conditions of supervision, conducting investigations and initiating arrest of Florida offenders under their supervision as appropriate with or without warrant. Offenders from other states are not subject to arrest as a violator unless an Interstate Compact arrest warrant has been issued by the originating state.

(2) The use of Department of Corrections issued credentials and badges is only authorized when conducting official duties.

(3) Correctional Probation Officers must have a valid Florida driver’s license and use only a four-wheel conventional vehicle when performing their duties. Correctional Probation Officers shall be subject to the provisions of rule 33-4.016 regarding maintenance of driver’s licenses and privileges.

(4) Officers are required to have telephones in their place of residence to provide 24-hour per day telephone access by the offender either directly or indirectly through a correctional facility.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 5-28-86, Amended 2-15-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joanne Leznoff

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Thurber

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 1999

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

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

The Crossings at Fleming Island Community Development District 42H-1

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

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of The Crossings at Fleming Island Community Development District (“District”). On September 4, 1998, the Florida Land and Water Adjudicatory Commission (“FLWAC” or “Commission”) received a petition to adopt an administrative rule to amend the boundaries of the “District” as reflected in Chapter 42H-1, Florida Administrative Code. The petition was filed by The Crossings at Fleming Island Community Development District, 1880 Eagle Harbor Parkway, Orange Park, Florida 32073. The new area to be included in the District consists of approximately 46.36 acres generally located adjacent to the current District boundaries in Clay County. The lands sought to be added have already been added to the land area included within The Crossings at Fleming Island Development of Regional Impact (DRI). The DRI project has been planned and is already functioning as one interrelated community. The District has written consent to amend the District from the owners of 100% of the real property to be added to the District. The proposed development within the expansion parcel contemplates moderate density residential use, recreation and conservation/open space uses. There will be no increase in the total number of units within the District as it was initially established as a result of expanding the District. The petition evidences the District’s intention to participate in the acquisition or construction of certain road and drainage improvements, potable water distribution, wastewater collection systems, and reclaimed water systems for the lands to be added to the District. Certain capital costs associated with these improvements would be borne by the District and may be financed through the use of non-ad valorem special assessments, fees or other user charges.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: The District has prepared a Statement of Estimated Regulatory Costs (SERC). The

complete text of the SERC is contained as Exhibit 8 to the petition to amend the boundaries of the District. The amendment of the District's boundaries would result in no costs to the State or its citizens other than administrative costs associated with rule adoption and will benefit the State and its citizens through improved planning and growth management for the new areas to be served. Costs of rule adoption to Clay County and its citizens are offset by the \$1,500 application fee paid by the District. The County would not be required to pay debt service on any bonds utilized to finance District improvements and its citizens would receive the benefits of planned development of public infrastructure. Consumers who purchase land within the District may pay non-ad valorem assessments and rates, fees or charges to service the District's bonds, if issued, and maintain its facilities, and would receive a high level of public services and facilities. Expansion of the District may have nominal beneficial effect on the open market for employment related to construction and maintenance of public infrastructure. Expansion of the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Clay County is not a small county as defined. The Secretary of the Florida Land and Water Adjudicatory Commission (the "Commission") has summarized the estimate of agency costs for amendment of the District. Administrative costs would be incurred by the Commission, the District, the Department of Community Affairs, and the Bureau of Local Government Finance of the Department of Banking and Finance. Other than administrative costs, no costs would be incurred by the State of Florida or the general citizenry.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

ANY PERSON WHO WISHES TO PROVIDE THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION INFORMATION REGARDING THE STATEMENT OF ESTIMATED REGULATORY COSTS, OR WISHES TO PROVIDE A PROPOSAL FOR A LOWER COST REGULATORY ALTERNATIVE AS PROVIDED BY SECTION 120.541(1), MUST DO SO IN WRITING WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF THIS NOTICE. INFORMATION SHOULD BE FILED WITH: Donna Arduin, Secretary, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001.

IF REQUESTED WITHIN TWENTY-ONE (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. – 12:00 Noon, Monday, February 15, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

42H-1.002 Boundary.

The boundaries of the district are as follows:

J-15588-R

July 20, 1987

Amended March 8, 1989

Parcel "A"

DESCRIPTION FOR: CHAMPION REALTY CORPORATION

A part of Sections 32 and 33, Township 4 South, Range 26 East, Clay County, Florida; being more particularly described as follows:

Begin at the Northeast corner of said Section 32; thence South 00 degrees 26 minutes 27 seconds East along the dividing line between Sections 32 and 33, a distance of 4,088.66 feet; thence North 89 degrees 38 minutes 28 seconds East 2,055.90 feet to the Westerly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15), said point being on a curve, said curve being concave Easterly and having a radius of 23,050.31 feet; thence Southerly along the said Westerly Right-of-Way line of U.S. Highway No. 17 along and around said curve, an arc distance of 451.30 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of South 03 degrees 36 minutes 08 seconds West 451.30 feet; thence continue along said Westerly Right-of-Way line South 03 degrees 02 minutes 29 seconds West 749.54 feet to the point of a curve to the right, said curve being concave Northwesterly and having a radius of 75.00 feet; thence Southwesterly along and around said curve an arc distance of 113.31 feet to the Point of Tangency of said curve, said point being on the Northerly Right-of-Way line of County Road No. C-220, the aforementioned arc being subtended by a chord bearing and distance of South 46 degrees 19 minutes 17 seconds West 102.83 feet; thence along the Northerly Right-of-Way line of County Road No. C-220, the following three (3) courses and distances: (1) South 89 degrees 36 minutes 06 seconds West 1,903.64 feet; (2) South 89 degrees 38 minutes 02 seconds West (3) South 89 degrees 56 minutes

53 seconds West 3,374.25 feet to the Easterly Right-of-Way line of Lakeshore Drive; thence North 00 degrees 26 minutes 05 seconds East along last said line 3,971.69 feet to the South line of the North 1/2 of the Northwest 1/4 of said Section 32; thence North 89 degrees 50 minutes 37 seconds East along last said line 1,974.08 feet to the East line of the said Northwest 1/4; thence North 00 degrees 08 minutes 28 seconds West along last said line 1,383.83 feet to the North line of said Section 32; thence North 89 degrees 47 minutes 24 seconds East along last said line 2,734.03 feet to the Point of Beginning, containing 578.74 acres, more or less.

LESS AND EXCEPT:

A parcel of land situated in the South 1/2 of the Northwest 1/4 of Section 32, Township 4 South, Range 26 East, Clay County, Florida; said parcel being more particularly described as follows:

Commence at the Northeast corner of said Section 32; thence on the North line thereof run South 89 degrees 47 minutes 24 seconds West 2734.03 feet to the East line of said Northwest 1/4; thence on last said line run the following two courses: (1) South 00 degrees 08 minutes 28 seconds East 1383.83 feet to the North line of said South 1/2 of the Northwest 1/4 and the Point of Beginning; (2) South 00 degrees 08 minutes 28 seconds East 242.58 feet; thence South 89 degrees 50 minutes 37 seconds West 1976.52 feet; thence North 00 degrees 26 minutes 05 seconds East 242.59 feet to said North line of the South 1/2 of the Northwest 1/4; thence on last said line North 89 degrees 50 minutes 37 seconds East 1974.08 feet to the Point of Beginning, being 11.00 acres, more or less, in area.

J-18947-R
May 22, 1989
(D. R. I. Parcel No. A-1)
(Tract No. 1)

DESCRIPTION FOR: CHAMPION REALTY CORPORATION

A parcel of land situated in Section 31, Township 4 South, Range 26 East, Clay County, Florida; said parcel being more particularly described as follows:

Commence at the Southeast corner of said Section 31 (also being the Southwest corner of Section 32, Township 4 South, Range 26 East); thence on the East line of said Section 31 (also being West line of said Section 32) run North 00 degrees 07 minutes 28 seconds East 70.00 feet to the Northerly line of County Road No. C-220; thence on last said line run the following four courses: 1) South 89 degrees 57 minutes 02 seconds West 419.11 feet; 2) South 89 degrees 27 minutes 02 seconds West 30.95 feet; 3) South 00 degrees 32 minutes 58 seconds East 20.00 feet; 4) South 89 degrees 27 minutes 02 seconds West 866.40 feet to the West line of the East one-half of the Southeast one-quarter of said Section 31; thence on last said line North 00 degrees 07 minutes 04 seconds West 2598.03 feet to the South line of the North one-half of said

J-18947-R
May 22, 1989
(D. R. I. Parcel No. A-1)
(Tract No. 2)

Section 31; thence on last said line South 89 degrees 48 minutes 43 seconds West 2519.75 feet to the West line of West Lakeshore Drive (formerly Parkgate Drive) and the Point of beginning; thence on last said line North 13 degrees 06 minutes 16 seconds West 311.98 feet to the Southerly line of Canterbury Drive; thence on last said line run the following six courses: 1) South 89 degrees 53 minutes 44 seconds West 124.77 feet; 2) on the arc of a curve concave to the Southeasterly and having a radius of 151.68 feet, a chord distance of 193.77 feet, the bearing of said chord being South 50 degrees 11 minutes 47 seconds West; 3) South 10 degrees 29 minutes 29 seconds West 19.35 feet; 4) on the arc of a curve concave to the Northwesterly and having a radius of 1200.00 feet, a chord distance of 279.99 feet, the bearing of last said chord being South 17 degrees 11 minutes 48 seconds West; 5) on the arc of a curve concave to the Northwesterly and having a radius of 435.00 feet, a chord distance of 130.00 feet, the bearing of last said chord being South 32 degrees 29 minutes 24 seconds West; 6) on the arc of a curve concave to the Northwesterly and having a radius of 1066.00 feet, a chord distance of 370.33 feet to the East line of Lake Shore Boulevard, the bearing of last said chord being South 51 degrees 05 minutes 12 seconds West; thence on last said line South 07 degrees 21 minutes 40 seconds East 72.59 feet; thence South 82 degrees 38 minutes 20 seconds West 80.00 feet to the West line of Lake Shore 1,401.82 feet; Boulevard; thence on last said line North 07 degrees 21 minutes 40 seconds West 30 feet, more or less, to the waters of Mainard Branch; thence along said waters in a general Westerly direction 640 feet, more or less, to the waters of Doctors Lake; thence along last said waters in a general Southwesterly direction 980 feet, more or less to the Southerly line of Government Lot 3, of said Section 31 (also being the Northerly line of lands described in Official Records Book 840, page 118 of public records of said County); thence on last said line South 89 degrees 07 minutes 59 seconds East 1950 feet, more or less, to a concrete monument at the Southeast corner of said Government Lot 3; thence continue on the Northerly line of lands described in said Official Records Book 840, page 118, South 88 degrees 53 minutes 48 seconds East 302.35 feet to a concrete monument on said Westerly line of West Lakeshore Drive; thence on last said line run the following three courses: 1) North 04 degrees 12 minutes 16 seconds West 336.74 feet; 2) on the arc of a curve concave to the Southwesterly and having a radius of 6391.78 feet, a chord distance of 991.88 feet, the bearing of last said chord being North 08 degrees 39 minutes 16 seconds West; 3) North 13 degrees 06 minutes 16 seconds West 25.73 feet to the Point of Beginning, being 42.2 acres, more or less, in area.

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A parcel of land situated in Sections 29, 30, 31, and 32, Township 4 South, Range 26 East, Clay County, Florida; said parcel being more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence on the West Line thereof run North 00 degrees 07 minutes 28 seconds East 70.00 feet to the Northerly line of County Road No. C-220 and the Point of Beginning; thence on last said line run the following three courses: 1) North 89 degrees 57 minutes 02 seconds East 50.63 feet; 2) South 00 degrees 02 minutes 58 seconds East 20.00 feet; 3) North 89 degrees 57 minutes 02 seconds East 512.52 feet to the West line of East Lakeshore Drive; thence on last said line run the following two courses: 1) North 00 degrees 25 minutes 02 seconds East 3971.70 feet; 2) North 00 degrees 30 minutes 22 seconds East 3053.80 feet to the South line of Lakeshore Drive; thence on last said line run the following four courses: 1) North 89 degrees 37 minutes 15 seconds West 417.86 feet; 2) North 00 degrees 22 minutes 45 seconds East 20.00 feet; 3) North 89 degrees 37 minutes 15 seconds West 1231.36 feet; 4) on the arc of a curve concave to the Southerly and having a radius of 1799.71 feet; a chord distance of 113.61 feet to the Westerly line of Block 5, Neilhurst Section 3, according to Plat Book 2, page 48 of the public records of said County, the bearing of said chord being South 88 degrees 34 minutes 14 seconds West; thence on last said line and on the arc of a curve concave to the Northeasterly and having a radius of 1825.00 feet, run a chord distance of 726.58 feet to a Northeasterly prolongation of the Northerly line of Block 10, said Neilhurst Section 3, the bearing of last said chord being South 12 degrees 28 minutes 20 seconds East; thence on said prolongation and then on said Northerly line South 66 degrees 47 minutes 59 seconds West 275.03 feet to the Easterly line of Lot 126, said Block 10; thence on last said line South 25 degrees 24 minutes 11 seconds East 112.02 feet to the Northeasterly corner of Lot 127, said Block 10; thence on the Easterly line thereof South 27 degrees 56 minutes 03 seconds East 72.88 feet to the Northeasterly corner of Lot 128, said Block 10; thence on the Easterly line thereof South 29 degrees 47 minutes 50 seconds East 63.77 feet to the Southeasterly corner of said Lot 128; thence on the Southerly line thereof South 59 degrees 19 minutes 57 seconds West 205.09 feet to the Southwesterly line of said Block 10; thence on last said line and then on a Southeasterly prolongation thereof and on the arc of a curve concave to the Northeasterly and having a radius of 2305.00 feet, run a chord distance of 600.47 feet to the most Westerly corner of Block 16, said Neilhurst Section 3, the bearing of last said chord being South 38 degrees 07 minutes 39 seconds East; thence South 45 degrees 22 minutes 52 seconds West 550.07 feet to the most Northerly corner of Block 14, said Neilhurst Section 3; thence on the Southwesterly line of an unnamed road according to said Plat Book 2, page 48, and on the arc of a

curve concave to the Northeasterly and having a radius of 2855.00 feet, run a chord distance of 768.48 feet, the bearing of last said chord being North 37 degrees 41 minutes 09 seconds West; thence on the Northerly line of Block 1, said Neilhurst Section 3, run the following two courses: 1) on the arc of a curve concave to the Southwesterly and having a radius of 410.00 feet, a chord distance of 436.62 feet, the bearing of last said chord being North 62 degrees 07 minutes 26 seconds West; 2) on the arc of a curve concave to the Northerly and having a radius of 524.99 feet; a chord distance of 36.14 feet to the East line of Lot 336, said Block 1, the bearing of last said chord being South 87 degrees 41 minutes 06 seconds West; thence on last said line South 00 degrees 14 minutes 34 seconds East 249.88 feet to the South line of said Lot 336; thence on last said line and then on the South line of Lots 335, 334, and 333 of said Block 1, South 89 degrees 02 minutes 59 seconds West 404.04 feet to the East line of the East one-half of the East three-quarters of the East one-half of Government Lot 3 of said Section 30; thence on last said line South 00 degrees 14 minutes 34 seconds East 300.22 feet to the South line of said Section 30; thence on last said line South 89 degrees 01 minute 09 seconds West 247.50 feet to the West line of said East one-half of the East three-quarters of the East one-half of Government Lot 3; thence on last said line run the following two courses: 1) North 00 degrees 16 minutes 03 seconds West 932.14 feet; 2) North 00 degrees 11 minutes 44 seconds West 336.88 feet to the South line of Lakeshore Drive; thence on last said line run the following two courses: 1) South 79 degrees 54 minutes 14 seconds West 1292.35 feet; 2) on the arc of a curve concave to the Southeasterly and having a radius of 1740.10 feet, a chord distance of 145.97 feet to a Northwesterly prolongation of the Westerly line of Lot 3, Block "L", Neilhurst Section 1, according to Plat Book 2, page 45 of said public records, the bearing of last said chord being South 77 degrees 30 minutes 00 seconds West; thence on said prolongation and then on said Westerly line South 18 degrees 40 minutes 12 seconds East 825.10 feet to the Southwest corner of said Lot 3; thence on the Southerly, Southeasterly, and Easterly lines of Lots 4 though 16 inclusive, said Block "L", run the following five courses: 1) South 76 degrees 26 minutes 51 seconds West 180.00 feet; 2) South 47 degrees 43 minutes 50 seconds West 220.00 feet; 3) South 28 degrees 31 minutes 51 seconds West 225.00 feet; 4) South 09 degrees 22 minutes 43 seconds West 110.00 feet; 5) South 04 degrees 43 minutes 36 seconds West 100.00 feet to the North line of Lot 18, said Block "L"; thence on last said line and then on an Easterly prolongation thereof North 89 degrees 56 minutes 50 seconds East 259.51 feet to the Easterly line of Parkgate Drive; thence on last said line and then on the Easterly line of West Lakeshore Drive (formerly Parkgate Drive) run the following four courses: 1) on the arc of a curve concave to the Easterly and having a radius of 319.48 feet, a chord distance of 17.30 feet, the bearing of last said chord being South 00 degrees 51 minutes 12 seconds East; 2) South 02 degrees 24 minutes 16

seconds East 304.45 feet; 3) on the arc of a curve concave to the Easterly and having a radius of 1562.97 feet, a chord distance of 291.45 feet; the bearing of last said chord being South 07 degrees 45 minutes 15 seconds East; 4) South 13 degrees 06 minutes 16 seconds East 754.90 feet to the Northerly line Lot 9, Block "Q", said Neilhurst Section 1; thence on last line North 76 degrees 53 minutes 44 seconds East 200.00 feet to the Easterly line of said Lot 9; thence on last said line South 13 degrees 06 minutes 16 seconds East 80.00 feet to the Southerly line of said Lot 9; thence on last said line South 76 degrees 53 minutes 44 seconds West 200.00 feet to the Easterly Line of said West Lakeshore Drive; thence on last said line South 13 degrees 06 minutes 16 seconds East 955.49 feet to the South line of the North one-half of said Section 31; thence on last said line North 89 degrees 48 minutes 43 seconds East 2452.04 feet to the West line of the East one-half of the Southeast one-quarter of said Section 31; thence on last said line South 00 degrees 07 minutes 04 seconds East 2598.03 feet to the Northerly line of County Road No. C-220; thence on last said line run the following four courses: 1) North 89 degrees 27 minutes 02 seconds East 866.40 feet; 2) North 00 degrees 32 minutes 58 seconds West 20.00 feet; 3) North 89 degrees 27 minutes 02 seconds East 30.95 feet; 4) North 89 degrees 57 minutes 02 seconds East 419.11 feet to the Point of Beginning, being 515.34 acres, more or less, in area.

J-18947-R
 May 22, 1989
 (D. R. I. Parcel No. A-1)
 (Tract No. 3)

**DESCRIPTION FOR: CHAMPION
 REALTY CORPORATION**

A parcel of land situated in Sections 29 and 30, Township 4 South, Range 26 East, Clay County, Florida; said parcel being more particularly described as follows:

Commence at the Southwest corner of Section 32, Township 4 South, Range 26 East; thence on the West line thereof run North 00 degrees 07 minutes 28 seconds East 70.00 feet to the Northerly line of County Road No. C-220; thence on last said line run the following three courses: 1) North 89 degrees 57 minutes 02 seconds East 50.63 feet; 2) South 00 degrees 02 minutes 58 seconds East 20.00 feet; 3) North 89 degrees 57 minutes 02 seconds East 512.52 feet to the West line of East Lakeshore Drive; thence on last said line run the following four courses: 1) North 00 degrees 25 minutes 02 seconds East 3971.70 feet; 2) North 00 degrees 30 minutes 22 seconds East 3053.80 feet; 3) South 89 degrees 37 minutes 15 seconds East 12.32 feet; 4) North 00 degrees 22 minutes 05 seconds East 100.00 feet to the Point of Beginning (being the intersection of said West line of East Lakeshore Drive with the North line of Lakeshore Drive); thence on said North line run

the following two courses: 1) North 89 degrees 37 minutes 15 seconds West 1661.52 feet; 2) on the arc of a curve concave to the Southerly and having a radius of 1879.71 feet, a chord distance of 100.57 feet to the East line of lands described in Official Records Book 251, page 368, of the public records of said County, the bearing of said chord being South 88 degrees 50 minutes 46 seconds West; thence on said East line North 00 degrees 23 minutes 23 seconds East 307 feet more or less to the waters of Doctors Lake; thence along said waters in a general Easterly direction 1990 feet, more or less, to a point on the West line of said East Lakeshore Drive, said point bears North 00 degrees 22 minutes 05 seconds East 472 feet, more or less, from the Point of Beginning; thence on said West line South 00 degrees 22 minutes 05 seconds West 472 feet, more or less, to the Point of Beginning, being 13.2 acres, more or less, in area.

J-15588-R
 July 21, 1987
 Parcel "B"

**DESCRIPTION FOR: CHAMPION
 REALTY CORPORATION**

A part of Section 33, Township 4 South Range 26 East, Clay County, Florida; and being more particularly described as follows:

Begin at the Southwest corner of Peters Creek as recorded in Plat Book 18, pages 60 thru 64, of the public records of said County; thence North 89 degrees 38 minutes 28 seconds East along the Southerly line of said Peters Creek, 383.29 feet; thence South 00 degrees 14 minutes 55 seconds East 1,268.49 feet to the North Right-of-Way line of County Road No. C-15-A; thence South 89 degrees 36 minutes 06 seconds West along last said line, 381.29 feet to the point of a curve to the right, said curve being concave Northeasterly and having a radius of 75.00 feet; thence Northwesterly along and around said curve and arc distance of 122.31 feet to the Point of Tangency of said curve, said point being on the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15), the aforementioned arc being subtended by a chord bearing and distance of North 43 degrees 40 minutes 43 seconds West 109.20 feet; thence North 03 degrees 02 minutes 29 seconds East along the said Easterly Right-of-Way line of U.S. Highway No. 17, a distance of 728.50 feet to the point of a curve to the right, said curve being concave Easterly and having a radius of 22,850.31 feet; thence continue along said Easterly Right-of-Way, along and around said curve an arc distance of 463.21 feet to the Point of Beginning, said arc being subtended by a chord bearing and distance of North 03 degrees 37 minutes 19 seconds East 463.20 feet, containing 12.31 acres, more or less.

J-15588-R
 August 14, 1987
 Parcel "C"

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A part of Section 4, Township 5 South, Range 26 East, Clay County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 4; thence South 00 degrees 45 minutes 40 seconds East along the East line of said Section 4, being also the centerline of County Road No. C-15-A, a distance of 520.29 feet; thence South 89 degrees 45 minutes 37 seconds West a distance of 50.01 feet to the Point of Beginning; thence continue South 89 degrees 45 minutes 37 seconds West a distance of 1,281.23 feet; thence South 00 degrees 45 minutes 44 seconds East a distance of 850.14 feet; thence South 89 degrees 45 minutes 37 seconds West a distance of 254.97 feet; thence South 00 degrees 00 minutes 19 seconds East a distance of 1,555.21 feet; thence South 89 degrees 45 minutes 04 seconds West a distance of 634.07 feet to an intersection with the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15); thence Northerly along the said Easterly Right-of-Way line of U.S. Highway No. 17, the following three (3) courses: (1) North 03 degrees 01 minute 40 seconds East 702.75 feet; (2) North 03 degrees 02 minutes 29 seconds East 2,101.32 feet; (3) along and around a curve concave Southeasterly and having a radius of 75.00 feet, an arc distance of 113.31 feet to the Southerly Right-of-Way line of aforementioned County Road No. C-15-A, said arc being subtended by a chord bearing and distance of North 46 degrees 19 minutes 17 seconds East 102.83 feet; thence along last said line North 89 degrees 36 minutes 06 seconds East 1,879.94 feet to the Point of a curve to the Right, said curve being concave Southwesterly and having a radius of 50.00 feet; thence Southeasterly continuing along said Southerly Right-of-Way line of County Road No. C-15-A, along and around said curve an arc distance of 78.22, said arc being subtended by a chord bearing and distance of South 45 degrees 34 minutes 38 seconds East 70.48 feet; thence South 00 degrees 45 minutes 40 seconds East along the Westerly Right-of-Way line of said County Road No. C-15-A, a distance of 420.46 feet to the Point of Beginning, containing 57.94 acres, more or less.

J-15588-R
August 14, 1987
Parcel "D"

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A part of Section 4, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the Northeast corner of said Section 4; thence South 00 degrees 45 minutes 40 seconds East along the East line of said Section 4, being also the centerline of County Road No. C-15-A, a distance of 520.29 feet; thence South 89 degrees 45 minutes 37 seconds West a distance of 1,331.24

feet; thence South 00 degrees 45 minutes 44 seconds East a distance of 850.14 feet; thence South 89 degrees 45 minutes 37 seconds West a distance of 254.97 feet; thence South 00 degrees 00 minutes 19 seconds East a distance of 1,555.21 feet; thence South 89 degrees 45 minutes 04 seconds West a distance of 307.11 feet; thence South 05 degrees 40 minutes 11 seconds West 60.32 feet to the Point of Beginning; thence continue South 05 degrees 40 minutes 11 seconds West a distance of 728.10 feet to a point on the North line of a private road known as Pine Forest Drive, described and recorded in Official Records Book 210, page 361, of the public records of said County; thence along last said line South 89 degrees 42 minutes 00 seconds West 290.57 feet to its intersection with the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15); thence along last said line North 03 degrees 01 minute 40 seconds East a distance of 725.67 feet; thence North 89 degrees 45 minutes 04 seconds East a distance of 324.17 feet to the Point of Beginning, containing 5.11 acres, more or less.

J-15588-R
August 14, 1987
Parcel "E"

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A part of Sections 4 and 9, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Begin at the Northwest corner of Island Forest, as recorded in Plat Book 18, pages 5 thru 11, of the public records of said County; thence South 04 degrees 28 minutes 47 seconds West along the Westerly line of said Island Forest, a distance of 1,884.03 feet to a point on the North Right-of-Way line of Island Forest Drive as shown on said plat of Island Forest; thence along the Northerly and Westerly Right-of-Way lines of said Island Forest Drive, the following four (4) courses: (1) North 85 degrees 35 minutes 15 seconds West a distance of 73.15 feet to the point of a curve to the left, said curve being concave Southeasterly and having a radius of 260.00 feet; (2) thence Southwesterly along and around said curve an arc distance of 408.41 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of South 49 degrees 24 minutes 45 seconds West 367.70 feet; (3) South 04 degrees 24 minutes 45 seconds West 335.64 feet to the Point of a Curve to the right, said curve being concave Northwesterly and having a radius of 32.17 feet; (4) thence Southwesterly along and around said curve an arc distance of 47.67 feet to the Point of Tangency of said curve, said point being on the Northerly Right-of-Way line of Water Oak Lane, as shown on said plat of Island Forest, the aforementioned arc being subtended by a chord bearing and distance of South 46 degrees 51 minutes 46 seconds West 43.43 feet; thence along last said line South 89 degrees 18 minutes 47 seconds West 215.34 feet to the point of a curve to

the right, said curve being concave Northeasterly and having a radius of 30.00 feet; thence Northwesterly along and around said curve and arc distance of 49.07 feet to the Point of Tangency of said curve, said point being on the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15), the aforementioned arc being subtended by a chord bearing and distance of North 43 degrees 49 minutes 47 seconds West 43.77 feet; thence along last said line North 03 degrees 01 minute 40 seconds East 4,381.46 feet to a point on the South line of a private road known as Pine Forest Drive, as described and recorded in Official Records Book 210, page 361, of the public records of said County; thence along last said line North 89 degrees 42 minutes 00 seconds East 287.79 feet; thence South 05 degrees 40 minutes 11 seconds West 586.83 feet; thence North 89 degrees 32 minutes 09 seconds East 447.08 feet; thence South 04 degrees 29 minutes 07 seconds West 1,353.45 feet to the Point of Beginning, containing 57.13 acres, more or less.

J-15588-R
August 14, 1987
Parcel "F"

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A part of Section 9, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the Northwest corner of Island Forest, as recorded in Plat Book 18, pages 5 thru 11, of the public records of said County; thence South 04 degrees 28 minutes 47 seconds West along the Westerly line of said Island Forest, a distance of 1,944.03 feet to a point on the Southerly Right-of-Way line of Island Forest Drive, as shown on said plat of Island Forest and the Point of Beginning; thence continue along said Westerly line of Island Forest, South 04 degrees 28 minutes 47 seconds West 250 feet to the Southwesterly corner of said Island Forest, being also the Northwesterly corner of Fleming Oaks Unit 5, as recorded in Plat Book 15, pages 15 thru 17, of the public records of said County; thence South 04 degrees 24 minutes 45 seconds West along the Westerly line of said Fleming Oaks Unit 5, a distance of 299.50 feet to a point on the Northerly Right-of-Way line of Water Oak Lane, as shown on said plat of Island Forest; thence on last said line the following three (3) courses: (1) North 85 degrees 35 minutes 15 seconds West 158.37 feet; (2) South 89 degrees 18 minutes 46 seconds West 82.08 feet to the point of a curve to the right, said curve being concave Northeasterly and having a radius of 30.00 feet; (3) thence Northwesterly along and around said curve an arc distance of 49.79 feet to the Point of Tangency of said curve, said point being on the Easterly Right-of-Way line of said Island Forest Drive, the aforementioned arc being subtended by a chord bearing and distance of North 43 degrees 08 minutes 14 seconds West 44.28 feet; thence along the Easterly and Southerly

Right-of-Way lines of said Island Forest Drive the following three (3) courses: (1) North 04 degrees 24 minutes 45 seconds East 326.91 feet to the point of a curve to the right, said curve being concave Southeasterly and having a radius of 200.00 feet; (2) thence Northeasterly along and around said curve an arc distance of 314.16 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 49 degrees 24 minutes 45 seconds East 282.84 feet; (3) South 85 degrees 35 minutes 15 seconds East 73.08 feet to the Point of Beginning, containing 3.25 acres, more or less.

J-15588-R
August 14, 1987
Parcel "G"

DESCRIPTION FOR: CHAMPION
REALTY CORPORATION

A part of Sections 9 and 16, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Begin at the Northwesterly corner of Lot 19, as shown on the plat of Fleming Oaks Unit 5, as recorded in Plat Book 15, pages 15 thru 17, of the public records of said County, said point being on the Southerly Right-of-Way line of Water Oak Lane as shown on the plat of Island Forest, as recorded in Plat Book 18, pages 5 thru 11, of the public records of said County; thence South 04 degrees 24 minutes 45 seconds West along the Westerly line of said Fleming Oaks Unit 5, a distance of 1,428.81 feet to the Southwesterly corner thereof; thence South 04 degrees 29 minutes 05 seconds West along the dividing line between Sections 9 and 37, Township 5 South, Range 26 East, a distance of 759.72 feet; thence continue along said dividing line South 04 degrees 25 minutes 13 seconds West 667.94 feet to the Southeasterly corner of said Section 9; thence along the dividing line between said Sections 16 and 37, South 86 degrees 18 minutes 55 seconds East, 1,017.18 feet to the most Easterly corner of said Section 16; thence South 47 degrees 08 minutes 40 seconds West along the dividing line between Sections 16 and 38, Township 5 South, Range 26 East, a distance of 1,603.13 feet to a point on the Northeasterly Right-of-Way line of County Road No. C-15-A (formerly State Road No. S-15-A); thence North 63 degrees 10 minutes 52 seconds West along last said line a distance of 426.49 feet to an angle point therein; thence continue along said Northeasterly Right-of-Way line North 30 degrees 04 minutes 36 seconds West 67.01 feet to a point on the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15); thence along last said line the following three (3) courses: (1) North 03 degrees 01 minute 40 seconds East 158.03 feet; (2) North 86 degrees 58 minutes 20 seconds West 12.00 feet; (3) North 03 degrees 01 minute 40 seconds East 3,578.27 feet to the point of a curve to the Right, said curve being concave Southeasterly and having a radius of 30.00 feet; thence Northeasterly along and around said curve, an arc distance of 45.18 feet to the Point of

Tangency of said curve, said point being on the said Southerly Right-of-Way line of Water Oak Lane, the aforementioned arc being subtended by a chord bearing and distance of North 46 degrees 10 minutes 13 seconds East 41.03 feet; thence along last said line the following two (2) courses: (1) North 89 degrees 18 minutes 46 seconds East 424.98 feet; (2) South 85 degrees 35 minutes 15 seconds East 155.69 feet to the Point of Beginning, containing 63.02 acres, more or less.

J-15588-R
 August 14, 1987
 Parcel "H"

**DESCRIPTION FOR: CHAMPION
 REALTY CORPORATION**

A part of Section 16, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the most Easterly corner of said Section 16; thence South 47 degrees 08 minutes 40 seconds West along the dividing line between Sections 16 and 38, a distance of 1,709.77 feet to a point on the Southwesterly Right-of-Way line of County Road No. C-15-A, and the Point of Beginning; thence continue South 47 degrees 08 minutes 40 seconds West along said dividing line 479.15 feet to a point on the Easterly Right-of-Way line of U.S. Highway No. 17 (State Road No. 15); thence North 03 degrees 01 minute 40 seconds East along last said line 451.05 feet; thence North 59 degrees 55 minutes 24 seconds East 43.69 feet to a point on the said Southwesterly Right-of-Way line of County Road No. C-15-A; thence South 63 degrees 10 minutes 52 seconds East along last said line 324.53 feet to the Point of Beginning, containing 1.86 acres, more or less.

J-15588-R
 August 14, 1987
 Parcel "I"

**DESCRIPTION FOR: CHAMPION
 REALTY CORPORATION**

A part of Sections 4 and 5, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the Northwest corner of said Section 5; thence North 89 degrees 52 minutes 02 seconds East along the North line of said Section 5, a distance of 1,331.10 feet; thence South 04 degrees 23 minutes 00 seconds West 52.04 feet to a point in the Southerly Right-of-Way line of County Road No. C-220 and the Point of Beginning; thence along the last said line run the following four (4) courses and distances: (1) North 89 degrees 56 minutes 53 seconds East 2,710.88 feet; (2) North 89 degrees 38 minutes 02 seconds East 1,402.22 feet; (3) North 89 degrees 36 minutes 06 seconds East 1,888.54 feet to the

point of a curve to the right, said curve being concave Southwesterly and having a radius of 75.00 feet; (4) thence Southeasterly along and around said curve an arc distance of 122.31 feet to the Point of Tangency of said curve, said point being on the Westerly Right-of-Way line of U.S. Highway No. 17 (State Road No. S-15), the aforementioned arc being subtended by a chord bearing and distance of South 43 degrees 40 minutes 43 seconds East 109.20 feet; thence South 03 degrees 02 minutes 29 seconds West along said Westerly Right-of-Way line of U.S. Highway No. 17, a distance of 2,080.28 feet to an angle point therein; thence continue along said Westerly Right-of-Way line South 03 degrees 01 minute 40 seconds West 1,426.87 feet to the North line of an easement for roadway and utilities known as Radar Road as described and recorded in Official Records Book 43, pages 300 thru 307, of the public records of said County; thence along last said line and a Westerly projection thereof South 89 degrees 44 minutes 17 seconds West 2,147.34 feet; thence South 89 degrees 38 minutes 57 seconds West 1,330.58 feet to the Southeasterly corner of lands described and recorded in Official Records Book 1067, pages 629 thru 632, of the public records of said County; thence North 00 degrees 21 minutes 03 seconds West along the East line of said lands, 724.44 feet to the Northeasterly corner thereof; thence South 89 degrees 38 minutes 57 seconds West along the North line of said lands described and recorded in Official Records Book 1067, pages 629 thru 632, a distance of 1,295.06 feet to the Northwesterly corner thereof, being on the West line of the East 1/2 of said Section 5; thence on last said line North 04 degrees 27 minutes 26 seconds East 1,464.00 feet to the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 5; thence on last said line South 89 degrees 55 minutes 15 seconds West 1,335.01 feet to the East line of the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 5; thence on last said line North 04 degrees 23 minutes 00 seconds East 1,404.50 feet to the Point of Beginning, containing 414.20 acres, more or less.

J-15588-R
 August 24, 1987
 Parcel "J"

**DESCRIPTION FOR: CHAMPION
 REALTY CORP.**

A part of Government Lot 3, Section 6, Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the Southeast corner of said Section 6; thence North 04 degrees 19 minutes 35 seconds East along the East line of said Section 6, a distance of 2,969.49 feet to the Northeast corner of said Government Lot 3 and the Point of Beginning; thence South 89 degrees 29 minutes 30 seconds

West along the North line of said Government Lot 3, a distance of 2,658 feet, more or less, to the waters of Swimming Pen Creek; thence Southwesterly, Southerly and Easterly along said waters, 3300 feet, more or less, to its intersection with the aforementioned West line of Section 6; thence North 04 degrees 19 minutes 35 seconds East along last said line 360 feet, more or less, to the Point of Beginning, containing 19.1 acres, more or less.

J-15588-R

August 24, 1987

Amended, September 3, 1987

Parcel "K"

DESCRIPTION FOR: CHAMPION REALTY CORPORATION

A part of Section 5 and a part of Government Lots 3 and 4, Section 6, all in Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Commence at the Southeast corner of said Section 6; thence North 04 degrees 19 minutes 35 seconds East along the East line of said Section 6, a distance of 123.07 feet to the Northeast corner of lands described and recorded in Official Records Book 585, page 506, of the public records of said County and the Point of Beginning; thence continue North 04 degrees 19 minutes 35 seconds East along said East line of Section 6, a distance of 990.72 feet to the Southwest corner of lands described and recorded in Official Records Book 237, pages 674 thru 676, of the public records of said County; thence on the Southerly line of last said lands, North 89 degrees 12 minutes 42 seconds East 1,919.78 feet to the Southeast corner thereof; thence on the Easterly line of said lands North 18 degrees 52 minutes 45 seconds West 84.16 feet to the Northeast corner thereof; thence on the Northerly line of said lands, South 89 degrees 12 minutes 42 seconds West 1,886.47 feet to the Northwest corner thereof, being also the said East line of Section 6; thence North 04 degrees 19 minutes 35 seconds East along said East line of Section 6, a distance of 1390 feet, more or less, to the waters of Swimming Pen Creek; thence Westerly along said Waters 2100 feet, more or less, to its intersection with the dividing line between said Section 6 and Section 43, Township 5 South, Range 26 East; thence along last said line the following two (2) courses and distances: (1) South 26 degrees 12 minutes 10 seconds East 1470 feet, more or less, to the most Easterly corner of said Section 43; (2) South 63 degrees 46 minutes 59 seconds West 2324.77 feet to its intersection with the North line of said lands described and recorded in Official Records Book 585, page 506; thence along last said line North 89 degrees 26 minutes 55 seconds East 3296.88 feet to the Point of Beginning, containing 112.6 acres, more or less.

J-15588-R

August 24, 1987

Parcel "L"

DESCRIPTION FOR: CHAMPION REALTY CORPORATION

All of Sections 7 and 18, and a part of Sections 6, 8, 17, and 20, all in Township 5 South, Range 26 East, Clay County, Florida; and being more particularly described as follows:

Begin at the corner common to said Sections 5, 6, 7, and 8, said Township 5 South, Range 26 East; thence South 06 degrees 35 minutes 17 seconds West along the East line of said Section 7, a distance of 2,029.96 feet; thence North 88 degrees 42 minutes 42 seconds East 1,999.48 feet; thence South 06 degrees 31 minutes 06 seconds West 3,365.92 feet to the dividing line between said Sections 8 and 17; thence South 00 degrees 21 minutes 16 seconds East 4,858 feet, more or less, to the waters of Black Creek; thence Northwesterly, Southeasterly, Northwesterly and Westerly along said waters 16,000 feet, more or less, to its intersection with the dividing line between said Section 7 and Section 12, Township 5 South, Range 25 East; thence North 15 degrees 47 minutes 20 seconds East along last said line 1,185 feet, more or less, to the corner common to said Sections 7 and 12, and Sections 41 and 43, Township 5 South, Range 25 East; thence North 63 degrees 46 minutes 58 seconds East along the dividing line between Sections 7 and 43, a distance of 2,168.59 feet to the Southwest corner of lands described and recorded in Official Records Book 585, page 506, of the public records of said County; thence North 89 degrees 26 minutes 55 seconds East along the South line of last said lands 3,496.45 feet to the Southeast corner thereof, lying in the East line of said Section 6; thence South 04 degrees 19 minutes 35 seconds West along the East line of said Section 6, a distance of 22.71 feet to the Point of Beginning, containing 687.3 acres, more or less.

J-26218-R

26218NEL.LGL

D46:9

September 20, 1996

Parcel "M"

DESCRIPTION FOR: LANDERS-ATKINS, PLANNERS (NEILHURST)

Lots 7 & 8, block "b"

Neilhurst section one

According to plat book 2, page 45

Of the public records of Clay County, Florida

Together with:

Lots 11 & 12, block "b"

Neilhurst section one

According to plat book 2, page 45

Of the public records of Clay County, Florida

Together with:

Blocks "h" & "m", together with

That portion of Woodland Drive lying
Between said blocks, all in
Neilhurst section one

According to plat book 2, page 45
Of the public records of Clay County, Florida

Together with:

Lots 8 through 17, block "a",
Neilhurst section one
According to plat book 2, page 45
Of the public records of Clay County, Florida

Together with:

Lot 4, block "a",
Neilhurst section one
According to plat book 2, page 45
Of the public records of Clay County, Florida

Together with:

O.r.b. 1353, page 663
"All that land lying West of lot 11, block
'Z', to the East line of lot 1, block 'a'
And extending from Doctors Lake to
Lakeshore Boulevard, as shown on the plat
Of section one, Neilhurst, according to
Plat thereof recorded in plat book 2,

Page 45 of the public records of Clay
County, Florida."

Together with:

A parcel of land consisting of a portion of blocks "I" and
"I", Neilhurst section one, according to plat book 2, page 45, of
the public records of Clay County, Florida, together with a
portion of Woodland Drive; said parcel being more particularly
described as follows:

Begin at the Southwest corner of lot 21, said block "I";
thence on the Easterly line of Lakeshore Drive North run the
following 4 courses: 1) North 02 degrees 16 minutes 16

seconds West 235.74 feet; 2) Northerly on the arc of a curve
concave to the Easterly and having a radius of 1478.15 feet, a
chord distance of 703.30 feet, the bearing of said chord being
North 11 degrees 29 minutes 29 seconds East; 3) Northeasterly
on the arc of a curve concave to the Southeasterly and having a
radius of 1005.00 feet, a chord distance of 720.32 feet, the
bearing of said chord being North 46 degrees 15 minutes 14
seconds East; 4) Easterly on the arc of a curve concave to the
Southerly and having a radius of 1740.10 feet, a chord distance
of 237.99 feet to a Northwesterly prolongation of the Westerly
line of lot 3, said block "I", the bearing of said chord being
North 71 degrees 10 minutes 30 seconds East; thence on said
prolongation and then on said Westerly line South 18 degrees
40 minutes 12 seconds East 825.10 feet to the Southwest
corner of said lot 3; thence on the Southerly, Southeasterly, and
Easterly lines of lots 4 thru 16, said block "L", run the
following 5 courses: 1) South 76 degrees 26 minutes 51
seconds West 180.00 feet; 2) South 47 degrees 43 minutes 50
seconds West 220.00 feet; 3) South 28 degrees 31 minutes 51
seconds West 225.00 feet; 4) South 09 degrees 22 minutes 43
seconds West 110.00 feet; 5) South 04 degrees 43 minutes 36
seconds West 100.00 feet to the North line of lot 18, said block
"I"; thence on last said line North 89 degrees 56 minutes 50
seconds East 192.98 feet to the West line of Lakeshore Drive
West; thence on last said line South 02 degrees 24 minutes 16
seconds East 80.02 feet to the North line of Lakeshore Drive
West; thence on last said line South 87 degrees 12 minutes 44
seconds West 866.47 feet.

Together with:

A portion of Neilhurst section three, according to plat
book 2, page 48, of the public records of Clay County, Florida,
said portion also being part of sections 30 and 31, township 4
South, range 26 East; said portion being more particularly
described as follows:

Commence at the intersection of the East line of
government lot 3, said section 30, with the South line of
Lakeshore Drive North; thence on last said line run the
following 5 courses: 1) North 79 degrees 54 minutes 14
seconds East 26.07 feet; 2) Easterly on the arc of a curve
concave to the Northerly and having a radius of 2634.10 feet, a
chord distance of 200.68 feet to the West line of lot 322, block
2, said Neilhurst section three, and the point of beginning, the
bearing of said chord being North 77 degrees 45 minutes 21
seconds East; 3) Easterly on the arc of a curve concave to the
Northerly and having a radius of 2634.10 feet, a chord distance
of 446.64 feet, the bearing of said chord being North 70
degrees 42 minutes 33 seconds East; 4) North 65 degrees 50
minutes 45 seconds East 219.34 feet; 5) Easterly on the arc of a
curve concave to the Southerly and having a radius of 1799.71
feet, a chord distance of 653.35 feet to the Westerly line of
block 5, said Neilhurst section three, the bearing of said chord

being North 76 degrees 18 minutes 14 seconds East; thence on last said line and Southerly on the arc of a curve concave to the Easterly and having a radius of 1825.00 feet, run a chord distance of 726.58 feet to a Northeasterly prolongation of the Northerly line of block 10, said Neilhurst section three, the bearing of said chord being South 12 degrees 28 minutes 20 seconds East; thence on said prolongation and then on said Northerly line South 66 degrees 47 minutes 59 seconds West 275.03 feet to the Easterly line of lot 126, said block 10; thence on last said line South 25 degrees 24 minutes 11 seconds East 112.02 feet to the Northeasterly corner of lot 127, said block 10; thence on the Easterly line thereof South 27 degrees 56 minutes 03 seconds East 72.88 feet to the Northeasterly corner of lot 128, said block 10; thence on the Easterly line thereof South 29 degrees 47 minutes 50 seconds East 63.77 feet to the Southerly line of said lot 128; thence on last said line South 59 degrees 19 minutes 57 seconds West 205.09 feet to the Southwesterly line of said block 10; thence on last said line and then on a Southeasterly prolongation thereof and on the arc of a curve concave to the Northeasterly and having a radius of 2305.00 feet, run a chord distance of 600.47 feet to the most Westerly corner of block 16, said Neilhurst section three, the bearing of said chord being South 38 degrees 07 minutes 39 seconds East; thence South 45 degrees 22 minutes 52 seconds West 550.07 feet to the most Northerly corner of block 14, said Neilhurst section three; thence on the Southwesterly line of an un-named road according to said plat book 2, page 48, and Northwesterly on the arc of a curve concave to the Northeasterly and having a radius of 2855.00 feet, run a chord distance of 768.48 feet, the bearing of said chord being North 37 degrees 41 minutes 09 seconds West; thence on the Northerly line of block 1, said Neilhurst section three, run the following 2 courses: 1) Northwesterly on the arc of a curve concave to the Southwesterly and having a radius of 410.00 feet, a chord distance of 436.62 feet, the bearing of said chord being North 62 degrees 07 minutes 26 seconds West; 2) Westerly on the arc of a curve concave to the Northerly and having a radius of 524.99 feet, a chord distance of 36.14 feet to the East line of lot 336, said block 1, the bearing of said chord being South 87 degrees 41 minutes 06 seconds West; thence on last said line South 00 degrees 14 minutes 34 seconds East 249.88 feet to the South line of said lot 336; thence on last said line, and then on the South line of lots 335, 334 and 333 of said block 1, South 89 degrees 02 minutes 59 seconds West 404.04 feet to said East line of government lot 3; thence on last said line North 00 degrees 14 minutes 34 seconds West 583.59 feet to the North line of lot 332, of said block 2; thence on last said line and then on the North line of lots 331 and 330, said block 2, North 79 degrees 37 minutes 09 seconds East 314.69 feet to the West line of lot 326, said block 2; thence on last said line,

and then on the West line of lots 325, 324, 323 and said lot 322, all of said block 2, North 12 degrees 09 minutes 51 seconds West 425.00 feet to the point of beginning.

Less and except:

Lot 6, block "h"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lot 7, block "h"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lot 8, block "h"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lots 9, 10 & 16, block "h"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lot 11, block "h"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lot 4, block "m"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lots 25 & 26, block "m"
Neilhurst section 1
According to plat book 2, page 45
Of the public records of Clay County, Florida

Lot 36, block 3
Neilhurst section 3
According to plat book 2, page 48
Of the public records of Clay County, Florida

Lots 110 & 111, block 4
Neilhurst section 3

According to plat book 2, page 48
Of the public records of Clay County, Florida

Lots 120 & 121, block 4
Neilhurst section 3
According to plat book 2, page 48
Of the public records of Clay County, Florida

Lot 122, block 4
Neilhurst section 3
According to plat book 2, page 48
Of the public records of Clay County, Florida

Lot 123, (ex. E. 1.0'), block 4
Neilhurst section 3
According to plat book 2, page 48
Of the public records of Clay County, Florida

Lots 53 & 59, block 11
Neilhurst section 3
According to plat book 2, page 48
Of the public records of Clay County, Florida

Being 90.5 acres MORE OR LESS IN AREA.

Parcel "N"
(Holmes)

DESCRIPTION FOR:
LANDERS-ATKINS, PLANNERS

A parcel of land situated in Government Lots 3, 4, and 5, together with a portion of the Southeast 1/4 of the Southeast 1/4, all in Section 29, Township 4 South, Range 26 East, Clay County, Florida; said parcel being more particularly described as follows:

Begin at the Southeast corner of Lot 21, Doctors Lake South Unit Two, according to Plat Book 6, page 1 of the public records of said County; thence South 78 degrees 17 minutes 23 seconds East 10.19 feet; thence North 00 degrees 36 minutes 57 seconds East 274.29 feet; thence South 89 degrees 23 minutes 03 seconds East 720.00 feet; thence North 00 degrees 36 minutes 57 seconds East 481 feet more or less, to the waters of Doctors Lake; thence along said waters, in a general Northeasterly direction 1,185 feet, more or less, to the Southwesterly line of lands described in Official Records Book 1101, page 108, (Parcel "J-3"), of said public records; thence on last said line, and then on the Southwesterly line of Pace Island Unit Ten, according to Plat Book 23, pages 67 through 72 of said public records, South 44 degrees 29 minutes 06 seconds East 1,535 feet, more or less, to the Northeast corner of said Southeast 1/4 of the Southeast 1/4; thence on last said line South 00 degrees 29 minutes 36 seconds East 1030.60 feet to the North line of lands described on Official Records Book

1252, page 425, of said public records; thence on last said line South 89 degrees 47 minutes 24 seconds West 300.00 feet to the West line thereof; thence on last said line South 00 degrees 29 minutes 36 seconds East 300.00 feet to the South line of said Section 29; thence on last said line, South 89 degrees 47 minutes 24 seconds West 2,434.55 feet to the East line of Pickwick, according to Plat Book 28, Pages 5 through 13, of said public records; thence on last said line, North 00 degrees 26 minutes 13 seconds West 978.44 feet to the South line of lands described in Official Records Book 1409, page 292, (Parcel 2), of said public records; thence on last said line South 78 degrees 17 minutes 23 seconds East 82.01 feet to the East line of said lands; thence on last said line and then on East line of said Doctors Lake South Unit Two, North 00 degrees 36 minutes 57 seconds East 103.94 feet to the Point of Beginning, and being 106 acres, more or less, in area.

J-26218-R
24953.LGL
D43:202
August 16, 1995

DESCRIPTION FOR: PARCEL "O"
(AGRESTI – ARENA ROAD)

A portion of the Southwest 1/4 of the Southeast 1/4 of Section 31, Township 4 South, Range 26 East, Clay County, Florida; said portion being more particularly described as follows:

Begin at the Northeast corner of said Southwest 1/4 of the Southeast 1/4; thence on the East line thereof run South 00 degrees 07 minutes 04 seconds East 1254.53 feet to the North line of County Road No. C-220 (as now established); thence on last line said line run the following 3 courses: 1) South 89 degrees 27 minutes 02 seconds West 911.14 feet; 2) Westerly on the arc of a curve concave to the Southerly and having a radius of 5802.58 feet, a chord distance of 384.16 feet, the bearing of said chord being South 87 degrees 33 minutes 13 seconds West; 3) Northwesterly on the arc of a curve concave to the Northeasterly and having a radius of 18.75 feet, a chord distance of 27.41 feet to the West line of said Southwest 1/4 of the Southeast 1/4, the bearing of said chord being North 47 degrees 23 minutes 01 seconds West; thence on last said line North 00 degrees 25 minutes 27 seconds West 1256.25 feet to the Northwest corner of said Southwest 1/4 of the Southeast 1/4; thence on the North line thereof North 89 degrees 47 minutes 17 seconds East 1321.80 feet to the Point of Beginning, being 38.13 ACRES, MORE OR LESS, IN AREA.

LESS THE FOLLOWING DESCRIBED PARCEL:

A parcel of land situated in Section 9, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Begin at the Northwesterly corner of lot 19, Fleming Oaks unit 5, according to plat book 15, pages 15 thru 17 of the public records of said County; thence of the Westerly line of said Fleming Oaks unit 5 run South 04 degrees 24 minutes 45 seconds West 465.26 feet to the centerline of a 50 foot wide lateral ditch easement according to Official Records Book 225, page 235 of said public records; thence on last said line run the following four courses: 1) North 72 degrees 16 minutes 58 seconds West 124.67 feet; 2) North 86 degrees 23 minutes 20 seconds West 181.79 feet; 3) North 76 degrees 30 minutes 20 seconds West 225.43 feet; 4) North 86 degrees 58 minutes 20 seconds West 72.50 feet to the Easterly line of U.S. Highway No. 17 (State Road No. 15); thence on last said line North 03 degrees 01 minutes 40 seconds East 336.99 feet to the Southerly line of Water Oak Lane, according to plat book 18, pages 5 thru 11 of said public records; thence on last said line run the following three courses: 1) on the arc of a curve concave to the Southeasterly and having a radius of 30.00 feet, a chord distance of 41.03 feet, the bearing of said chord being North 46 degrees 10 minutes 13 seconds East; 2) North 89 degrees 18 minutes 46 seconds East 424.99 feet; 3) South 85 degrees 35 minutes 15 seconds East 155.69 feet to the point of beginning, being 5.74 acres, MORE OR LESS, IN AREA.

ALSO INCLUDING THE FOLLOWING DESCRIBED PARCELS:

A parcel of land consisting of part of the North 1/2 of the Northeast 1/4 of the Southwest 1/4, together with part of the Southeast 1/4 of the Northwest 1/4, all in Section 5, Township 5 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Begin at the intersection of the Southerly line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4 with the Northeasterly right of way line of Old Hard Road; thence on last said line North 19 degrees 01 minute 30 seconds West 389.81 feet; thence North 89 degrees 45 minutes 10 seconds East, 484.74 feet; thence North 04 degrees 10 minutes 05 seconds East, 1825.00 feet to the Southerly line of the Northeast 1/4 of the Northwest 1/4 of said Section 5; thence on last said line North 89 degrees 45 minutes 10 seconds East 835.01 feet to the Northeast corner of said Southeast 1/4 of the Northwest 1/4; thence on the Easterly line thereof and then on the Easterly line of said North 1/2 of the Northeast 1/4 of the Southwest 1/4, South 04 degrees 15 minutes 28 seconds West, 2189.12 feet to said Southerly line of the North 1/2 of the Northeast 1/4 of the Southwest 1/4; thence on last said line South 89 degrees 26 minutes 34 seconds West 1162.84 feet to the Point of Beginning, being 45.239 acres, in area, more or less.

A parcel of land consisting of a portion of lands described in official records book 1367, page 675 of the public records of Clay County, Florida, together with a portion of Lakeshore

Drive North, all in Section 29, Township 4 South, Range 26 East, Clay County, Florida, said parcel being more particularly described as follows:

Begin at the Southwest corner of said lands described in official records book 1367, page 675; thence South 00 degrees 22 minutes 45 seconds West 80.00 feet to the South line of said Lakeshore Drive North; thence on last said line South 89 degrees 37 minutes 15 seconds East 11.68 feet; thence North 00 degrees 22 minutes 45 seconds East 458 feet, more or less, to the waters of Doctors Lake; thence along said waters in a general Westerly direction 15 feet, more or less, to the West line of said lands described in official records book 1367, page 675; thence on last said line South 00 degrees 22 minutes 45 seconds West 368 feet, more or less, to the point of beginning.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New 11-20-89, Amended 3-23-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Arduin, Secretary, Florida Land and Water Adjudicatory Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donna Arduin, Secretary, Florida Land and Water Adjudicatory Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

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

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

SUMMARY: In Rule 46-4.002, F.A.C., the phrase "cone-shaped" is replaced by the word "circular" to more accurately describe the shape of this gear.

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: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Fair Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida 33610

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

46-4.002 Gear Definitions.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Stone Crabs, Regulation

46-13.002

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

SUMMARY: Sub-subparagraph (2)(a)5.b.(II) of Rule 46-13.002, F.A.C., is amended to replace the corrodible steel wire hook degradability method with an allowance for the use of a corrodible wire loop on one end of a tie down strap on a wire stone crab trap. A new sub-subparagraph (2)(a)5.b.(III) is added to authorize the use of a pine dowel of specified size on a tie down strap as a means of rendering wire stone crab traps degradable. Previous sub-subparagraph (2)(a)5.b.(V) is redesignated as sub-subparagraph (2)(a)5.b.(VI) and is amended to add a statement of how the wire obstruction method will result in degradability if used. A new sub-subparagraph (2)(a)5.b.(VII) is added to the provision to allow specified attachment of a drop-off panel over an opening 6-by-3 inches in size by means of 24-gauge or thinner noncoated wire or a single strand of untreated jute twine, as an allowable means of degradability.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Four Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

46-13.002 Stone Crabs, Regulation.

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

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

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

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

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

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

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

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

a. A plastic trap shall be considered to have a degradable panel if it contains at least one sidewall with a rectangular opening no smaller in either dimension than that of the throat. This opening must be obstructed with a cypress or untreated

pine slat or slats no thicker than 3/4 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

RULE NO.:

Regulation and Prohibition of Certain

Harvesting Gear: Allowable Gear,

Incidental Bycatch, Violation, Black

Sea Bass Traps

46-14.005

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

SUMMARY: Subparagraph (4)(a)2. of Rule 46-14.005, F.A.C., is amended to replace the corrodible steel wire hook degradability method with an allowance for the use of a corrodible wire loop on one end of a tie down strap on a black sea bass. A new subparagraph (4)(a)3. is added to authorize the use of a pine dowel of specified size on a tie down strap as a means of rendering black sea bass traps degradable. Previous subparagraph (4)(a)5. is redesignated as subparagraph (4)(a)6. and is amended to add a statement of how the wire obstruction method will result in degradability if used. A new subparagraph (4)(a)7. is added to the provision to allow specified attachment of a drop-off panel over an opening 6-by-3 inches in size by means of 24-gauge or thinner noncoated wire or a single strand of untreated jute twine, as an allowable means of degradability.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Four Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

46-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation, Black Sea Bass Traps.

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

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

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

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

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

~~4.3.~~ The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

~~5.4.~~ The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. "Untreated pine" means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

~~6.5.~~ The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

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

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

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

2. A circular vent, 2 inches (5.1 cm) in diameter.

3. A square vent with sides of 1.75 inches (4.4 cm) measures inside the square.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLES: RULE NOS.:
 Size Limit 46-23.0035
 Other Prohibitions 46-23.006

PURPOSE AND EFFECT: Spanish mackerel harvested in Florida were traditionally governed by a 12-inch minimum size limit imposed by Florida Statutes, which applied to all “mackerel”. When a new 20-inch size limit was adopted by the Marine Fisheries Commission several years ago for king mackerel, the Commission necessarily had to effect the repeal of the statutory size limit. The purpose of this rulemaking is to reimpose the 12-inch minimum size limit for Spanish mackerel. The effect will be to protect juvenile Spanish mackerel until they can spawn and be harvested at larger sizes.

SUMMARY: Subsection (1) of proposed new Rule 46-23.0035, establishes a minimum 12 inch fork length for the harvest and possession and landing of Spanish mackerel in and from all Florida state waters, and defines the measurement of fork length as beginning from the tip of the snout to the rear center edge of the tail. Subsection (2) of the same proposed rule, presents language moved from already existing subsection (3) of Rule 46-23-006, F.A.C., which requires that the landing and possession while in or on state waters of Spanish mackerel, be in a whole condition. Possession is expanded to include as well possession while on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty. Rule 46-23.006, F.A.C., is amended to delete subsection (3).

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Fair Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida 33610

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

46-23.0035 Size Limit.

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

(2) All Spanish mackerel harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a Spanish mackerel that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of Spanish mackerel, or mere removal of gills before landing is not prohibited.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New _____.

46-23.006 Other Prohibitions.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Gear: Traps, Buoys, Identification

RULE NO.:

Requirements, Prohibited Devices 46-24.006

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

SUMMARY: References to the recreational harvest of spiny lobster have been removed from subsections (4), (5), and (7), of Rule 46-24.006, 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: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Fair Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida 33610

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Oysters

RULE TITLES: Statewide Bag Limits on Oyster Harvesting 46-27.014
Apalachicola Bay Oyster Harvesting Restrictions 46-27.017

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

SUMMARY: New paragraph (b) of subsection (1) of Rule 46-27.014, F.A.C., expands the vessel possession limit for commercial oyster harvesting in Apalachicola Bay, to twenty (20) bags of oysters times the number of persons aboard the vessel from October 1, each year to June 30, of the following year. After June 30, possession aboard a vessel reverts to the existing limit of no more than 20 bags of oysters aboard a vessel at any time. In subsection (2) of the same rule, language is moved from (4), which establishes that possession by recreational harvesters of more than two bags of oysters per person or vessel per day, constitutes a violation of this rule. In Rule 46-27.017, F.A.C., paragraph (a) of subsection (1) reduces the number of days during which oyster harvest is prohibited from July through September, from 3 days (Friday, Saturday and Sunday) to two (Sunday and Monday).

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: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Fair Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida 33610

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

46-27.014 Statewide Bag Limits on Oyster Harvesting.

(1) Commercial Bag Limit.

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

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

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

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

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

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

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

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

46-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

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

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

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

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

(2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through June 30 of the following year.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 1998
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Shrimp

RULE TITLES: Definitions
 Northwest Region Food Shrimp Production

RULE NOS.: 46-31.006

Gear Specifications 46-31.010

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

SUMMARY: A new subsection (20) is inserted into Rule 46-31.006, F.A.C., to include in this definition section a new definition of the term “skimmer trawl” for purposes of Rule Chapter 46-31, F.A.C. The remaining subsections of the Rule are renumbered. A new paragraph (1)(c) is added to Rule 46-31.010, F.A.C., to allow the use of skimmer trawls meeting certain specifications in food shrimp production in a delineated area of Apalachicola Bay until July 1, 2001. The new specifications include a maximum perimeter of 56 feet and a maximum mesh area of 500 square feet on such trawls and a maximum of two such trawls, unconnected, per vessel. Subsections (3) and (4) of the rule are amended to require that Turtle Excluder Devices (TEDs) and Bycatch Reduction Devices (BRDs) be installed in skimmer trawls.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule amendments will affect shrimp fishermen in Apalachicola Bay. The proposal would add another allowable gear type to the Northwest Region Food Shrimp Production Rule, but limit its use to a specific area in the Bay. The configuration of the skimmer trawl allows operation with a captain only and offers continuous fishing thereby, reducing costs and increasing potential catch in comparison to otter trawl gear. The gear can be used on existing shrimp vessels but requires a substantial investment. The rule change will allow use of two nets with the limitation of total net area. The proposal will require the use of turtle and bycatch exclusion devices. Experimental operation with the gear has occurred in the Bay, using a special activity license (SAL) that allowed fishing in a larger area of the Bay. The proposal will affect small cities and small businesses.

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

SPECIFIC AUTHORITY: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

THE MARINE FISHERIES COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Four Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

46-31.006 Definitions.

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

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

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

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

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

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

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

~~(21)(20)~~ “Southeast Region” means all state waters of Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

~~(22)(21)~~ “Southwest Region” means all state waters of Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties.

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

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

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

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

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

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

46-31.010 Northwest Region Food Shrimp Production Gear Specifications.

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

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

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

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.
2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.
3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.
4. The netting of the trawl shall be no larger in mesh area than specified by Rule 46-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule

46-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Shrimping and Stonecrabbing:
 Closed Areas and Seasons

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

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

SUMMARY: Subsection (1) of Rule 46-38.002, F.A.C., is amended to extend the area currently closed during stone crab season to shrimp trawling that begins at Boca Grande Pass southward beyond Wiggins Pass and delete obsolete Loran equivalent coordinates. Subsection (2), which currently consists of a map depicting the area specified in subsection (1), is amended to substitute a new map that will depict the new area covered by subsection (1), as well as the new area specified in subsection (3) of the rule. Subsection (3) is amended to synch up the northern end of the existing closure area that runs in state waters from approximately Naples to Key West, with the area specified in subsection(1), and to expand the closed season for trawling in the southern area to cover the entire stone crab season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule would establish an extended seasonal closure line to shrimp fishing in state waters off Southwest Florida, from October 1st until December 31st each year. The proposal expands the time period of the closure area, coexistent with a federal water closure, already adopted. The existing time period runs from January 1st to May 20th, again following federal precedent. However that closed season/area does not begin with the beginning of stone crab season, which is unlike similar closures adopted by the MFC to address the issue. The purpose of the rule is to prevent the loss of stone crab gear and catch and associated conflicts between fishermen. The proposal will also link this southern area to an adjacent area (the "Sanibel closure") Because it was thought

that the area had been closed (in 1978) until this fishing season, landing records do not reflect significant shrimping activity within the area between January and May. The rule will benefit stone crab fishermen through the reduced loss of catch and gear. The rule will benefit shrimp fishermen through reduced gear interactions, however, the area closure will reduce the rate at which shrimp are caught, increasing costs. A separate analysis is being prepared using the reported landings from both live bait shrimp and food shrimp fishermen. The proposal will affect small businesses and may affect small counties and cities.

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: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

THE MARINE FISHERIES COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Four Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

46-38.002 Southwest Florida Seasonal Shrimp Closures.

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

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

Point	North	West	Loran Chain 7980			
	Latitude	Longitude	W	X	Y	Z
Z	26°16.00'	81°58.50'				
A	26°19.391'	81°57.018'				
	26°17.23'	81°55.55'	14110	30700	43826	62657.5
B	26°22.31'	81°59.00'	14114.1	30715	43868	62672.8
C	26°20.25'	82°04.39'	14099.5	30691	43904	62700.5
D	26°22.00'	82°10.79'	14090.4	30681	43961	62733
E	26°26.05'	82°15.55'	14089.4	30688	44012	62756
F	26°34.40'	82°18.90'	14101	30720	44070	62771.4
G	26°38.28'	82°16.92'	14113.8	30745	44070	62760.8

(2) The ~~areas~~ ~~area~~ described in ~~subsections~~ ~~subsection~~ (1) and (3) are ~~is~~ depicted on the following map:

INSERT FULL PAGE MAP

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

Point	North Latitude	West Longitude
Z B	26°16.0' N.	81°58.5' W.
Y C	26°00.0' N.	82°04.0' W.
X D	25°09.0' N.	81°47.6' W.
W E	24°54.5' N.	81°50.5' W.
V M	24°49.3' N.	81°46.4' W.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Marine Life

RULE TITLES:

RULE NOS.:

Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species"	46-42.001
Size Limits	46-42.004
Commercial Season, Harvest Limits	46-42.006
Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed	46-42.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to make minor adjustments to the Commission's rules governing the harvest of tropical ornamental species. Porkfish, a species of grunt, and the blue-legged or tricolor hermit crab are added to the chapter. Porkfish will have new minimum size and daily commercial harvest limits. The blue-legged or tricolor hermit crab and starsnails will have daily commercial harvest and possession limits established. Size limits and daily commercial harvest and possession limits are adjusted for Spanish and Cuban

(spotfin) hogfish. Provisions are updated to assure the exemption of aquacultured live rock from prohibitions against the harvest and landing of natural live rock. Most of these changes have been suggested by the tropical ornamental marine life industry. The effect of this effort is the continued protection of these valuable species for future generations of Floridians.

SUMMARY: Rule 46-42.001, F.A.C., is amended to designate porkfish and blue-legged or tricolor hermit crabs as designated species. Additional technical changes are made throughout the rule reflecting recent changes in the scientific names for certain species. In Rule 46-42.004, F.A.C., a minimum size limit of 1 1/2 inches is established for porkfish, along with a minimum size limit of 3 inches for the Cuban (spotfin) hogfish. In subsection (2) of Rule 46-42.006, F.A.C., the following commercial harvest limit are established: 75 porkfish per person, per day, with a maximum 150 porkfish per vessel per day when two or more licensed persons are aboard the vessel; 50 Spanish hogfish and 50 Cuban (spotfin) hogfish per person, per day, with a maximum possession limit of 100 of either at any time aboard a vessel when two or more licensed persons are aboard the vessel; 1 gallon of starsnails per person per day, with a maximum possession limit of 2 gallons at any time aboard a vessel when two or more licensed persons are aboard the vessel; and a limit of 1 quart of blue-legged or tricolor hermit crabs per person or per vessel each day, whichever is less. Finally, in subsection (1) of Rule 46-42.008, F.A.C., a federal Live Rock Aquiculture Permit issued by the National Marine Fisheries Service is required to sell in Florida, any live rock harvested from federal Exclusive Economic Zone (EEZ) waters adjacent to Florida state waters. In subsection (2) of the same rule, an exception is made from the requirements of subsection (1) of the rule for any person possessing a saltwater products license and an Aquiculture Certificate issued by the Florida Department of Agriculture and Consumer Services.

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: 370.027(2) FS.

LAW IMPLEMENTED: 370.025, 370.027 FS.

THE MARINE FISHERIES COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 24, 1999

PLACE: Sheraton Fair Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida 33610

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

- (a) Moray eels – Any species of the Family Muraenidae.
- (b) Snake eels – Any species of the Genera *Myrichthys* and *Myrophis* of the Family Ophichthidae.
- (c) Toadfish – Any species of the Family Batrachoididae.
- (d) Frogfish – Any species of the Family Antennariidae.
- (e) Batfish – Any species of the Family Ogcocephalidae.
- (f) Clingfish – Any species of the Family Gobiesocidae.
- (g) Trumpetfish – Any species of the Family Aulostomidae.
- (h) Cornetfish – Any species of the Family Fistulariidae.
- (i) Pipefish/seahorses – Any species of the Family Syngnathidae.
- (j) Hamlet/seabass – Any species of the Family Serranidae, except groupers of the genera *Epinephalus* and *Mycteroperca*, and seabass of the genus *Centropristis*.
- (k) Basslets – Any species of the Family Grammistidae.
- (l) Cardinalfish – Any species of the Family Apogonidae.
- (m) Porkfish – *Anisotremus virginicus*.
- (n)(m) High-hat, Jackknife-fish, Spotted drum, Cubbyu – Any species of the genus *Equetus* of the Family Sciaenidae.

(o)(n) Reef Croakers – Any of the species *Odontocion dentex*.

(p)(o) Sweepers – Any species of the Family Pempheridae.

(q)(p) Butterflyfish – Any species of the Family Chaetodontidae.

(r)(q) Angelfish – Any species of the Family Pomacanthidae.

(s)(r) Damselfish – Any species of the Family Pomacentridae.

(t)(s) Hawkfish – Any species of the Family Cirrhitidae.

(u)(t) Wrasse/hogfish/razorfish – Any species of the Family Labridae, except hogfish, *Lachnolaimus maximus*.

(v)(u) Parrotfish – Any species of the Family Scaridae.

(w)(v) Jawfish – Any species of the Family Opistognathidae.

(x)(w) Blennies – Any species of the Families Clinidae or Blenniidae.

(y)(x) Sleepers – Any species of the Family Eleotrididae.

(z)(y) Gobies – Any species of the Family Gobiidae.

(aa)(z) Tangs and surgeonfish – Any species of the Family Acanthuridae.

(bb)(aa) Filefish/triggerfish – Any species of the Family Balistes, except gray triggerfish, *Balistidae capriscus*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Shrimp – Any of the following species:

1. Cleaner shrimp and peppermint shrimp – Any species of the Genera *Periclimenes* or *Lysemata*.

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

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

(l) Crabs – Any of the following species:

1. Yellowline arrow crab – *Stenorhynchus seticornis*.

2. Furcate spider or decorator crab – *Stenocionops furcatus fureata*.

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

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

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

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

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

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

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

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

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

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

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

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

46-42.004 Size Limits.

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

(6) Cuban (Spotfin) and Spanish hogfish

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

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

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

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

46-42.006 Commercial Season, Harvest Limits.

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

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

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

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

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

~~(e)(e)~~ There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed. At such time, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in Section 120.81(5), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

~~(f)(f)~~ A limit of 400 giant Caribbean or “pink-tipped” anemones (Genus *Condylactis*) per vessel per day.

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

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

MARINE FISHERIES COMMISSION

RULE CHAPTER TITLE: Blue Crab

RULE TITLES: PURPOSE AND INTENT: Repeal of

Statutory Provisions; Designation as Restricted Species 46-45.001

Regulation and Prohibition of Certain Harvesting Gear 46-45.004

PURPOSE AND EFFECT: The purpose of these rule amendments is to clarify identification requirements for blue crab traps and specify further means by which blue crab trappers can render their traps degradable. Degradability is necessary to make sure that traps that are lost will not continue fishing indefinitely. The effect of this rulemaking will be the uniform identification of traps and biological benefit from trap

degradability. The repeal of a provision of Florida Statutes that has a conflicting specification for marking blue crab trap buoys is effected to eliminate confusion.

SUMMARY: Subsection (2) of Rule 46-45.001, F.A.C., is amended to delete obsolete language effecting the repeal of statutory provisions that have since been removed from Florida Statutes and to effect the repeal of a sentence of Section 370.135(1), Florida Statutes, that conflicts with blue crab trap buoy marking requirements of the Marine Fisheries Commission. Subparagraph (1)(a)3. of Rule 46-45.004, F.A.C., is amended to clearly require that all commercial blue crab traps be permanently marked with the harvester's endorsement number. Paragraph (7)(b) of the same rule is amended to replace the corrodible steel wire hook degradability method with an allowance for the use of a corrodible wire loop on one end of a tie down strap. A new paragraph (7)(c) of the rule is added to authorize the use of a pine dowel of specified size on a tie down strap as a means of rendering blue crab traps degradable. Previous paragraph (7)(e) is redesignated as paragraph (7)(e) and is amended to add a statement of how the wire obstruction method will result in degradability if used. A new paragraph (7)(g) is added to the subsection to allow specified attachment of a drop-off panel over an opening 6-by-3 inches in size by means of 24-gauge or thinner noncoated wire or a single strand of untreated jute twine, as an allowable means of degradability.

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 lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A HEARING ON THE PROPOSED RULES WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, February 23, 1999

PLACE: Sheraton Four Points Hotel, 7401 E. Hillsborough Avenue, Tampa, Florida

Special accommodations at this hearing for persons with disabling conditions should be requested in writing at least 7 days in advance, if such hearing is held. Contact Lisa Rubenstein, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

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

46-45.004 Regulation and Prohibition of Certain Harvesting Gear.

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

(a) Traps meeting the following specifications:

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

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

point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a blue crab trap or attached to a trotline shall float on the surface of the water.

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

a. From the Air – The buoy design approved by the Department of Environmental Protection shall be displayed and be permanently affixed to the uppermost structural portion of the vessel and displayed horizontally with the painted design up. If the vessel is an open design (such as a skiff boat), in lieu of a separate display, one seat shall be painted with buoy assigned color with permit numbers, unobstructed and no smaller than 10 inches in height, painted thereon in contrasting color. Otherwise, the display shall exhibit the harvester's approved buoy design, unobstructed, on a circle 20 inches in diameter, outlined in a contrasting color, together with the permit numbers permanently affixed beneath the circle in numerals no smaller than 10 inches in height.

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

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

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

6. Each throat (entrance) in any trap used to harvest blue crabs shall be horizontally oriented, i.e., the width of the opening where the throat meets the vertical wall of the trap and the opening of the throat at its farthest point from the vertical wall, inside the trap, is greater than the height of any such

opening. No such throat shall extend farther than 6 inches into the inside of any trap, measured from the opening where the throat meets the vertical wall of the trap to the opening of the throat at its farthest point from the vertical wall, inside the trap.

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

(b) Dip or landing net.

(c) Drop net.

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

(e) Hook and line gear.

(f) Push scrape.

(g) Trotline.

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

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

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

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

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

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

~~(f)(g)~~ The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel

wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Public Liability Insurance

RULE NO.: 61G6-5.008

PURPOSE AND EFFECT: Amendments are being made to this rule because the Board has determined language within this rule should be omitted and new language should be added to update the text with regard to public liability insurance.

SUMMARY: The Board has determined that changes are necessary to this rule to notify applicants that an affidavit is no longer required. The Board proposes to delete unnecessary language and add new rule text to clarify to applicants the required amounts of public liability and property damage necessary in order to submit proof of coverage in the form of an original Certificate of Insurance.

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

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: 489.507(2), 489.511(4), 489.515 FS.

LAW IMPLEMENTED: 489.507(2), 489.511(4), 489.537, 489.515 FS.

IF REQUESTED 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: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.008 Public Liability Insurance.

(1) As a prerequisite to the initial issuance, or ~~the renewal of an active certificate or registration or~~ a change in the status of an active certificate or registration, the applicant shall submit evidence a signed affidavit attesting to the fact that the applicant has obtained and will maintain public liability and property damage insurance, in the amounts stated herein in the form of a Certificate of Insurance, for the life of an active certificate or registration and for the safety and welfare of the public. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information:

(2) ~~To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, showing that the licensee had obtained the proper amount of public liability and property damage insurance and the proper coverage has been continually maintained since the time of the last license~~

~~renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:~~

(a) through (g) No change.

(h) The minimum amount of liability and property damage insurance required as a prerequisite to the issuance of a certificate or registration or ~~the biennial renewal of a certified or~~ registered license, as listed below:

1. through 3. No change.

(i) No change.

(j) The cancellation notice shall stipulate that, should the public liability and property damage coverage, described above, be cancelled before the expiration date, ~~thereof,~~ the issuing company will mail a thirty day written notice to the Certificate Holder named on this Certificate.

(k) through (l) No change.

~~(2)(3)~~ No change.

(3) By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage. To verify each certificateholder or registrant has continually maintained the required amounts of public liability and property damage, the Board will conduct random sample audits of at least 10% of the total number of certificates and registrants. Upon written request by the Board, by certified mail, each selected licensee must within thirty days submit proof of coverage, in the form of an original Certificate of Insurance, showing the licensee has obtained and continually maintained the proper amount of public liability and property damage insurance within the specified time period set forth in the Board's request.

~~(4) The applicant will submit a Certificate of Insurance only when requested by this Board and within the specified time period set forth in the Board's request.~~

~~(4)(5) Failure to comply with the Board's request to submit proof of coverage, which meets the requirements of the Board, will be a violation of this rule.~~

Specific Authority 489.507(2), 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.511(4), 489.537, 489.515 FS. History—New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 1999

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Specialty Electrical Contractor

RULE NO.: 61G6-6.002

Certification Examination

PURPOSE AND EFFECT: The Board finds it necessary to amend this rule to delete the word "only" from the rule text.

SUMMARY: The Board is amending this rule by deleting the word "only" due to concerns raised by an exam that was challenged and resulted in a hearing before the Division of Administrative Hearings.

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

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: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1), 489.511(1) FS.

IF REQUESTED 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: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.002 Specialty Electrical Contractor Certification Examination.

The certification examinations for those persons desiring to be licensed as certified specialty electrical contractors pursuant to Rule 61G6-7.001 shall consist of the same areas of competency and be graded in the same manner as the certification examination, except that the technical portion of the specialty electrical contractor certification examinations shall relate ~~only~~ to the particular specialty in which certification is desired.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1), 489.511(1) FS. History--New 1-2-80, Formerly 21GG-6.02, 21GG-6.002, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 1999

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLES: Registration of Course Sponsors

RULE NOS.: 61G6-9.005

Approval of Continuing Education Courses

61G6-9.006

Required Records Maintained by Course Sponsors

61G6-9.009

Audit of Certifications of Completion

61G6-9.011

PURPOSE AND EFFECT: The Board has determined that Rule 61G6-9.005 should be amended to include new language to expand the number of acts or omissions. The Board proposes to amend Rule 61G6-9.006 to include language to help clarify the approval of continuing education courses. Rule 61G6-9.009 is being amended to include language which will expand the requirements for the certificate of completion. Rule 61G6-9.011 is being amended by the Board to include providers and the required documentation necessary upon receipt of an audit notice.

SUMMARY: The Board proposes to amend Rule 61G6-9.005 by adding new language to Subsection (6) which expands the number of acts or omissions that would give cause to the Board to deny approval, suspend or revoke the registration of any course sponsor. Rule 61G6-9.006 is being amended by the Board by adding a new Subsection (13) which explains to sponsors the prefixes they will use to designate the number of approved hours. Amendments are being made to Rule 61G6-9.009 by adding new language to Subsection (7) to clarify to individuals the requirements for a certificate to be complete. Rule 61G6-9.011 is being amended by the Board to update the language to include providers and the required documentation needed within thirty days of receipt of an audit notice.

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

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: 455.225, 455.227, 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.517(3)(a),(b), 4(a),(b),(5), 489.531(1)(f), 489.533(1)(b),(e),(f) FS., Chapter 94-119, Laws of Florida.

IF REQUESTED 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: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-9.005 Registration of Course Sponsors.

(1)(a) through (5) No change.

(6) The Board shall deny approval, suspend, or revoke the registration of any course sponsor if any of the following acts or omissions occur:

(a) through (i) No change.

(j) Failing to identify the number of approved continuing education hours in any course brochures, advertisements, or course completion certificates.

(7) through (8) No change.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.531, 489.533, 489.517 FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96,_____.

61G6-9.006 Approval of Continuing Education Courses.

(1)(a) through (12) No change.

(13) Sponsors shall use the following prefixes to designate the number of approved hours in each of the four statutorily mandated categories: "T" for technical subjects, "C" for workers' compensation, "S" for workplace safety, and "B" for business practices.

Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517 FS. History--New 11-30-94, Amended 6-13-96, 12-25-96, 10-6-97,_____.

61G6-9.009 Required Records Maintained by Course Sponsors.

Each course sponsor must maintain the following records with respect to each course:

(1) through (6) No change.

(7) Each person who completes an approved course shall be issued a certificate of completion by the course sponsor. The certificate of completion shall contain the name and the license number of the person who completed the course, the course number and letter prefix, the sponsor number, the date of course completion, and the number of approved continuing

education hours in the course. The course sponsor shall maintain a list of the name and license number(s) of each person who completes each course conducted by the course sponsor.

(8) through (9) No change.

Specific Authority 489.507(3) FS. Law Implemented 489.517(3)(a),4(a),(b) FS. History--New 11-30-94, Amended 6-13-96, 12-25-96,_____.

61G6-9.011 Audit of Certifications of Completion.

(1) The Department shall perform random audits of at least 250, or up to a maximum of 10%, of the licensees and ~~providers~~ instructors to verify compliance with continuing education or post-license education requirements. Licensees and providers must provide the required documentation within thirty days of receipt of the audit notice. Failure to provide the required documents timely shall result in disciplinary action.

(2)(a) No change.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.517(3)(a),(b),4(a),(b),(5), 489.531(1)(f), 489.533(1)(b),(e),(f) FS., Chapter 94-119, Laws of Florida. History--New 11-30-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 1999

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLES: RULE NOS.:
Written Licensure Examination Requirements 61G16-6.001
Licensure by Endorsement 61G16-6.006

PURPOSE AND EFFECT: Proposed rule 61G16-6.001 will state that the Board has adopted the Association of State Boards of Geology (ASBOG) national licensure examination as the written examination to be used for licensure by examination as a professional geologist in the State of Florida. Proposed rule 61G16-6.006 will state that the Board finds that the examination requirements of those states which use the Association of State Boards of Geology (ASBOG) licensure examination as the written examination for licensure to practice geology in those states to be substantially equivalent to or more stringent than those of Florida.

SUMMARY: Proposed rule 61G16-6.001 states the requirement for applicants for licensure to take and pass a written licensure examination; and, specifies that this examination shall be the exam provided by the National Association of State Boards of Geology (ASBOG). The proposed rule also states that applicants who fail all or either

part of the ASBOG exam may retake the examination. Proposed rule 61G16-6.006 states that the Board finds the licensure examination requirements for those states that use the ASBOG exam to be substantially equivalent to the licensure examination requirements of Florida for purposes of licensure by endorsement. The proposed rule also states that the Board will consider the specific licensure examination requirements for those state that did not use the ASBOG examination to determine equivalence for purposes of licensure by endorsement.

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 455.217, 492.104, 492.108 FS.

LAW IMPLEMENTED: 455.217, 492.105, 492.108 FS.

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

TIME AND DATE: 9:00 a.m., February 19, 1999

PLACE: Department of Business and Professional Regulation, Board Meeting Room, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G16-6.001 follows. See Florida Administrative Code for present text.)

61G16-6.001 Written Licensure Examination Requirements.

(1) Prior to the issuance of a license to practice professional geology in the State of Florida, all applicants for licensure as a professional geologist by examination shall be required to take and achieve a passing score on a written licensure examination in order to ascertain the applicant's knowledge of the theory and the practice of professional geology, and to test the applicant's qualifications to practice professional geology. Applicants shall apply to the Department for licensure and must be certified by the Board prior to taking the licensure examination.

(2) The licensure examination to be taken and passed by all applicants for licensure as a professional geologist by examination shall be the written examination produced and provided by the National Association of State Boards of Geology (ASBOG). The licensure examination shall be

administered by the Department and shall be offered twice each year on such dates as determined by the ASBOG organization.

(3) The licensure examination consist of two parts, the Fundamentals of Geology and the Practice of Geology. Individual scores will be reported for each part of the licensure examination and all applicants must achieve a passing score on both parts of the licensure examination. The passing score for each part of the licensure examination shall be a minimum of seventy percent (70%) out of one hundred percent (100%).

(4) The licensure examination shall be a closed-book examination with no outside reference materials permitted during the examination. However, applicants shall be permitted to use battery-operated, silent, non-printing, non-programmable calculators during the examination provided the calculator is approved by the officials administering the examination as conforming with this paragraph.

(5) An applicant who fails to achieve a passing score on either or both parts of the licensure examination may retake the examination upon the submission to the Department of an application for reexamination and the payment of all applicable application and reexamination fees. Applications for reexamination and payment of all fees must be received by the Department no later than sixty (60) days prior to the administration date of the licensure examination for which the applicant wishes to sit.

Specific Authority 455.217, 492.104 FS. Law Implemented 455.217, 492.105 FS. History—New 8-23-89, Formerly 21DD-6.001, Amended 9-21-94, 5-19-97,

(Substantial rewording of Rule 61G16-6.006 follows. See Florida Administrative Code for present text.)

61G16-6.006 Licensure by Endorsement.

(1) For those applicants for licensure by endorsement whose current license, certificate, or registration to practice geology was issued by a state, trust, territory, or possession of the United States that used the Association of State Boards of Geology (ASBOG) licensure examination as the written examination for licensure to practice geology in that state, trust, territory, or possession of the United States at the time of the applicant's initial licensure, the Board approves the examination requirements of the state, trust, territory, or possession of the United States as substantially equivalent to or more stringent than those of this state.

(2) For those applicants for licensure by endorsement whose current license, certificate, or registration to practice geology was issued by a state, trust, territory, or possession of the United States that did not use the Association of State Boards of Geology (ASBOG) licensure examination as the written examination for licensure to practice geology in that state, trust, territory, or possession of the United States at the time of the applicant's initial licensure, the Board will review the specific examination requirements of the state, trust,

THE FULL TEXT OF THE PROPOSED RULES IS:

62-17.151 Public Notice.

Specific Authority 403.504(1) FS. Law Implemented 403.504(2)(3)(5), 403.5065, 403.508, 403.517 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.06, Amended 5-9-83, 4-14-86, Formerly 17-17.151, Repealed

62-17.161 Evidence of Notice, Additional Notice.

Specific Authority 403.504(1) FS. Law Implemented 403.504(5)(9), 403.508 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.07, Amended 5-9-83, Formerly 17-17.161, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:

Hamilton S. Oven, Jr.

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Kirby B. Green, III

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 30, 1997

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:

Examination Grading System and Examination

Requirements for Dental Examination

RULE NO.:

64B5-2.013

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the diagnostic skills portion from the licensure examination.

SUMMARY: The proposed rule amendment deletes the requirement for completion of the diagnostic skills portion of the examination since that portion is no longer authorized by statute.

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

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: 466.004(4), 466.006(4), 455.574(1)(b) FS.

LAW IMPLEMENTED: 466.006(4), 466.009, 455.574(1)(b),(2) FS.

IF REQUESTED 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., February 17, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.013 Examination Grading System and Examination Requirements for Dental Examination.

(1) No change.

(2)(a) All examinations will be conducted in English.

(b) Each applicant is required to complete the entire examination, except as provided in Section 466.009, F.S. The examination for dentistry shall consist of ~~two~~ three portions. The written examination shall be one portion ~~and~~; the clinical (or practical) examination shall be ~~the other one~~ one portion, ~~and the diagnostic skills examination shall be one portion.~~ It is the applicant's responsibility to provide a patient who is at least 18 years of age and whose medical history permits dental treatment. In order that the examination may be conducted in an efficient and orderly manner, an applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period for each procedure requiring a patient.

(c) A final grade of 75 or better on the written portion ~~and~~; a final grade of 3 or better, as a general average, on the clinical (or practical) portion, including the dental prosthetics part which requires a score of 75% or better which is converted to the 0-5 scale for general averaging purposes, ~~and a final grade of 75 or better on the diagnostic skills portions~~ shall be required.

(d) An applicant who passes one ~~of the~~ or two portions of the examination, ~~but not all three portions,~~ need retake only the portion ~~or portions~~ that ~~was~~ were failed.

1. If an applicant for a license to practice dentistry fails to achieve a final grade of 3 or better, as a general average, on the clinical (or practical) portion of the dentistry examination because of a failing grade on just one part of the clinical (or practical) portion, the applicant shall be required to retake only that part. On any such retake, the applicant shall be required to obtain a passing grade on the part that is retaken. A failing grade on the retaken part shall not be averaged to obtain a passing score on the clinical (or practical) portion of the examination.

2. If any dentistry applicant fails to achieve a final grade of 3 or better, as a general average, on the clinical (or practical) portion because of a failing grade on more than one part of the clinical (or practical) portion, the applicant shall be required to retake the entire clinical (or practical) portion.

(e) A candidate must successfully complete ~~both all three~~ portions of the examination within a thirteen month period in order to qualify for licensure. If the candidate fails to successfully complete ~~both all three~~ portions within that time period, then the candidate must retake the entire examination.

(f) Whenever a candidate is repeating only one procedure in the clinical (or practical) portion of the dental examination, and that procedure requires the use of a patient, that candidate shall be allowed the same amount of time to complete the procedure that is allowed candidates currently taking the procedure for the first time. Whenever a candidate is repeating only one procedure in the clinical (or practical) portion of the dental examination and that procedure is performed on a mannequin, that candidate shall be allowed 3 hours to complete the procedure.

(3) through (5) No change.

~~(6) The diagnostic skills portion of the examination shall test the candidate's diagnostic skills and judgment regarding the treatment of diseases and shall cover the subject areas of diagnosis, oral medicine, radiology periodontal diagnosis, and comprehensive treatment planning.~~

(7) through (8) No change.

Specific Authority 466.004(4), 466.006(4), 455.574(1)(b) FS. Law Implemented 466.006(4), 466.009, 455.574(1)(b),(2) FS. History--New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 1998

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities	64B5-7.0035
Non-Profit Corporation Permits	64B5-7.006

PURPOSE AND EFFECT: The proposed amendment to Rule 64B5-7.0035 is intended to clarify criteria for issuance of a temporary permit. The amendment to Rule 64B5-7.006 is intended to clarify employment of unlicensed dentists by non-profit corporations.

SUMMARY: The amendment to Rule 64B5-7.0035 specifies that temporary certification shall be canceled should the certificate holder fail the Florida dental licensure examination. The amendment to Rule 64B5-7.006 clarifies the employment of unlicensed dentists by non-profit corporations.

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

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: 466.004(4) FS.
 LAW IMPLEMENTED: 466.025, 455.601 FS.
 IF REQUESTED 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., February 17, 1999
 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.
 (1) through (4) No change.
 (5) A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, Florida Statutes, or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 466.017(4), 466.025, 455.601 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, _____.

64B5-7.006 Non-Profit Corporation Permits.
 (1) Any non-profit corporation which is chartered for the purposes specified in Section 466.025(3), F.S., ~~may apply for a permit which will authorize it to apply for non-profit permits for dentists who are not licensed to practice in this state.~~
(2) Non-profit corporations seeking a permit to employ an unlicensed dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association shall file an application with the Board which contains the following information:
 (a) through (b) No change.
 (c) A plan of operation which establishes that any unlicensed dentist employed by the permit holders will be practicing dentistry under the general supervision of a Florida licensed dentist.
 (d) through (e) No change.
(2)(3) No change.
(3)(4) Any unlicensed dentist employed by the holder of a permit pursuant to this rule ~~person issued a permit at the request of a non-profit corporation~~ shall be bound by all requirements for permit holders set forth in Rule 64B5-7.003, F.A.C., and

~~(5) Any person issued a permit pursuant to this rule shall be compensated only by salary which is not based upon productivity.~~

Specific Authority 466.004(4) FS. Law Implemented 466.025(3) FS. History--New 11-16-89, Formerly 21G-7.006, 61F5-7.006, 59Q-7.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 1998
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist
 RULE NO.: 64B5-16.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete subsection (3)(h) as a task to be performed under general supervision, since this task is set forth in Rule 64B5-16.007(1)(b), under direct supervision.

SUMMARY: The proposed rule amendment deleted subsection (3)(h), since this task is already set forth in Rule 64B5-16.007(1)(b).

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

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: 466.004, 466.023, 466.024 FS.
 LAW IMPLEMENTED: 466.023, 466.024 FS.

IF REQUESTED 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., February 17, 1999
 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) through (2) No change.

(3) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training as defined by Rule 64B5-16.002 and who performs the tasks under general supervision:

(a) through (g) No change.

~~(h) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic sealers;~~

~~(h)(4) No change.~~

(4) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standard of Care for Office Surgery

RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional safeguards for conducting office surgery, including accreditation of offices where Level II or Level III procedures are performed, limitations on the duration of surgical procedures, reporting and support personnel requirements, and other criteria.

SUMMARY: The proposed rule amendments clarify definitions; set forth general requirements applicable to all office surgery; set forth distinctions between Level I, II and III surgeries; require accreditation for Level II and Level III; and clarify supervision requirements for Level III anesthesia providers.

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

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: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

~~The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), Florida Statutes; the performing any statutory or legal obligation requirement of Section 458.331(1)(g), Florida Statutes; the not accepting and performing professional responsibilities one is not competent to perform requirement of Section 458.331(1)(v), Florida Statutes; and the delegation of duties restrictions of Section 458.331(1)(w), Florida Statutes, with regard to the performance of office surgery as encompassing the following requirements and restrictions relating to the level of anesthetic, training, equipment and supplies, assistance of other personnel, and hospital staff privileges:~~

(1) Definitions.

(a) Surgery. For the purpose of this rule, surgery is defined as any manual or operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, ~~or~~ relieving suffering, or any elective procedure for aesthetic or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic examination with use of local or general anesthetic.

(b) Surgeon. For the purpose of this rule, surgeon is defined as a licensed physician performing any procedure included within the definition of surgery.

(c) Equipment. For the purpose of this rule, implicit within the use of the term of equipment is the requirement that the specific item named must meet current performance standards.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health

and Rehabilitative Services, the Department of Business and Professional Regulation, the Agency for Health Care Administration, or a successor agency.

(e) Accreditation agencies include American Association of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC), and Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(2) General Requirements for Office Surgery.

(a) For all surgical procedures, the level of sterilization shall meet current OSHA requirements.

(b) The surgeon must maintain complete records of each surgical procedure, including anesthesia records, when applicable, and a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse or untoward incidents, as identified in Section 395.0197(6), F.S. The log and all surgical records shall be provided to investigators of the Board of Medicine or the Department of Health upon request.

(c) A maximum of 2000 cc supernatant fat may be removed by liposuction in the office setting. Accreditation of the office setting is required for liposuction performed at levels II and III as set forth herein.

(d) The maximum planned duration of a procedure must not exceed 4 hours. The patient must be discharged the same working day as the patient presented to the office for a procedure and is not permitted to stay overnight in the office.

(e) A policy and procedure manual must be maintained in the office and updated annually. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, cleaning and infection control, and emergency procedures. This shall not apply to offices that limit surgery to Level I procedures.

(f) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B8-9.007(3), F.A.C.

(g) The surgeon shall report any adverse or untoward incidents that occur within the office surgical setting to the Department of Health within 15 calendar days after its occurrence, resulting in:

1. the death of a patient;
2. brain or spinal damage to a patient;
3. performance of a surgical procedure on the wrong patient, or
4. performance of a procedure unrelated to the patient's diagnosis or medical needs, including the surgical repair of injuries or damage resulting from the planned surgical

procedure, wrong site or wrong procedure, and procedures to remove foreign objects inadvertently remaining from a surgical procedure.

(h) Any licensee performing Level II or Level III office surgery shall be required to register with the Department of Health. Such registration shall include each address at which Level II or Level III office surgery is performed; identification of the accreditation agency that accredits each location; and a statement of compliance with these results.

(i) The Board of Medicine and the Department of Health shall have the authority to inspect the premises where office surgery is performed. For the purpose of determining compliance with these rules or for the purpose of gathering evidence related to an alleged violation of these rules, duly authorized agents and employees of the Board of Medicine or the Department of Health shall have the authority to inspect in a lawful manner, at all reasonable hours and at any time that the facility is in use, any location at which Level II or Level III office surgery is performed by a licensee.

(3)(2) Level I Office Surgery.

(a) Scope Definition. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of simple lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Tumescent liposuction involving the removal of less than 1000 cc supernatant fat is permitted.

3.2. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4.3. Pre-operative medications not required or used other than minimal pre-operative oral tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5.4. Chances of complication requiring hospitalization are remote.

(b) Level of Anesthetic. Topical or local anesthesia or both, but no drug induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

(b) Standards for Level I Office Surgery.

1.(e) Training Required. Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic, drugs. Basic Life Support Certification is recommended but not required.

~~2.(d)~~ Equipment and Supplies Required. Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine if any anesthesia is used.

~~3.(e)~~ Assistance of Other Personnel Required. No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

(c) Accreditation. No accreditation is required for Level I Office Surgery.

~~(4)(3)~~ Level II Office Surgery.

(a) ~~Scope Definition.~~

1. Level II Office Surgery is that in which peri-operative medication and sedation are required intravenously, intramuscularly, or rectally, thus making post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and tumescent liposuction involving the removal of more than 1000 cc supernatant fat.

2. Level II Office surgery includes local or peripheral major nerve block, including Bier Block, plus intravenous or intramuscular sedation, but with preservation of vital reflexes.

(b) Standards for Level II Office Surgery.

~~1.(b)~~ Transfer Agreement Required. The surgeon physician must have a transfer agreement with a licensed hospital within reasonable proximity if the surgeon physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity.

~~(c) Level of Anesthetic. Local or peripheral major nerve block, including Bier Block, plus intravenous or intramuscular sedation, but with preservation of vital reflexes.~~

~~2.(d)~~ Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the out-patient setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or comparable background, formal training, or experience. The surgeon and one assistant must be currently certified in Basic Life Support and ~~it is recommended~~ that the surgeon ~~or~~ and at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthetic provider practicing within the scope of the provider's license manage the anesthetic.

~~3.(e)~~ Equipment and Supplies Required.

~~a.†~~ Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

~~(I)a.~~ adrenalin (epinephrine) 1:10,000 dilution; 10ml

~~(II)b.~~ adrenalin (epinephrine) 1:1000 dilution; 1ml

~~(III)e.~~ atropine 0.1mg/ml; 5ml

~~(IV)d.~~ benadryl (diphenhydramine)

~~(V)e.~~ calcium chloride 10%; 10ml

~~(VI)f.~~ dextrose 50%;

~~(VII)g.~~ dilantin (phenytoin)

~~(VIII)h.~~ dopamine

~~(IX)i.~~ heparin

~~(X)j.~~ inderal (propranolol)

~~(XI)k.~~ isuprel

~~(XII)l.~~ lanoxin (digoxin)

~~(XIII)m.~~ lasix (furosemide)

~~(XIV)n.~~ xylocaine (lidocaine)

~~(XV)o.~~ magnesium sulfate 50%

~~(XVI)p.~~ narkan (naloxone)

~~(XVII)q.~~ pronestyl (procainamide)

~~(XVIII)r.~~ sodium bicarbonate 50mEq/50ml

~~(XIX)s.~~ solu-medrol (methylprednisolone)

~~(XX)t.~~ verapamil hydrochloride

~~(XXI)u.~~ mazicon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

~~d.2.~~ Double tourniquet for the Bier block procedure.

~~e.3.~~ Monitors for blood pressure/EKG/Oxygen saturation.

f. Adequate operating room lighting.

g. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

h. Appropriate sterilization equipment.

i. IV solution and IV equipment.

~~4.(f)~~ Assistance of Other Personnel Required. Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(c)8., Florida Administrative Code, and a Registered Nurse or Licensed Practical Nurse to monitor patient. The anesthesia provider cannot function in any other capacity during the procedure. Additional assistance may be required by specific procedure or patient circumstances. A licensed registered nurse or licensed practical nurse certified in Basic Life Support must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.

(c) Inspection and accreditation. The surgeon shall obtain within 12 months of the effective date of this rule accreditation of the office setting by AAASF, AAAHC, JCAHO, or shall submit to an annual inspection by a consulting physician hired by the Department of Health of Board of Medicine. All expenses related to accreditation or inspection shall be paid by the surgeon.

~~(5)(4)~~ Level III Office Surgery.

(a) ~~Scope Definition.~~

1. Level III Office Surgery is that surgery which requires, or reasonably should require, the use of a general anesthetic or major conduction anesthetic and pre-operative sedation.

2. Level III Office Surgery includes the use of:

a. General Anesthetic: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

b. Major Conduction: epidural, spinal, caudal.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1.(b) Hospital Staff Privileges Required. The physician must have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity.

(c) Level of Anesthetic:

1. General Anesthetic: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions.

2. Major Conduction: epidural, spinal, caudal.

2.(d) Training Required.

a. Surgeon must have documentation of training to perform the particular surgical procedures and must have knowledge of the principles of general anesthesia.

b. The surgeon and at least one assistant must be currently certified in Basic Life Support and ~~It is recommended that~~ the surgeon or and at least one assistant must be currently certified in Advanced Cardiac Life Support.

c. Emergency procedures referable to serious anesthetic complications should be formulated, periodically reviewed, practiced and updated, and posted in a conspicuous location.

3.(e) Equipment and Supplies Required.

a. Equipment, medication, including at least 12 ampules of dantrolene on site, and post-anesthesia recovery must be available with qualified licensed nursing personnel.

b. Facility, in terms of general preparation, equipment, and supplies, must be comparable to free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2; pulse oximeter, precordial or esophageal stethoscope, and temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. I.V. solution²s and I.V. equipment.

4.(f) Assistance of Other Personnel Required. Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(c)8., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the

surgery. The anesthesia provider cannot function in any other capacity during the procedure. If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia. A licensed registered nurse or licensed practical nurse certified in Basic Life Support must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

(c) Inspection and accreditation. The surgeon shall obtain within 12 months of the effective date of this rule accreditation of the office setting by AAAASF, AAAHC, JCAHO, or shall submit to an annual inspection by a consulting physician hired by the Department of Health or Board of Medicine. All expenses related to accreditation or inspection shall be paid by the surgeon.

(5) For all surgical procedures, the level of sterilization shall meet current OSHA requirements.

(6) The surgeon must maintain complete records of the surgical procedure.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w) FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Definitions RULE NOS.: 64B8-30.001

Requirements for Approval of Training Programs 64B8-30.009

Physician Assistant Performance 64B8-30.012

PURPOSE AND EFFECT: The proposed rule amendments are intended to restore the definitions for “responsible supervision,” “direct” and “indirect” supervision; to clarify approved training programs; and to clarify the delegation of tasks by supervising physicians to a physician assistants.

SUMMARY: The proposed rule amendments set forth the definitions of “responsible supervision,” “direct” and “indirect” supervision; clarify the approved training program for physician assistants; and clarifies the delegation of tasks to physician assistants by the supervising physician.

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

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: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.001 Definitions.

(1) through (2) No change.

(3) The term “responsible supervision” as used herein refers to the ability of the supervising physician to responsibly exercise control and provide direction over the services of the physician assistant. In providing supervision, the supervising physician shall periodically review the physician assistant’s performance. It requires the easy availability or physical presence of the supervising physician to the physician assistant. In determining whether supervision is adequate, the following factors should be considered:

(a) the complexity of the task;

(b) the risk to the patient;

(c) the background, training and skill of the physician assistant;

(d) the adequacy of the direction in terms of its form;

(e) the setting in which the tasks are performed;

(f) the availability of the supervising physician;

(g) the necessity for immediate attention; and

(h) the number of other persons that the supervising physician must supervise.

(4) The term “direct supervision” as used herein refers to the physical presence of the supervising physician on the premises so that the supervising physician is immediately available to the physician assistant when needed.

(5) The term “indirect supervision” as used herein refers to the easy availability of the supervising physician to the physician assistant, which includes the ability to communicate by telecommunications. The supervising physician must be within reasonable physical proximity.

(6)(3) No change.

(7)(4) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 4-28-76, Amended 11-15-78, 12-5-79, 2-3-82, 5-15-85, 12-4-85, Formerly 21M-17.01, Amended 5-13-87, 5-24-88, 11-15-88, Formerly 21M-17.001, Amended 9-21-93, Formerly 61F6-17.001, Amended 4-1-96, Formerly 59R-30.001, Amended 5-12-98,_____.

64B8-30.009 Requirements for Approval of Training Programs.

(1) Any Physician Assistant program wishing to be approved and recognized by the State of Florida must have been accredited by the Committee on Allied Health, Education, and Accreditation. For those allopathic Physician Assistant training programs graduating Physician Assistants prior to February 1973, any graduate is deemed eligible to be licensed as a Physician Assistant in the State of Florida, provided the graduate has been recognized by the National Commission on Certification of Physician Assistants as a formally trained Physician Assistant. For those osteopathic Physician Assistant training programs graduating Physician Assistants prior to 1974, any graduate is deemed eligible to be licensed as a Physician Assistant in the State of Florida, provided the ~~graduate program~~ graduate program has been recognized by the National Commission on Certification of Physician Assistants as a formally trained Physician Assistant Commission on Accreditation on Allied Health Education Programs or its successor.

(2) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 4-28-76, Amended 11-15-78, 12-5-79, 7-1-80, 10-23-80, 5-26-85, 12-4-85, Formerly 21M-17.05, Amended 5-13-87, 5-22-88, Formerly 21M-17.005, 61F6-17.005, 59R-30.009, Amended 6-7-98,_____.

64B8-30.012 Physician Assistant Performance.

(1) A supervising physician shall delegate only tasks and procedures to the physician assistant which are within the supervising physician’s scope of practice. The physician assistant may work in any setting that is within the scope of practice of the supervising physician’s practice. The supervising physician’s scope of practice shall be defined for the purpose of this section as “those tasks and procedures which the supervising physician is qualified by training or experience to perform.”

(2)(1) The decision to permit the pPhysician aAssistant to perform a task or procedure under direct or indirect supervision is made by the sSupervising pPhysician based on reasonable medical judgment regarding the probability of morbidity and mortality to the patient. Furthermore, the sSupervising pPhysician must be certain that the pPhysician aAssistant is knowledgeable and skilled in performing the tasks and procedures assigned.

(a) through (b) No change.

(3)(2) No change.

(4)(3) No change.

Specific Authority 458.309, 458.347(4)(a),(13) FS. Law Implemented 458.347(2),(3),(4),(13) FS. History—New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 1998

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: Definitions RULE NOS.: 64B15-6.001

Requirements for Approval of Training Programs 64B15-6.004

Physician Assistant Performance 64B15-6.010

PURPOSE AND EFFECT: The proposed rule amendments are intended to restore the definitions for “responsible supervision,” “direct” and “indirect” supervision; to clarify approved training programs; and to clarify the delegation of tasks by supervising physicians to physician assistants.

SUMMARY: The proposed rule amendments set forth the definitions of “responsible supervision,” “direct” and “indirect” supervision; clarify the approved training program for physician assistants; and clarifies the delegation of tasks to physician assistants by the supervising physician.

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: 459.005, 459.022(6), 458.347, 459.022(4)(a),(13) FS.

LAW IMPLEMENTED: 459.022(2),(3),(4),(13), 458.347 FS.

IF REQUESTED IN WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.001 Definitions.

(1) through (2) No change.

(3) The term “responsible supervision” as used herein refers to the ability of the supervising physician to responsibly exercise control and provide direction over the services of the

physician assistant. In providing supervision, the supervising physician shall periodically review the physician assistant’s performance. It requires the easy availability or physical presence of the supervising physician to the physician assistant. In determining whether supervision is adequate, the following factors should be considered:

(a) the complexity of the task;

(b) the risk to the patient;

(c) the background, training and skill of the physician assistant;

(d) the adequacy of the direction in terms of its form;

(e) the setting in which the tasks are performed;

(f) the availability of the supervising physician;

(g) the necessity for immediate attention; and

(h) the number of other persons that the supervising physician must supervise.

(4) The term “direct supervision” as used herein refers to the physical presence of the supervising physician on the premises so that the supervising physician is immediately available to the physician assistant when needed.

(5) The term “indirect supervision” as used herein refers to the easy availability of the supervising physician to the physician assistant, which includes the ability to communicate by telecommunications. The supervising physician must be within reasonable physical proximity.

(6)(3) The term “recent graduate” as used herein refers to a person who completed the approved program no more than two years (24 months) prior to the date the application for certification as a physician assistant was received.

(7)(4) The term “fully certified physician assistant” as used herein refers to those physician assistants who have successfully passed the NCCPA examination or other examination approved by the Board and have been issued a certificate pursuant to Sections 459.022(7), 458.347(7)(b)2. and 458.347(7)(f), F.S.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History—New 10-18-77, Formerly 21R-6.01, Amended 10-28-87, 4-18-89, 9-26-90, 3-16-92, Formerly 21R-6.001, Amended 2-20-94, Formerly 61F9-6.001, 59W-6.001, Amended 6-7-98,_____.

64B15-6.004 Requirements for Approval of Training Programs.

(1) Any Physician Assistant program wishing to be approved and recognized by the State of Florida must maintain accreditation with the Commission on Accreditation on Allied Health Education Programs or its successor, or have been accredited by the Committee on Allied Health, Education, and Accreditation. For those allopathic Physician Assistant training programs graduating Physician Assistants prior to February 1973, any graduate is deemed eligible to be certified as a Physician Assistant in the State of Florida, provided the graduate has been recognized by the National Commission on Certification of Physician Assistants as a formally trained Physician Assistant. For those osteopathic Physician Assistant

training programs graduating Physician Assistants prior to 1974, any graduate is deemed eligible to be certified as a Physician Assistant in the State of Florida, provided the graduate has been recognized by the National Commission on Certification of Physician Assistants as a formally trained Physician Assistant. ~~Commission on Accreditation on Allied Health Education Programs or its successor.~~

(2) No change.

Specific Authority 459.022(6), 458.347 FS. Law Implemented 459.022(6), 458.347 FS. History—New 10-18-77, Formerly 21R-6.04, Amended 10-28-87, 3-16-92, Formerly 21R-6.004, Amended 2-1-95, Formerly 59W-6.004, Amended 6-7-98.

64B15-6.010 Physician Assistant Performance.

(1) A supervising physician shall delegate only tasks and procedures to the physician assistant which are within the supervising physician's scope of practice. The physician assistant may work in any setting that is within the scope of practice of the supervising physician's practice. The supervising physician's scope of practice shall be defined for the purpose of this section as "those tasks and procedures which the supervising physician is qualified by training or experience to perform."

~~(2)~~ (1) The decision to permit the physician assistant to perform a task or procedure under direct or indirect supervision is made by the supervising physician based on reasonable medical judgment regarding the probability of morbidity and mortality to the patient. Furthermore, the supervising physician must be certain that the physician assistant is knowledgeable and skilled in performing the tasks and procedures assigned.

(a) The following duties are not permitted to be delegated at all except where expressly authorized by statute:

1. Prescribing, dispensing, or compounding medicinal drugs
2. Final diagnosis

(b) The following duties are not to be performed under indirect supervision:

1. Routine insertion of chest tubes and removal of pacer wires or left atrial monitoring ring lines
2. Performance of cardiac stress testing
3. Routine insertion of central venous catheters
4. Injection of intrathecal medication without prior approval of the supervising physician
5. Interpretation of laboratory tests, X-ray studies and EKG's without the supervising physician's interpretation and final review
6. Administration of general, spinal, and epidural anesthetics; this may be performed under direct supervision only by physician assistants who graduated from Board-approved programs for the education of anesthesiology assistants.

~~(3)~~ (2) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

~~(4)~~ (3) In a medical emergency the physician assistant will act in accordance with his or her training and knowledge to maintain life support until a licensed physician assumes responsibility for the patient.

Specific Authority 459.005, 459.022(4)(a),(13) FS. Law Implemented 459.022(2),(3),(4),(13) FS. History—New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: December 6, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE:

Learnfare

RULE NO.:

65A-4.213

PURPOSE AND EFFECT: This proposed amendment provides a further definition and forms to be used in the school attendance eligibility requirement (Learnfare).

SUMMARY: This proposed rule amendment defines grading period as a school semester and incorporates the forms for notice of Learnfare requirements and verification of school conference attendance into the rule.

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: 414.45 FS.

LAW IMPLEMENTED: 414.125 FS.

IF REQUESTED 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: 11:00 a.m., February 16, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.213 Learnfare.

(1) Jeopardized Academic Progress.

Jeopardized academic progress is defined as a failing report card grade that results from the student's unexcused absences. The local school board policies on attendance will determine the number of allowable unexcused absences during any grading period and whether such unexcused absences resulted in a failing report card grade. A grading period is defined as a semester.

(2) No change.

(3) Forms for Learnfare Requirement.

Participants will be notified of Learnfare requirements by CF-ES 2606, Notice of Learnfare Requirements, Sept. 98 (incorporated by reference). Participants will be required to provide proof of attendance at a required school conference by providing a completed CF-ES 2098, Learnfare – School Conference Verification, Nov. 98 (incorporated by reference). A copy of the forms may be obtained from: Economic Self-Sufficiency Services, Policy Bureau, Bldg. 3, Rm. 412B, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.125 FS. History—New 4-13-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Policy Bureau

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 1999

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.106	Minimum Standards for Benefits
	NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 52, December 24, 1998, of the Florida Administrative Weekly. This change is

being made to correct the Date Notice of Proposed Rule Development Published in Florida Administrative Weekly, which should read September 26, 1997.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA
OF FEBRUARY 23, 1999

The Governor and Cabinet, sitting as head of the Department of Revenue, will consider approval of amendments to Rule Chapter 12-18, F.A.C., for adoption. The proposed amendments are necessary to update the Department's rules to conform to current statutory provisions, delete obsolete rule language, and eliminate rule provisions which are clearly stated in the Florida Statutes.

The proposed amendments will provide guidance in the submission of information and claims for compensation relating to tax violations; update rule provisions regarding the determination of eligibility for compensation and amount of payment available; incorporate the Department's adoption of Form DR-55, Application for Compensation for Tax Information, and provide a method for obtaining that form; delete rule provisions regarding confidentiality and anonymity which are clearly stated in existing statutes or other administrative rules; and remove obsolete rule language regarding specific reward provisions for coin-operated amusement machines. The proposed amendments were originally noticed in the Florida Administrative Weekly on December 11, 1998, Vol. 24, No. 50, pp. 6739-6745. A public hearing was held on January 5, 1999. There were no interested parties from the private sector in attendance, and no written comments were received on the proposed rule amendments.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA
OF FEBRUARY 23, 1999

The Governor and Cabinet, sitting as head of the Department of Revenue, will consider approval of amendments to Rule Chapter 12-21, F.A.C., for adoption. The proposed amendments will incorporate the provisions of Section 19, Chapter 98-342, Laws of Florida, which subject a garnishee to liability equal to the value of the property transferred or disposed of by the garnishee; freeze the assets of a delinquent taxpayer which come into the possession of a garnishee after the Department issues a garnishment notice, and require the garnishee to notify the Department of such assets; provide that the garnishment notice remains in effect while a taxpayer contest of an intended levy is pending; require the Department to deliver a Notice of Levy by registered mail; provide financial institutions with a right of set-off; and authorize the Department to file an action in circuit court to enforce compliance with the garnishment laws. Other amendments will eliminate unnecessary rule language which duplicates