

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-3-5.002 Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to Rule 64B3-6.002(6). In order to be licensed as a supervisor, an applicant shall have four hours of Board approved HIV/AIDS continuing education and one of the following:

- (a) No change.
 - (b) a masters degree in clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, one (1) year of which shall be post ~~masters~~ baccalaureate.
 - (c) through (f) No change.
- (2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Application for Licensure Fees

RULE NO.: 64B7-27.002

PURPOSE AND EFFECT: The purpose of the amendments will be to delete unnecessary language, and to increase the colonics examination fee to cover more of the costs of administration of the examination.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Fees.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

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

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

Residual Markets and Special Risk Pools

RULE TITLE: Depopulation Coordination

RULE NO.: 4J-1.022

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee staff has consistently contended that Rule 4J-1.022 is without proper authority. The repeal will resolve this longstanding issue.

SUMMARY: The existing rule was created to provide an incentive for RPCJUA takeouts by providing a credit against the FWUA assessment for business taken out of the RPCJUA. The FWUA plan of operation was recently amended to include Section XXII, Takeout Credits, which implements §627.351(2)(b)2.a.(VI), F.S., which provides a similar method of providing takeout credits. The amended FWUA plan is incorporated by reference in Rule 4J-1.001. Rule 4J-1.022 is therefore no longer needed and is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.351 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Valentine, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4140

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

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-1.022 Depopulation Coordination.

Specific Authority 624.308 FS. Law Implemented 627.351 FS. History--New 3-6-96, Repealed_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Don Dowdell, Department of
Insurance

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Logo Sign Program
RULE CHAPTER NO.: 14-85

RULE TITLE: Logo Sign Program
RULE NO.: 14-85.004

PURPOSE AND EFFECT: Rule 14-85.004 is being amended
to clarify language and eliminate obsolete provisions.

SUMMARY: Rule 14-85.004 is being amended as follows:
The definition of "Combination Logo Structure" in (1)(e) is
amended to allow a 15' x 12' 3/3 two-service combination.
Section (4) on Location and Size of Logo Structures and
Business Logo Signs is being deleted with subsequent sections
renumbered. A new subsection (b) is added under Mainline
Logo Structures. A special exception is provided for businesses
which meet all other qualifications but are not located on or
visible from the crossroad. A new (10)(c) is added to allow
qualification for a business in one direction at half the standard
two direction permit fee. There is a special provision for full or
self service gas businesses willing to provide fuel pumping
services to motorists with disabilities with special sign
requirements for such designation. A sentence relating to
campsites not visible from the crossroad is deleted. The
obsolete former Section (13) on Special Notice and
Repermitting of Previous Program Participants is deleted and
subsequent sections are renumbered accordingly. The last
section on variances is amended to include waivers.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(27), 479.261 FS.

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 regulatory costs, or to provide a
proposal for a lower cost regulatory alternative must do so in
writing within 21 days of this notice.

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

TIME AND DATE: 10:00 a.m., March 16, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) Definitions.

(a) "Annual Permit Renewal" means the process of
requalifying businesses with existing permits to allow for
continued participation in the program.

(b) "Business" means a commercial establishment
providing gas, food, lodging, or camping services from a single
site at a qualified interchange.

(c) "Business Logo Sign" means a board mounted on the
display panel of a logo structure showing the name, symbol,
trademark, or combination thereof for a category of motorist
services available at an interchange.

(d) "Category" means the motorist services of gas, food,
lodging, or camping.

(e) "Combination Logo Structure" means a logo structure
designed to display a combination of no more than three
categories in the following combinations:

1. 15' x 12' 4/2 or 2/4 two-service combination.
2. 15' x 12' 2/2/2 three-service combination.
3. 15' x 8' 2/1 two-service combination.
4. 15' x 12' 3/3 two-service combination.

(f) "Crossroad" means a road intersecting the interstate
highway to which access is provided by means of an
interchange.

(g) "Display Panel" means the facing or surface of a logo
structure to which business logo signs are affixed.

(h) "Double Exit Interchange" means an interchange
configuration where, for a given direction of travel on the
mainline, two exit ramps provide access to the crossroad, one
for each direction of travel on the crossroad.

(i) "Exit Ramp" means the traffic lane or lanes at an
interchange on an interstate highway leading from the mainline
to the crossroad.

(j) "Full Size Logo Structure" means a mainline or ramp
logo structure capable of displaying six business logo signs.

(k) "Half Size Logo Structure" means a mainline or ramp
logo structure capable of displaying three business logo signs.

(l) "Initial Permit" means a permit to display a new
business logo sign.

(m) "Logo Structure" means the support columns and
display panel upon which separate business logo signs may be
displayed.

(n) "Mainline" means the traffic lanes of an Interstate
highway intended for through travel.

(o) “Mainline Logo Structure” means those logo structures located along the mainline.

(p) “Notice of Eligibility” means a notice, valid for three years, previously issued to permit applicants approved by the Department for participation in the logo program but for which space was not available on the structure.

(p)(q) “Program Administrator” means the contractor providing all services relating to the logo program pursuant to a contract under Section 479.261(4), Florida Statutes. Pursuant to a contract dated December 30, 1996, Florida Logos, Inc., is the Program Administrator under this rule.

(q)(r) “Ramp Logo Structure” means those logo structures located along an exit ramp.

(r)(s) “Qualified Interchange” means an interchange that meets the requirements of Section (3).

(s)(t) “Single Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.

(t)(u) “Traffic Control Signs” means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.

(2) Responsibilities of Program Administrator and Department.

(a) Subject to paragraph (2)(b), the Program Administrator is responsible for administering all provisions of this Rule, including the receipt of applications and renewals and the issuance of notices. Florida Logos, Inc., can be contacted at 4607 Capital Circle, S. W. 2822 Remington Green Circle, Suite 102, Tallahassee, Florida 32310 32308 or 1(888)608-0833.

(b) The Department is responsible for final interpretation of Section 479.261, Florida Statutes, and this rule and is responsible for all proceedings under Chapter 120, Florida Statutes.

(3) Qualification of Interchanges.

(a) All interchanges with logo structures erected or approved on May 23, 1996, are qualified.

(b) Additional interchanges on the Interstate highway system will be qualified when minimum sign spacing distance allows at least one logo structure on the mainline and one logo structure on the exit ramp in addition to all necessary traffic control signs for each direction of travel on the mainline.

(c) An interchange is qualified only when the interchange configuration permits a motorist to exit and reenter the interstate highway and continue in the same direction of travel.

(d) Interchanges, including those with logo structures erected or approved on May 23, 1996, become unqualified when the spacing requirements in (b) or the requirement in (c) above are no longer met as a result of Department action pursuant to Section 479.261(6), Florida Statutes. The Department or the Program Administrator shall relocate or

remove logo structures when necessary as a result of Department action pursuant to Section 479.261(6), Florida Statutes.

~~(4) Location and Size of Logo Structures and Business Logo Signs.~~

~~(a) Logo structures erected or approved on May 23, 1996, on interchanges where minimum spacing distance allows fewer than one logo structure will remain erected, except as provided in (3)(d). However, no new logo structures will be allowed at qualified interchanges unless there is spacing for one logo structure on the mainline and one logo structure on the exit ramp in addition to all necessary traffic control signs for each direction of travel on the mainline.~~

~~(b) The Department or its contractor shall relocate or remove logo structures when necessary as a result of Department action pursuant to Section 479.261(6), Florida Statutes.~~

~~(4)(5) Mainline Logo Structures.~~

(a) Approaching the interchange, the successive order of logo structures shall be camping, lodging, food, gas. No more than one logo structure will be provided for each category. If spacing is unavailable for logo structures for all four categories, preference shall be given in priority order to the categories of gas, food, lodging, and camping.

(b) Combination logo structures shall be used when spacing is unavailable for separate structures for all business categories for which applications have been submitted. The configuration of the logo structures shall be determined by the priority order established in paragraph (4)(a) above, and the number of applicant businesses in each category which have been qualified for participation at the time the structure is erected. A “2/2/2” combination logo structure shall not be constructed at an interchange where more than two qualified gas or food businesses have applied.

~~(c)(b) The size of the display panel of mainline logo structures for all categories shall be a rectangle 4,500 mm (15 feet) wide by 3,000 mm (10 feet) high for a full size logo structure, 4,500 mm (15 feet) wide by 1,800 mm (six feet) high for a half size logo structure, and 4,500 mm (15 feet) wide by 3,600 mm (12 feet) or 2400 mm (eight 8 feet) high for a combination logo structure.~~

~~(5)(6) Ramp Logo Structures.~~

(a) A business logo sign shall be permitted on exit ramp logo structures for each business logo sign permitted on mainline logo structures.

(b) If spacing is unavailable for logo structures for all four categories of service, preference shall be given in priority order to the categories of gas, food, lodging, and camping.

(c) The size of the display panel of ramp logo structures shall be 2,400 mm (eight feet) wide by 2,100 mm (seven feet) high for a full size ramp logo structure, 2,400 mm (eight feet)

wide by 1,200 mm (four feet) high for a half size ramp logo structure, and 2,400 mm (eight feet) wide by 2,400 mm (eight feet) high for a combination ramp logo structure.

~~(6)~~~~(7)~~ Placement of Business Logo Signs on Logo Structures. The initial arrangement of business logo signs on each logo structure shall be from left-to-right, top-to-bottom based upon the date of issuance of the permit. When a business logo sign is removed, the next logo sign to be displayed will be placed in the location of the removed sign.

~~(7)~~~~(8)~~ Business Logo Signs on Mainline Logo Structures.

(a) The maximum number of business logo signs allowed on any of the four logo structure category types at any interchange is as follows:

1. GAS – 6.
2. FOOD – 6.
3. LODGING – 6.
4. CAMPING – 6.

(b) Business logo signs on mainline logo structures shall be constructed of metal and shall be 1,200 mm (48 inches) wide and 900 mm (36 inches) high. Letters shall be at least 250 mm (10 inches) high, whether capital or lowercase. However, when the symbol or trademark is used alone for the logo, any legend on it shall be proportional to the size customarily used on the symbol or trademark.

~~(8)~~~~(9)~~ Business Logo Signs on Ramp Logo Structures. Business logo signs on ramp logo structures shall be constructed of metal and shall be 600 mm (24 inches) wide and 450 mm (18 inches) high. Letters shall be at least 150 mm (six inches) high, whether capital or lowercase. However, when the symbol or trademark is used alone for the logo, any legend on it shall be proportional to the size customarily used on the symbol or trademark.

~~(9)~~~~(10)~~ Installation and Maintenance of Logo Structures and Signs. Except as provided herein, all logo structures and signs shall be installed and maintained in accordance with the *Manual on Uniform Traffic Control Devices* which is incorporated by reference in 14-15.010, Florida Administrative Code; *Roadway and Traffic Design Standards*, 1996 edition; *Standard Specifications for Road and Bridge Construction*, 1996 edition, which are incorporated herein by reference. The Program Administrator shall remove, replace, or cover any business logo sign that no longer meets Department standards.

~~(10)~~~~(11)~~ Qualification of Businesses.

(a) To qualify for a business logo sign in any category, a business must:

1. hold all necessary licenses and permits to provide services required to qualify for the logo category being displayed;
2. comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin;
3. provide a telephone on-site for use by motorists; and

4. fall within a category set forth in subsections (c) through (f) and meet the requirements applicable to that category, including distance from the qualifying interchange, which will be measured from the point where the crossroad intersects with the centerline of the interstate highway median, along the crossroad to the nearest entrance to the premises of the business; and

5. be located on or visible from the crossroad so that a motorist can immediately discern the type of service provided ~~except as provided in (11)(f)~~. EXCEPTION: A business which meets all other qualifications but is not located on or visible from the crossroad will be permitted to display a business logo sign under the following conditions:

a. The business demonstrates that adequate signing is in place to direct the motorist to its location. Such signing shall be maintained at all times while the business logo is displayed.

b. Space is available to display the business logo sign on an existing logo structure.

c. A business which qualifies under the exception in paragraph 5 will be permitted to renew its business logo sign permit annually unless one or more qualified businesses that are visible from the crossroad apply and are approved and no space is available on the logo structure. In such cases, the businesses qualified under this exception which are nearest the crossroad shall be approved for permit renewal.

(b) In addition to the qualifications for a Business Logo Sign in ~~(10)~~~~(11)~~(a), a business qualified in the categories of gas, food, or lodging which is located three to six miles from the interchange will be granted a permit for a Business Logo Sign if less than six permits have been issued for businesses within three miles of the interchange for that category. A permit for a business logo issued for a business located within three to six miles of the interchange will not be renewed at the next billing date after six businesses located within three miles of the interchange have been qualified for logo permits.

(c) In addition to the qualifications for a business logo sign in (10)(a) and (10)(b), a business shall qualify for a business logo sign in one direction only and at one half the standard annual permit fee if the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. Businesses located at an interchange serving both directions, can only be signed in one direction because of the interchange configuration or because of spacing. A permit for a business logo issued to a business serving one direction only shall not be renewed at the next billing date after six businesses serving both directions have been qualified for logo permits.

~~(d)~~~~(e)~~ Gas. To qualify for a business logo sign in the gas category, the business must:

1. operate year round at least 16 hours per day, 360 days a year;
2. provide on-site vehicle services including, at a minimum: fuel, oil, water, and tire inflation;

3. provide on-site restroom facilities and drinking water;
4. provide tire repair service, either on-site or by contract;
5. be located within three miles of the interchange.

6. Any full service or self service gas business willing to provide gas pumping service to motorists with disabilities during the hours the business is open shall display the International Symbol for Access for the Handicapped (Symbol D9-6 Manual on Uniform Traffic Control Devices) on its business logo. The symbol shall be a minimum of 150 mm (six inches) wide by 150 mm (six inches) tall and a maximum of 200 mm (eight inches) wide by 200 mm (eight inches) tall for the mainline business logo. These dimensions shall be reduced by one half for corresponding ramp business logos. The symbol shall be located in the upper left hand corner of the business logo and shall be positioned in such a way as to cause minimal interference with the artwork. The cost for building and attaching the international handicapped symbol shall be a one time cost to the business of \$200.00. (This fee includes fabrication of reflective metal construction symbols for two mainline signs and two ramp signs and includes installation, labor, equipment, and maintenance costs.) Gas category businesses interested in providing this service should contact the program administrator. In order to participate, a gas business shall demonstrate that:

a. An attendant is on duty that will pump gas for the motorist with disabilities without additional charge.

b. At least one gas pump is plainly identified with the International Symbol for Access for the Handicapped and which identifies the method by which the driver can notify an attendant of the need for assistance without exiting the vehicle.

(c)(d) Food. To qualify for a business logo sign in the food category, a business must:

1. Be licensed in accordance with Chapter 500 or 509, Florida Statutes.
2. Be located within three miles of the interchange.
3. Not require cover charge for admittance.
4. Maintain continuous operating hours from 7:00 a.m. to 10:00 p.m. (full service hours) 360 days a year.

5. If a food business is qualified, except for the fact that the business is only open six days a week, that business will be allowed to participate as a fully qualified business. The business must identify the day it is closed on the business logo sign, e.g., Closed Sunday. The legend must be located in the lower one third of the business logo. The letters must be at least 150 mm (six inches) high. The color of the letters must be in contrast to the color of the background.

EXCEPTION:- A business which meets all other qualifications but maintains operating hours other than 7:00 a.m. to 10:00 p.m. (limited service hours) will be permitted to display a business logo sign in the food category under the following conditions:

a. Space is available to display the business logo sign on an existing logo structure.

b. At least one business logo sign is displayed at the same interchange for businesses in the food category with full service hours.

c. The business with limited service hours maintains continuous operating hours from 11:00 a.m. to 9:00 p.m. 360 days a year.

d. Businesses with limited service hours will not be permitted to renew their business logo sign permit when the logo structure for the food category is full and one or more applications is received from businesses offering full service hours except as follows:

I. The business may adjust its operating hours to provide full service hours and be allowed to renew its permit.

II. Denial of permit renewal will be limited to a sufficient number to provide space for approved applications from businesses offering full service hours.

III. Denial of permit renewal will be based upon the date of approval of the original application to display the business logo sign with the earliest date of approval being the first to be denied renewal.

5. If a food business is qualified, except for the fact that the business is only open six days a week, that business will be allowed to participate as a fully qualified business. The business must identify the day it is closed on the business logo sign, e.g., Closed Sunday. The legend must be located in the lower one third of the business logo. The letters must be at least 150 mm (six inches) high. The color of the letters must be in contrast to the color of the background.

(f)(e) Lodging. To qualify for a business logo sign in the lodging category, the business must:

1. be licensed in accordance with Chapter 509, Florida Statutes;

2. be located within three miles of the interchange.

(g)(f) Camping. To qualify for a business logo sign in the camping category the business must hold a permit under the provisions of Chapter 513, Florida Statutes, and must be located within 15 miles of the interchange. ~~Campsites not visible from the crossroad must demonstrate that adequate signing is in place to direct the motorist to their remote location.~~

(11)(12) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31, of the year following approval.

(b) Permit Fees. Annual permit fees shall be \$1,000.00.

1. Payment of permit fees shall be by postal money order, bank draft, cashier's check, personal check, or business check. Cash will not be accepted. If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not

honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

2. For an initial permit application, the permit fee will be prorated with 1/12 of the annual permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of the application. The fee for applications approved after September 30, will also include fees for the next calendar year.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/Annual Permit Renewal form number FLI-163, Rev. ~~9/98~~ ~~3/97~~, incorporated herein by reference, to the address specified on the form. Forms may be obtained from Florida Logos, Inc., ~~4706 Capital Circle, S. W. 2822 Remington Green Circle, Suite 102~~, Tallahassee, FL ~~32310~~ ~~32308~~.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with a business logo sign which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator ~~shall will not~~ review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to paragraph (10)(c)4., and qualification of the business, but will place the business on a waiting list in priority order. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

a. For all categories, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

b. Applications for food businesses that have full service operating hours (7:00 a.m. to 10:00 p.m.) have priority over food businesses that have limited service operating hours (11:00 a.m. to 9:00 p.m.).

(d) Priority of Applications.

1. Each permit holder that timely renews under this rule will retain priority over other applicants.

2. ~~Businesses which hold notices of eligibility from the Department which were valid on May 23, 1996, will retain the priority established in the notice of eligibility.~~

~~2.3.~~ Initial permit applications received after October 10, 1996, will be assigned priority based upon the date of receipt by the Department or the Program Administrator with the application received earliest receiving the highest priority.

~~3.4.~~ If more than one application for the same category and location are received on the same day, priority will be assigned on the basis of a random drawing. Each applicant involved in the drawing will be notified of the date, time, and place of the drawing.

~~4.5.~~ All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space becomes available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date of receipt as an initial permit application.

~~5.6.~~ Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) Annual Permit Renewal.

1. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit.

2. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. ~~09/98~~ ~~03/97~~ to the Program Administrator. The Annual Permit Renewal must be postmarked no later than December 1.

3. The annual permit fee amount must be submitted with the Annual Permit Renewal.

4. Failure to submit the Annual Permit Renewal by December 1, will result in expiration of the permit and removal of the business logo sign from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

~~(13) Special Notice and Repermitting of Previous Program Participants.~~

~~(a) The Department shall provide to each business which possessed a valid permit for a business logo sign on May 23, 1996, or which had a valid agreement with the Department to display a business logo sign on May 23, 1996, a notice of the right to renew the permit under the following conditions:~~

~~1. The business must meet all qualifications for participation in the program as set forth in section 479.261, Florida Statutes, and this rule chapter.~~

~~2. The Department must receive a completed Logo Application/Annual Permit form number FLI-163, Rev. 03/97, incorporated herein by reference, from the business within 30 days after receipt by the business of the notice from the Department.~~

~~3. The fee of \$250.00 must be submitted with the application.~~

(b) The Department will approve or deny all applications for repermitting within 30 days of receipt.

1. If the application is approved, the business logo sign will remain displayed without change in its location or position.

2. If the Department determines that the business does not meet the requirements set forth in (13)(a) above, the provisions of paragraph (14)(c) will apply.

~~(12)(14)~~ Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

1. Space is not available;
 2. The business does not meet the eligibility requirements;
- or
3. The required fees are not submitted.

(b) Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this rule chapter and has not requested a suspension.

2. The business willfully made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or Program Administrator that was used to determine eligibility.

3. The business has modified or revised a business logo sign or structure without authorization by the Department or Program Administrator.

(c) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in ~~(12)(14)(c)1.~~, above, the Program Administrator shall revoke the logo sign permit in accordance with ~~(12)(14)(b)~~, above.

(d) Voiding. If the Department or the Program Administrator ~~its contractor~~ must relocate or remove logo structures pursuant to section (4)(b), ~~Location and Size of~~

~~Logo Structures and Business Logo Signs~~ above, the Program Administrator shall void the business logo permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

(e) Notice. In cases of denial, revocation, or voiding, the Program Administrator shall provide a written notice to the permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, Florida Statutes.

1. Prior to revoking a logo permit the Program Administrator shall issue a notice of noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.

b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.

2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any administrative proceeding pursuant to Chapter 120, Florida Statutes. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its intent to cancel. Upon receipt of the notice of intent to cancel the Program Administrator will cancel the participant's permit and take down the participant's business logo sign.

~~(13)(15)~~ Variances and waivers. The Department will consider and act on petitions for provide variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), Florida Statutes, and Chapter 28-104, F.A.C., ~~when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure equitable treatment of program participants.~~

(a) A variance will be granted under Section 479.261(7), Florida Statutes, when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

(b) When considering the standards of Section 120.542(2), Florida Statutes, the purposes of Section 479.261, Florida Statutes, will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

Specific Authority 334.044(2) FS. Law Implemented 334.044(27), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kenneth Towcimak, Director, Office of Right of Way
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Thomas F. Barry, Jr., P.E.,
 Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 2, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: November 6, 1998

DEPARTMENT OF TRANSPORTATION
**Florida Seaport Transportation and Economic
 Development Council**

RULE TITLES:	RULE NOS.:
Definitions	14B-1.001
Port Project Funding Application Procedures and Requirements	14B-1.002
Measuring Economic Benefits	14B-1.003
Determination of Funding; Council/ Agency Review	14B-1.004
Council Procedures	14B-1.005
Eligible Port Funding Requirements	14B-1.006
Reporting Requirements	14B-1.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to the rule is to update the application procedures and Council operating procedures due to the amendments to Chapter 311, Florida Statutes, and sections 320.20(3) and (4), Florida Statutes. The effect of the proposed rule is to change the procedures for seaport funding applications.

SUMMARY: Deletes the definition of "Trust Fund" which has been abolished by the Legislature and substitutes the definition "Program Funds" to include funds from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S.; amends the definition of "Port Transportation Project" to include environmental protection projects necessary because of state agency conditions, environmental mitigation, and acquisition and improvements to spoil sites; amends the definition of "Port Transportation Project" to include seaport intermodal access projects identified in the Florida Seaport Mission Plan; amends the definition of "Matching Funds" to distinguish between seaport intermodal access projects and other projects; changes all references to the Department of Commerce to the Office of Tourism, Trade, and Economic Development; amends the definition of "eligible costs" to include the acquisition of trade data information products and certain improvements or fixtures constructed or placed on leased property; adds a definition of "acquisition"; adds a definition of "existing Port Facilities" and a definition of "Trade Data Information Products"; changes the application period from January 1-February 15 to January 1-April 15; gives the Council 30 days to notify the applicant of need for corrected or additional information; gives the port

applicant 30 days to provide the additional information; gives the Council or the administrative staff the ability to make technical changes with approval of the applicant port; amends Form D-Plan Information to provide a certification process of current updated port master plan; adds Form F to provide for information related to the transportation impact of the project; adds Form G to provide for information related to previously submitted project applications; amends the criteria for emergency projects to add changing circumstances or new opportunities which can not wait until the next regular application period without causing harmful effects to the port or the citizens of the state; removes the necessity for a Certification of Project Acceptance by the Chairman; changes the time period for submission of a summary of port transportation projects to the Council members from 7 days to 5 days; provides the administrative staff may be engaged by contract; provides the share of costs for administrative services shall be paid upon execution by the port and the Department of Transportation or as otherwise directed by the FSTED Council; removes projects funded pursuant to ss. 320.20(3) and (4), F.S., from certain grant restrictions; provides ports shall reimburse the Council for expenditures on ineligible costs; clarifies that seaport intermodal access projects funded pursuant to ss. 320.20(3) and (4), F.S., are not subject to the 50 percent matching grant from the Department of Transportation; provides that for projects funded by bonds, the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, and any other agreement with another applicable governmental entity; removes seaport intermodal access projects and projects funded pursuant to bonds under the provisions of ss. 320.20(3) and (4), F.S., from the annual written report and the necessity for a Joint Participation Agreement with the Department of Transportation.

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: 311.09(4), 120.536 FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), 320.20(4) 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:

TIME AND DATE: 11:00 a.m., February 23, 1999

PLACE: Governors' Inn, 209 South Adams Street, Tallahassee, Florida

TIME AND DATE: 11:00 a.m., March 12, 1999

PLACE: Department of Transportation, Room 348, 605 Suwannee Street, Tallahassee, Florida 32399-0458

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Massie, General Counsel, Florida Seaport Transportation and Economic Development Council, Massie & Scott, P. O. Box 10371, Tallahassee, FL 32302, (850)222-8021

THE FULL TEXT OF THE PROPOSED RULES IS:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S. "Trust Fund" means the Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a)(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S., or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; or-

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.,~~ which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. The five year plan shall be updated annually and shall include specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and port transportation projects which enhance international commerce and provide economic benefits to the state.

(7) "Matching Funds" for an approved port transportation project other than seaport intermodal access projects are those funds provided by the eligible port from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds each contribution provided by the Trust Fund to fund the approved project. "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition,

relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, and other infrastructure costs associated with construction of the port transportation project, and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean and shall include harbor, shipping, and port facilities, and improvements of every kind, nature, and description, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, security facilities and equipment, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment or improvement of any thereof.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

- (a) Market intelligence;
- (b) Economic activity;
- (c) Economic and natural resources;
- (d) Transportation infrastructure;
- (e) Navigational and shipping issues;
- (f) Environmental issues.

Specific Authority 120.536, 311.09(4) FS. Law Implemented 311.07, 311.09, 315.02, 320.20 FS. History—New 12-19-90, Amended _____.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, which contains five separate elements as described in (7) below. Applications shall be submitted by the appropriate duly authorized official of such port. ~~Beginning in 1991, T~~he period for submitting applications for the applicable fiscal year ~~funding~~ shall be from January 1 to April 15 ~~February 15~~ in each calendar year. Application forms may be obtained from and completed applications submitted in five (5) copies to: Florida Seaport

Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive plan and port master plan. The applicant must provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have thirty (30) fifteen (15) days from receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have thirty (30) fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following five units or forms:

(a) Form A. The cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."

(b) Form B – Means of Financing. Incorporated herein by reference is a copy of Form B which requires a detailed description of the project, estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.

(c) Form C – Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast

of funding requests, a description of the total five year capital improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

(d) Form D – Plan Information. Incorporated herein by reference is Form D which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must certify that both the Department of Community Affairs and the FSTED Council have a provide two (2) copies of its current updated port master plan of the port when submitting the applications.

(e) Form E – Economic Benefit Analysis. Incorporated herein by reference is Form E which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development Department of Commerce may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan.

(f) Form F – Transportation Impact Information. Incorporated herein by reference is Form F which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Form F to the Council, the port applicant is encouraged to submit the project description and Form F to the local government of jurisdiction upon whose transportation facility the proposed project would impact in order to highlight any possible transportation problems relating to level of service requirements.

(g) Form G – Status Report and Resubmittal of Previously Submitted Projects. Incorporated herein by reference is Form G which requires information related to the status of projects and resubmission of previously submitted project applications to the Council.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) The Council may will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as a project which requires the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers, or is a project which, because of changing circumstances or new opportunities is

considered by the Council to be an eligible project which can not wait until the next application period without causing harmful effects to the port or the citizens of the state.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History–New 12-19-90, Amended _____.

14B-1.003 Measuring Economic Benefits.

(1) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(2) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:

(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.

(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase or maintain cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Office of Tourism, Trade, and Economic Development Department of Commerce to determine the economic benefit of the port transportation project.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History–New 12-19-90, Amended _____.

14B-1.004 Determination of Funding; Council/Agency Review.

(1) The Council shall review and take action on approve or disapprove each project eligible for funding from the Trust Fund within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development Secretary of Commerce, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the

funding requirements for each stage shall be specified. The decision to fund a project at any funding level is within the sole discretion of the Council.

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(27), F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing, may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund~~. The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program ~~for expenditure of funds in the Trust Fund~~. Such budget request shall request funding for the list of approved projects submitted by the Council based upon the funds expected to be available ~~in the Trust Fund~~ during the ensuing budget year. Additionally, the Council may submit to the department a list of unfunded

approved projects that could be made production-ready within the biennium and for which ~~program trust~~ funds are not available in that budget year. The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.

14B-1.005 Council Procedures.

(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.

(2) The Council shall prioritize funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to prioritize funding for all approved projects. ~~A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal.~~ A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.

(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than ~~five (5) seven (7)~~ working days prior to the date of the meeting at which such projects will be considered for funding approval.

(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.

(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for distribution on request of any interested person. The Council also shall

provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.

(6) Special meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members. Upon seven (7) days public notice, a special meeting may be conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.

(7) Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.

(8) Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the ~~program Trust Fund~~ and the Council. The cost for such administrative services shall be paid by all ports that receive ~~program funds funding from the Trust Fund~~, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total ~~program trust~~ funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council, at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.

Specific Authority 120.53, 311.09(2),(11) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.

14B-1.006 Eligible Port Funding Requirements.

(1) ~~Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a~~ port eligible for matching funds ~~from the Trust Fund~~ may receive a grant of program funds ~~from the Trust Fund~~ of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council ~~Trust Fund~~ shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., upon legislative approval of the Department of Transportation's budget request as provided in Rule 14B-1.004 and upon entering into a written grant agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, and any other agreement with another applicable governmental entity.

Specific Authority 120.53, 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History--New 12-19-90, Amended _____.

14B-1.007 Reporting Requirements.

(1) If the port transportation project, except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., is to be funded in annual phases, the Council may shall require the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.

(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the ~~The~~ eligible port shall enter into a

joint participation agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.07 FS. History--New 12-19-90, Amended _____.

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: RULE NO.:

Permits for Hunting or Other Recreational

Use on Type I Wildlife Management Areas 39-9.004

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to provide for recreational user permits (RUPs) on privately owned Type I Wildlife Management Areas (WMAs) which will serve to maintain public hunting opportunities on these WMAs.

SUMMARY: The proposed rule change would establish fees and total number of RUPs available on the Moore's Pasture WMA (formerly the Moore's Pasture Unit of Point Washington WMA), the Flint Rock WMA (formerly the still hunt portion of the Aucilla WMA), and the San Pedro Bay WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$150 for administrative preparation, \$85 for advertising and approximately \$1,000 for implementation. No other significant regulatory costs are expected.

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 372.121, 372.57, 375.313 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-9.004 Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by s. 372.57(4)(b), F.S.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by s. 372.57(4)(b)2., F.S., shall be:

3. San Pedro Bay WMA – \$225

4. Flint Rock WMA – \$98

5. Moore’s Pasture WMA – \$99

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to s. 372.57(4)(b)2., F.S., shall be:

3. San Pedro Bay WMA – 300

4. Flint Rock WMA – 600

5. Moore’s Pasture WMA – 500

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented 372.121, 372.57, 375.313 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: _____ RULE NO.:

Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing 39-9.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish fees for special-opportunity hunts on Green Swamp WMA (West Unit) and Lake Panasoffkee WMA.

SUMMARY: The proposed rule would establish the following fees for special-opportunity hunts:

Green Swamp WMA (West Unit): archery – \$100; general gun – \$100; hog (still) – \$75; hog (dog) – \$75; and spring turkey – \$100.

Lake Panasoffkee WMA: archery – \$100; hog (still) \$75; hog (dog) \$75; spring turkey – \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$55 or administrative preparation and \$56 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.

Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

(2) The Commission establishes fees for special-use permits and non-refundable application fees as follows:

(a) Except as otherwise provided in this paragraph, the fee for a special-opportunity deer hunt permit is \$175 for 7 days and the application fee is \$5.

2. The fee for a special-opportunity deer hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

(b) Except as otherwise provided in this paragraph, the fee for a special-opportunity turkey hunt permit is \$175 for 7 days and the application fee is \$5.

2. The fee for a special-opportunity turkey hunt permit for Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$100 each.

(d) Except as otherwise provided in this paragraph, the fee for a special-opportunity hog hunt permit is \$50 per day and the application fee is \$5.

2. The fee for a special-opportunity hog hunt permit on Green Swamp WMA (West Unit) and Lake Panasoffkee WMA is \$75 each.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History–New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Establishment of Type I Wildlife Management Areas
RULE NO.: 39-14.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate reference to Commission establishment orders that establish or change acreage for Type I Wildlife Management Areas (WMA).

SUMMARY: The proposed rule incorporates reference to Commission establishment orders that: (1) establish the 36,864 acre Flint Rock WMA in Wakulla and Jefferson counties, the 36,214-acre Moore's Pasture WMA in Bay and Washington counties, and the 39,624 acre San Pedro Bay WMA in Taylor and Madison counties; (2) reestablish the Aucilla WMA by subtracting 36,864 acres being established as the Flint Rock WMA and approximately 800 acres of the St. Marks U.S. Fish and Wildlife Refuge lands, and the Point Washington WMA by subtracting the 36,214 acres being established as the Moore's Pasture WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$150 for administrative preparation and \$30 for advertising. No other significant economic impacts are expected.

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

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

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

TIME AND DATE: 9:00 a.m., March 12, 1999
PLACE: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-14.002 Establishment of Type I Wildlife Management Areas.

The Commission does hereby establish the following areas to be Type I wildlife management areas:

- (2) Northeast Region:
(b) Aucilla (Order WMAI99-1) (Order WMAI 98-3).
(u) Flint Rock (Order WMAI 99-4)
(v) San Pedro Bay (Order WMAI 99-5)
(3) Northwest Region:
(i) Point Washington (Order WMAI 99-02) (Order WMAI 98-26) .
(m) Moore's Pasture (Order WMAI 99-03).

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

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

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

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: General Regulations Relating to Type I Wildlife Management Areas
RULE NO.: 39-15.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide for adult supervision of minors (under 16 years of age) during special-opportunity hunts per requirements of s. 790.22, F.S.

SUMMARY: The proposed rule would allow a non-permitted adult supervisor to accompany a minor who is permitted to participate in a special-opportunity hunt. The non-permitted adult supervisor would be allowed to participate in the hunt, but would not be allowed to possess a gun.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$65 for administrative preparation and \$62 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.004 General Regulations Relating to Type I Wildlife Management Areas.

(2) Permits required:

(b) A short-term use permit or special-use permit is mandatory on those wildlife management areas where required by regulations for that area. On areas where short-term use permits (daily or multi-day permits) are authorized, holders of such permits shall possess or display a valid short-term use permit receipt in the manner specified on the receipt. Access to areas open to special-opportunity deer, hog, and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except non-permitted adults supervising permitted minors under 16 years of age (no more than one non-permitted adult per minor) as required under s. 790.22, F.S., and persons using the Florida Trail for recreational hiking. Non-permitted adult supervisors may participate in the hunts but may not possess a gun.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-1-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 1998

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

GAME AND FRESH WATER FISH COMMISSION

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

RULE NO.: 39-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish, revise, or delete quotas for regular quota hunts, special quota hunts, and special-opportunity hunts on wildlife management areas (WMAs) and wildlife and environmental areas (WEAs).

SUMMARY: The proposed rule would establish quota hunts on Blackwater WMA (Hutton Unit) – archery, quail, muzzleloading gun, general gun, and spring turkey; Apalachicola River WEA – special-opportunity dove; Edward Ball WMA – special-opportunity dove; Green Swamp WMA (West Unit) – special-opportunity deer (archery and general gun), special-opportunity hog (still and dog), special-opportunity turkey, and small game; Lake Panasoffkee WMA – special-opportunity deer (archery), special-opportunity hog (still and dog), special-opportunity turkey, and small game; Potts WMA – archery, muzzleloading gun, general gun hog (dog), and small game; Holey Land WMA – special-opportunity alligator; Everglades and Francis S. Taylor WMA (Unit 1, WCA 3A North, 3A South, and 3B) – special-opportunity alligator; and Everglades and Francis S. Taylor WMA (Unit 2, WCA 2A and 2B) – special-opportunity alligator. The proposed rule would delete quota hunts on Big Shoals WMA – general gun; Aucilla WMA – general gun still (first 9 days) and general gun still (after first 9 days); and Point Washington WMA (Moores Pasture Unit) – general gun (first 13 days) and general gun (after first 13 days).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$176 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) During the first nine days of the general hunting season and at other times specified herein, a quota or special-opportunity permit in addition to other license, permit and stamp requirements, shall be required for any person while hunting on wildlife management areas, wildlife and environmental areas, and fish management areas or specified units thereof, identified in this rule. Those persons exempt

from license requirements by s. 372.57(1), F.S., or stamp requirements by s. 372.57(6), F.S., or persons age 65 or over who have obtained a Florida lifetime hunting or lifetime sportsman's license are also exempt from quota permit requirements on all areas except those specified by "(no exemptions)" in this rule. Quota, antlerless deer and special-opportunity permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee. Quota, antlerless deer, and special-opportunity permits shall be transferable, except that special-opportunity alligator hunt permits shall not be transferable and that quota, antlerless deer, and special-opportunity permits issued to exempt persons shall be transferable only to another exempt person, and application for same, if necessary, shall be made in accordance with Rule 39-5.005, F.A.C. The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be as follows:

(a) South Region

34. Green Swamp, West Unit, special-opportunity turkey hunt, Zone A (each hunt) – ~~18~~ eight by special-opportunity turkey hunt application (no exemptions).

35. Green Swamp, West Unit, special-opportunity turkey hunt, Zone B (each hunt) – ~~18~~ eight by special-opportunity turkey hunt application (no exemptions).

36. Green Swamp, West Unit, special-opportunity turkey hunt, Zone C (each hunt) – ~~18~~ eight by special-opportunity turkey hunt application (no exemptions).

37. Green Swamp, West Unit, special-opportunity archery, (each hunt) – 54 by special-opportunity hunt application (no exemptions).

38. Green Swamp, West Unit, special-opportunity general gun, (each hunt) – 54 by special-opportunity hunt application (no exemptions).

39. Green Swamp, West Unit, special-opportunity hog-still, (each hunt) – 200 by special-opportunity hunt application (no exemptions).

40. Green Swamp, West Unit, special-opportunity hog-dog, (each hunt) – 100 by special-opportunity hunt application (no exemptions).

41. Green Swamp, West Unit, small game (each hunt) – 60 at the check station.

(b) Northeast Region

~~24. Aucilla, general gun still hunt (first nine days) – 600 by regular quota application.~~

~~25. Aucilla, general gun still hunt (after first nine days) – 600 at check station.~~

26. through 36. renumbered 24. through 34. No change.

~~35,37.~~ Big Shoals, muzzleloading gun (each hunt) – 30 by special hunt application (no exemptions).

~~38. Big Shoals, general gun – 30 by regular quota application (no exemptions).~~

39. through 59. renumbered 36. through 57. No change.

(c) Northwest Region

10. Blackwater, Hutton Unit, archery (first through fourth days and fifth through ninth days) (each hunt) – 30 by special hunt application (no exemptions).

11. Blackwater, Hutton Unit, quail (each hunt) – two groups of up to three hunters by Hutton Unit quail hunt application (no exemptions).

12. Blackwater, Hutton Unit, muzzleloading gun – 30 by special hunt application (no exemptions).

13. Blackwater, Hutton Unit, general gun (first through fourth and fifth through ninth days) (each hunt) – 30 by regular hunt application (no exemptions).

14. Blackwater, Hutton Unit, spring turkey (each hunt) – 10 by spring turkey application (no exemptions).

10. through 16. renumbered 15. through 21. No change.

~~17. Point Washington, Moores Pasture Unit, general gun (first 13 days) – 500 by regular quota application.~~

~~18. Point Washington, Moores Pasture Unit, general gun (after the first 13 days) – 250 at check station.~~

19. through 32. renumbered 22. through 35. No change.

36. Apalachicola River Wildlife and Environmental Area, special-opportunity dove hunt (each hunt) – 75 (no exemptions).

37. Edward Ball, special-opportunity dove hunt (each hunt) – 40 (no exemptions).

(d) Everglades Region

3. Big Cypress, Bear Island Unit, general gun (17th through ~~December 21~~ 37th days) – 200 at check station.

24. Holely Land, special-opportunity alligator hunt – 10 by special-opportunity hunt application (no exemptions and non-transferable).

25. Everglades and Francis S. Taylor, Unit 1 (WCA 3A North, 3A South, and 3B) special-opportunity alligator hunt – 53 for the first harvest period, 52 for the second harvest period, by special-opportunity hunt application (no exemptions and non-transferable).

26. Everglades and Francis S. Taylor, Unit 2 (WCA 2A and 2B), special-opportunity alligator hunt (each hunt) – 11 by special-opportunity hunt application (no exemptions and non-transferable).

(e) Central Region

24. Richloam, Baird Unit, general gun (first through fourth days and fifth through ninth days)(each hunt) – 50 by regular quota ~~hunt~~ application (no exemptions).

85. Flying Eagle, archery (first through ~~fourth~~ 4th days and fifth through ninth days) (each hunt) – 75 by special hunt application.

106. Etoniah Creek, muzzleloading gun – 50 by special hunt application (no exemptions).

107. Etoniah Creek, general gun (first through fourth days and fifth through ninth days)(each hunt) – 50 by regular quota application (no exemptions).

110. Lake Panasoffkee, special-opportunity archery, (each hunt) – 20 by special-opportunity hunt application (no exemptions).

111. Lake Panasoffkee, special-opportunity hog-still (each hunt) – 30 by special-opportunity hunt application (no exemptions).

112. Lake Panasoffkee, special-opportunity hog-dog (each hunt) – 30 by special-opportunity hunt application (no exemptions).

113. Lake Panasoffkee, small game (each hunt) – 30 at the check station.

~~114.440.~~ Potts, spring turkey (each hunt) – 20 by spring turkey application (no exemptions).

115. Potts, archery (each hunt) – 30 by special hunt application (no exemptions).

116. Potts, muzzleloading gun (each hunt) – 30 by special hunt application (no exemptions).

117. Potts, general gun hog-dog – 30 by regular hunt application (no exemptions).

118. Potts, small game (each hunt) – 20 at the check station.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region
RULE NO.: 39-15.061

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust the hunting season dates on all South Region Wildlife Management Areas (WMAs) to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zone, establish or revise regulations proposed for new hunts or new WMAs, and make needed changes in other regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs.

SUMMARY: The proposed rule change would adjust all applicable hunting season dates on WMAs in the South Region to conform with proposed 1999-2000 hunting season dates for the zone in which the WMA lies.

Green Swamp WMA (West Unit) – Open seasons would be established for special-opportunity archery (September 25-28 and October 5-8), general gun (November 13-16, 20-23, and December 14-17), hog-still (February 11-13), and hog-dog (February 23-25); special-opportunity turkey seasons would be revised (March 18-21 and 28-31, April 1-4, 11-14, and 15-18); and open seasons would be established for small game (January 21-23 and 28-30). Legal to take would be revised to permit take of all legal game and wild hogs (no size or bag limit), one antlered deer per special-opportunity deer hunt permit (only antlered deer having at least one antler with four or more points), and antlerless deer (except spotted fawns) by antlerless deer permit. Camping regulations would be revised to permit camping at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers would be prohibited. Lumber, sheet metal or other building materials would be prohibited. Each camper would be required to assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$112 for advertising. No other significant economic impacts are expected.

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

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

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

TIME AND DATE: 9:00 a.m., March 12, 1999
PLACE: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.
(1) Croom Wildlife Management Area

(a) Open season:

1. Muzzleloading gun – October ~~29 30 31~~ November ~~1~~.
2. General gun – November ~~13 14~~ December ~~5 6~~.
3. Small game – December ~~6 7~~ through March ~~5 7~~.
4. Fox, raccoon and bobcat – December ~~16 17~~ through March ~~12 14~~. Hunting is permitted from 5 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

(d) General regulations:

1. Hunting with dogs is prohibited November ~~13 14~~ December ~~5 6~~. Hunting with dogs other than bird dogs is prohibited December ~~6 7~~ through December ~~15 16~~, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with Interstate 75 and thence bounded by said interstate.

(2) Green Swamp Wildlife Management Area

(a) Open Season:

1. General gun – November ~~13 14~~ through January ~~9 10~~.
2. Archery – September ~~25 26~~ through October ~~24 25~~, Fridays, Saturdays and Sundays only.
3. Small game – January ~~15 16~~ through February ~~13 14~~, Saturdays and Sundays only.
4. Spring turkey – March ~~18 20~~ through April ~~23 25~~.
5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May 1 to June ~~18 20~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

(d) General regulations:

8. Camps shall be removed by 9 p.m. October ~~24 25~~, and by 8 p.m. January ~~9 10~~, February ~~13 14~~, April ~~23 25~~ and June ~~18 20~~.

(3) Green Swamp Wildlife Management Area – West Unit

(a) Open season:

1. Special-opportunity turkey – ~~March 18-21 and 28-31, April 1-4, 11-14, and 15-18 March 20 through March 26, April 3 through April 9 and April 17 through 23.~~
2. Special-opportunity archery – September 25-28 and October 5-8.
3. Special-opportunity general gun – November 13-16 and 20-23, and December 14-17.
4. Special-opportunity hog-still – February 14-17.
5. Special-opportunity hog-dog – February 23-25.
6. Small game – January 7-9 and 14-16.

2. through 3. renumbered 7. through 8. No change.

- (b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded

turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. No bag or size limit on wild hogs. Fish and frogs throughout the year.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is prohibited. Camping is permitted by permit from the Southwest Florida Water Management District.

(d) General regulations:

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity ~~spring turkey~~ hunts.

4. No ~~game turkey~~ shall be dismembered until checked at the hunt headquarters.

7. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the special-opportunity hog-dog season.

(4) Fred C. Babcock/Cecil M. Webb Wildlife Management Area

(a) Open season:

1. General gun – October ~~30 31~~ through November ~~7 8~~.
2. Small game –
 - a. November ~~13-21 14-22~~ and
 - b. November ~~24 25~~ through January ~~16 17~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~26 27~~.
4. Archery – February ~~5-6 6-7~~.

(d) General regulations:

3. Hunting will be permitted on the field trial area and Boy Scout area during the following periods:

- a. October ~~30 31~~ through November ~~7 8~~, by walking hunters.
- c. January ~~29-30 30-31~~.

5. Hunting camps may be set up after 5 p.m. October ~~22 23~~ and shall be removed by 9 p.m. the last day of the small game season. Camping is permitted from 5 p.m. Friday to 9 p.m. Sunday and on Memorial Day, Independence Day and Labor Day during the remainder of the year.

6. Bird dogs may be trained in designated areas during the bird dog training season, September ~~18~~ ~~19~~ through February ~~13~~ ~~14~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited.

(5) Fred C. Babcock/Cecil M. Webb Wildlife Management Area – Yucca Pens Unit

(a) Open season:

1. General gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.
2. Small Game – November ~~13~~ ~~14~~ through January ~~16~~ ~~17~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~26~~ ~~27~~.

(6) Upper Hillsborough Wildlife Management Area

(a) Open season:

1. Archery – December ~~11-19~~ ~~12-20~~ and January ~~1-9~~ ~~2-10~~, Saturdays and Sundays only.
2. Muzzleloading gun – November ~~13~~ ~~14~~ through December ~~5~~ ~~6~~, Saturdays and Sundays only.
3. Small game – January ~~15~~ ~~16~~ through February ~~6~~ ~~7~~, Saturdays and Sundays only.
4. Spring turkey – March ~~22-23~~, ~~24-25~~ and March ~~29-30~~, ~~31~~ through April ~~1~~, ~~5-6~~ ~~7-8~~, ~~12-13~~ ~~14-15~~ and ~~19-20~~ ~~21-22~~.

(8) Arbuckle Wildlife Management Area

(a) Open season:

1. Archery – October ~~16~~ ~~17~~ through November ~~5~~ ~~6~~.
2. Muzzleloading gun – November ~~6-14~~ ~~7-15~~.
3. General Gun Hog – November ~~20-28~~ ~~21-29~~, Saturdays and Sundays only.

(9) Chassahowitzka Wildlife Management Area

(a) Open season:

1. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
2. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.
3. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.

(10) Kicco Wildlife Management Area

(a) Open season:

1. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~, Saturdays and Sundays only.
2. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~, Saturdays and Sundays only.
3. General gun hog – November ~~13~~ ~~14~~ through December ~~12~~ ~~13~~, Saturdays and Sundays only.
4. Small game – December ~~18~~ ~~19~~ through January ~~9~~ ~~10~~.
5. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~, Saturdays and Sundays only.

(11) Kissimmee River Wildlife Management Area

(a) Open season:

1. Small Game – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.

(12) Kissimmee River Wildlife Management Area – Hickory Hammock Unit

(a) Open season:

1. Special-opportunity wild hog – September ~~18-19~~ ~~19-20~~ and ~~25-26~~ ~~26-27~~.

2. Small Game – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.

(14) Walk-in-the-Water Wildlife Management Area

(a) Open Season:

1. Archery – September ~~25~~ ~~26~~ through October ~~10~~ ~~11~~.
2. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.
3. General gun hog – November ~~6-14~~ ~~7-15~~.
4. Small game – November ~~20~~ ~~21~~ through December ~~12~~ ~~13~~ and December ~~25~~ ~~26~~ through January ~~9~~ ~~10~~.

(6) This rule shall be effective July 1, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History– New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-16-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region

RULE NO.: 39-15.062

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Northeast Region Wildlife Management Areas (WMAs) to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zones, to revise specific regulations to accommodate implementation of Recreational User Permits, and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule change would adjust all applicable hunting season dates on WMAs in the Northeast Region to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zones. The proposed rule would also establish the following specific area regulations:
Camp Blanding WMA – The proposed rule change would shift the second week of spring turkey season two weeks backward to eliminate conflicts with military training.

Cypress Creek WMA – The proposed rule would eliminate the frogging season and revise rule language to specify deer, turkey, hogs, gray squirrel, rabbit, raccoon, and fish as legal to take with no size or bag limit on hogs.

Gulf Hammock WMA – The proposed rule would specify that public access is permitted only at entrances designated on the hunt map replacing current language that permits entrance on Butler Road, King Road, and Maple Ridge Road. This change would allow for elimination of the King Road and Maple Ridge Road entrances for property security reasons per landowner request while continuing to facilitate public access for hunting.

Lake Butler WMA – The proposed rule would add Possum Trot Road and Elijah Dobson Road to the roads that are closed to the taking of wildlife by use of a gun on or from the rights-of-ways.

Big Shoals WMA – The proposed rules would shift the muzzleloading gun season one week later to conform with zonal seasons; add a 3-day muzzleloading gun hunt; eliminate the 3-day general gun season and all references thereto; eliminate the general gun hog season and all references thereto; permit year-round public access including during periods open for hunting; permit horseback riding during daylight hours on roads open to vehicular use or on designated horse trails; specify that the public (including hunters) may enter the area no earlier than one and one-half hours before sunrise and must exit no later than one and on-half hours after sunset; and specify that camping is permitted only at designated sites and only with a permit from the Suwannee River Water Management District.

Twin Rivers WMA, Blue Springs Unit – The proposed rules would specify that public access for hiking, bicycling, and horseback riding is permitted except during special-opportunity quail hunts; eliminate the requirement for a State Forest Use permit; and specify that special-opportunity quail hunt permittees may ride horseback during special-opportunity quail hunts.

Jennings Forest WMA – The proposed rule would establish a 9-day supervised small game hunt (October 16-24) on the portion of the WMA where Division of Forestry is lead manager (east of Black Creek). The proposed rule would specify that both the youth and the adult supervisor may participate in the hunt and define the youth as a person under 16 years of age.

Aucilla WMA – The proposed rule would revise specific regulations to accommodate implementation of the Recreational User Permit (User Pay) Program on the still hunt portion of the WMA.

Flint Rock WMA – The proposed rule would establish specific regulations to implement the Recreational User Permit (User Pay) Program on this WMA that was formerly the still hunt portion of Aucilla WMA.

San Pedro Bay WMA – The proposed rule would establish specific regulations to implement the Recreational User Permit (User Pay) Program on this new WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 administrative preparation and \$334 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.062 Specific Regulations for Type I Wildlife Management Areas – Northeast Region.

(1) Camp Blanding Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.

2. Spring turkey – March ~~20-24~~ ~~22-26~~ and April ~~17-21~~ ~~5-9~~ in Zones A, B, C, D and E.

3. Archery – September ~~29~~ ~~30~~ through October ~~1~~ ~~2~~ and October ~~6-8~~ ~~7-9~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – October ~~16-17~~ ~~17-18~~ and October ~~30-31~~ ~~31~~ through November ~~1~~, south of State Road 16 only.

5. Muzzleloading gun – October ~~13-15~~ ~~14-16~~ and October ~~20-22~~ ~~21-23~~, north of State Road 16 and County Road 215 only.

7. Trapping – December 1 through January ~~9~~ ~~10~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(2) Cypress Creek Wildlife Management Area

(a) Open season:

1. Spring turkey – March ~~18-26~~ ~~20-28~~.
2. Archery – September ~~25~~ ~~26~~ through October ~~10~~ ~~11~~.
3. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: ~~All legal game, fish, frogs and furbearers. Deer, turkey, hogs, gray squirrel, rabbit, raccoon, and fish. No size or bag limit on hogs.~~

(3) Gulf Hammock Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
3. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after December ~~7~~ ~~8~~.

(d) General regulations:

4. Public access to the area is permitted only at entrances designated on the hunt map, the entrance on Butler Road, King Road and Maple Ridge Road. Public access during periods when hunting is permitted is limited to entering the area no earlier than one hour before legal shooting hours and exiting the area no later than one hour after legal shooting hours.

(4) Lake Butler Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~ in still hunt areas only.
3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
4. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~ in the still hunt area only.

5. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C.

7. Trapping – January ~~10~~ ~~11~~ through March 1.

(d) General regulations:

2. Licensed trappers may possess .22 rimfire rifles or pistols from January ~~10~~ ~~11~~ through March 1.

4. Dogs may be taken into the dog hunting area November ~~13~~ ~~14~~ and shall be removed by January ~~9~~ ~~10~~.

6. Taking of wildlife by use of a gun on or from rights-of-way of County Roads 231, 238, 229, 228, ~~and~~ 125, Possum Trot Road and Elijah Dobson Road or State Road 121 is prohibited as provided by Rule 39-4.008, F.A.C.

(5) Lochloosa Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
3. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
4. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.

(6) Nassau Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.
3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
4. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
5. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.

7. Trapping – January ~~10~~ ~~11~~ through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after November ~~29~~ ~~30~~.

(7) Osceola Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.
3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
4. Archery – September ~~25~~ ~~26~~ through October ~~17~~ ~~18~~.
5. Muzzleloading gun – October ~~22-29~~ ~~23-30~~ in the still hunt area only.

6. Fox, raccoon, Possum and bobcat – August ~~7~~ ~~8~~ through September ~~28~~ ~~29~~ in the dog hunt portion of the area only.

7. Early duck – In the September season established by Rule 39-13.003, F.A.C.

9. Trapping – January ~~10~~ ~~11~~ through March 1.

(d) General regulations:

2. Deer dogs may be trained from October ~~30~~ ~~31~~ through November ~~8~~ ~~9~~, except in the still hunt area.

8. Shotguns are permitted on the area during the early experimental duck season established by Rule 39-13.003, F.A.C., but only by hunters meeting the permit and license requirements for hunting ducks.

(8) Big Bend Wildlife Management Area – Tide Swamp Unit

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
3. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.

4. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.

6. Early duck – In the September season established by Rule 39-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C.

8. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.9. Trapping – January ~~10~~ ~~11~~ through March 1.

(d) General regulations:

10. Shotguns are permitted on the area during the early experimental duck season established by Rule 39-13.003, F.A.C., and on Saturdays during the mourning dove season established by Rule 39-13.008, F.A.C.

11. Dove hunting in the special dove hunt area (dove field) is permitted only on Saturdays of the mourning dove season established by Rule 39-13.008, F.A.C. Hunters requesting access to the dove field during all phases of the mourning dove season must secure and have in possession while on the area a dove field permit from the Dallis Creek Check Station. Thirty (30) dove field permits will be issued on a first-come, first-served basis beginning one (1) hour before legal shooting hours. As a dove hunter leaves the field, this permit may be issued to another hunter by the check station attendant. All doves taken must be checked at the check station. Dove hunters must have a regular 9-day quota hunt permit if hunting during the first 9 days of the general gun season.

(9) Big Bend Wildlife Management Area – Spring Creek Unit

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
3. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.
4. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
5. Trapping – January ~~10~~ ~~11~~ through March 1.

6. Early duck – In the September season established by Rule 39-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken during the archery, general gun and spring turkey seasons and on Saturdays during the mourning dove season established by Rule 39-13.008, F.A.C.

7. Shotguns are permitted on the area during the early experimental duck season established by Rule 39-13.003, F.A.C., and on Saturdays during the first phase of the mourning dove season established by Rule 39-13.008, F.A.C.

8. Dove hunting in the special dove hunt area (dove field) is permitted only on Saturdays of the mourning dove season established by Rule 39-13.008, F.A.C. Hunters requesting access to the dove field during all phases of the mourning dove season must secure and have in possession while on the area a dove field permit from the Spring Creek Check Station. Ten (10) dove field permits will be issued on a first-come, first-served basis beginning one (1) hour before legal shooting hours. As a dove hunter leaves the field, this permit may be issued to another hunter by the check station attendant. All doves taken must be checked at the check station. Dove hunters must have a regular-9-day quota permit if hunting during the first 9 days of the general gun season.

9. Hunting raccoon and Possum as specified in Rule 39-24.002(2)(b), F.A.C., is permitted only during the general gun season.

10. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 39-13.003, F.A.C., and on Saturdays during the first phase of the mourning dove season established by Rule 39-13.008, F.A.C.

(10) Big Bend Wildlife Management Area – Hickory Mound Unit

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.
3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
4. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.
8. Trapping – January ~~10~~ ~~11~~ through March 1.

(d) General regulations:

9. During the general gun season, hunting as specified by Rule ~~39-24.002(2)(b)~~, F.A.C., is permitted.

(11) Big Bend Wildlife Management Area – Jena Unit

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
3. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~ south of County Road 358, west of Gentle Woods Road (north of Rocky Creek) and west of County Road 361 (south of Rocky Creek) only.

5. Early duck – In the September season established by Rule 39-13.003, F.A.C.

6. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C.

7. Trapping – January ~~10~~ ~~11~~ through March 1.

(d) General regulations:

2. Licensed trappers may possess .22 rimfire rifles or pistols only from January ~~10~~ ~~11~~ through March 1.

4. During the general gun and small game seasons, hunting as specified by Rule ~~39-24.002(2)(b)~~, F.A.C., is permitted.

(12) Aucilla Wildlife Management Area

(a) Open season:

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.
2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.
3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.
4. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.

5. Early duck – In the September season established by Rule 39-13.003, F.A.C. ~~except south of U.S. 98 and west of the Aucilla River.~~

6. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C., except that in the portion of the area south of U.S. 98 and west of the Aucilla River where ducks and coots may only be taken during that part of the duck and coot season established by Rule 39-13.003 that coincide with open seasons for this area.

8. Trapping – January ~~10~~ 11 through March 1 ~~except in those portions of Jefferson and Wakulla counties located south of U.S. 98.~~

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season. ~~The taking of hogs is prohibited after December 6.~~ Antlerless deer may not be taken during the archery season ~~north of U.S. 98.~~

(d) General regulations:

3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken. ~~Hunters shall check in and out at a check station when entering and exiting that portion of the area south of U.S. 98 in Jefferson, Wakulla, and Taylor counties, and shall check all game taken during the archery, general gun, and spring turkey seasons.~~

4. Public access is prohibited north of U.S. Highway 98 and west of the Wacissa River, other than during periods when public hunting is allowed, and seven days before each open hunting season except that portion of the area bounded on the west by Firebreak 14, on the east by the Wacissa River, on the north and west by the southern boundary of Section 11, the western boundary of Sections 12 and 1, and the northern boundary of Section 1, Township 3 South, Range 3 East, and on the south by the western and northern boundaries of Section 12, the eastern boundary of Section 1, Township 4 South, Range 3 East, and the northern boundary of Section 6, Township 4 South, Range 4 East, which will be open for public access throughout the year. ~~Public access is prohibited south of U.S. Highway 98 and west of C.R. 14, except during periods open to hunting and 7 days before each open hunting season.~~

6. During the general gun and small game seasons, hunting as specified by Rule ~~s.~~ 39-24.002(2)(b), F.A.C., is permitted ~~except south of U.S. 98 and west of C.R. 14.~~

7. ~~Entry or exit by vehicle in that portion of the area south of U.S. 98 in Jefferson and Wakulla counties shall be only on a road upon which a check station is maintained, whether or not such check station is manned.~~

~~7.8.~~ No change.

9. ~~Hunting, fishing and frogging in that portion of Jefferson and Wakulla counties south of U.S. 98 is permitted only during the archery, general gun and spring turkey seasons.~~

10. through 11. renumbered 8. through 9. No change.

10.12. Shotguns are permitted on the area during the early experimental duck season established by Rule 39-13.003, F.A.C.

~~13. During the archery, general gun and spring turkey seasons a daily hunt permit, issued at the check stations, is required upon entering that portion of the area south of U.S. 98 and must be in possession while on the area.~~

~~11.14.~~ No change.

12. On that portion of the area south of U.S. 98, hunting shall be restricted to small game.

(13) PCS Phosphate Wildlife Management Area

(b) Legal to take: Ducks and coots only. Legal shooting hours: From the beginning of shooting hours established pursuant to Rule 39-13.003, F.A.C., until noon.

(14) Raiford Wildlife Management Area

(a) Open season:

1. Archery – September ~~25~~ 26 through October ~~10~~ 11.

2. Muzzleloading gun – October ~~29-31~~ 30 through ~~November 1.~~

3. Archery and muzzleloading gun – November ~~13-21~~ 14-22.

4. Spring turkey – March ~~18-26~~ 20-28.

(d) General regulations:

(15) Cedar Key Scrub Wildlife Management Area

(a) Open season:

1. General gun – November ~~13-21~~ 14-22.

2. Archery – September ~~25~~ 26 through October ~~10~~ 11.

3. Muzzleloading gun – October ~~29-31~~ 30 through ~~November 1.~~

(16) Cary Wildlife Management Area

(a) Open season:

1. Archery – October ~~16-17~~ 17-18, November ~~6-7~~ 7-8 and ~~20-21~~ 2-22, December ~~11-12~~ 12-13 and ~~25-26~~ 26-27.

2. Muzzleloading gun – January ~~1-2~~ 2-3 and January ~~15-16~~ 16-17.

(17) Andrews Wildlife Management Area

(a) Open season:

1. Archery – October ~~1-3~~ 2-4 and October ~~8-10~~ 9-11.

2. Muzzleloading gun – October ~~29-31~~ 30 through ~~November 1~~ and November ~~5-7~~ 6-8.

3. General gun – November ~~19-21~~ 20-22.

4. Small game – January ~~7-9~~ 8-10 and ~~14-16~~ 15-17.

5. Spring turkey – March ~~24-26~~ 26-28 and April ~~14-16~~ 16-18.

6. Supervised deer-hog youth hunt – October ~~16-17~~ 17-18 and ~~23-24~~ 24-25.

(18) Big Shoals Wildlife Management Area

(a) Open season:

1. Archery – September ~~27~~ 28 through October ~~2~~ 3, October ~~4-9~~ 5-10 and October ~~11-16~~ 12-17.

2. Muzzleloading gun – October ~~29-31~~ 23-25 and ~~November 5-7.~~

~~3. General gun – November 26-28.~~

~~General gun-hog – December 3-5 and December 10-12.~~

~~3.4.~~ Small game – December ~~20-25~~ 21-26 and December ~~27-28~~ through January 1-2.

~~4.5.~~ Spring turkey – March ~~23-25~~ 25-27 and April 13-15 ~~15-17~~.

~~5.6.~~ Fishing – Permitted throughout the year.

(b) Legal to take: During the archery season only antlerless and antlered deer, wild hogs, either-sex turkeys, rabbit, and gray squirrel may be taken. During the muzzleloading gun ~~and general gun~~ seasons only antlered deer, wild hogs, rabbits and gray squirrels may be taken. During the small game season only rabbits and gray squirrel may be taken. ~~During the general gun hog season only wild hogs may be taken.~~ During the spring turkey season only bearded turkeys or gobblers may be taken. No bag or size limit on wild hogs.

(c) Camping: ~~Prohibited during periods when area is open to hunting. During periods closed to hunting~~ Camping is permitted but only at designated sites and only with a permit from the Suwannee River Water Management District.

(d) General regulations:

4. During hunting periods, access for hunters will be restricted to individuals with a valid quota hunt permit and will be only through the check station on C.R. 135.

5. Vehicles may be operated only on designated portions of named or numbered roads. During periods closed to hunting, vehicle use of these roads is restricted to daylight hours only. The use of tracked vehicles, motorcycles, airboats or all-terrain vehicles is prohibited on the area. ~~Horses are prohibited during periods when the area is open to hunting. During periods when the area is closed to hunting~~ Horses are permitted during daylight hours on roads open to vehicular use or on designated horse trails.

~~7. During periods when hunting is allowed, persons may enter the area no earlier than one hour before legal shooting hours and shall exit no later than one hour after legal shooting hours. During other periods, P~~ersons may enter the area no earlier than one and one-half (1 1/2) hours before sunrise and shall exit no later than one and one-half (1 1/2) hours after sunset year around.

(19) Twin Rivers Wildlife Management Area

(a) Open season:

1. Archery – September 25-26 through October 10-11.

2. Muzzleloading gun – October 29-31 ~~30 through November 1.~~

3. General gun – November 13-23 ~~14-24~~.

4. Small game – December 4-26 ~~5-27~~.

5. Spring turkey – March 24-26 ~~26-28~~ and April 14-16 ~~16-18~~.

(20) Twin Rivers Wildlife Management Area – Blue Springs Unit

(a) Open season:

1. Special-Opportunity Quail – December ~~3-5~~ 4-6, December ~~17-19~~ 18-20, December 31 through January ~~2-4~~ 3, and January ~~14-16~~ 15-17.

2. Special-Opportunity Bird Dog Training – October ~~5-28~~ 1-29, Tuesdays and Thursdays only.

(d) General regulations:

9. Public access for hiking, bicycling, and horseback riding is permitted except during special-opportunity quail hunts other than hunting and bird dog training shall be permitted by State Forest Use Permit issued by Division of Forestry. Special-opportunity quail hunt permittees may ride horseback during special-opportunity quail hunts.

(21) Jennings Forest Wildlife Management Area

(a) Open season:

1. Archery – September 25-26 through October 10-11.

2. Supervised small game – October 16-24, east of Black Creek only.

~~3.2.~~ Muzzleloading gun – October ~~29-31~~ 30 through November 1.

~~4.3.~~ General gun – November ~~13-28~~ 14-29.

5.4. Small game – January ~~14-15~~ through February 13-14, Fridays, Saturdays and Sundays only.

~~6.5.~~ Spring turkey – March ~~18-21~~ 20-23 and ~~22-26~~ 24-28.

7.6. Fishing – Throughout the year.

(d) General regulations:

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

(22) Holton Creek Wildlife Management Areas

(a) Open season:

1. Mobility-impaired general gun – October ~~1-3~~ 2-4, October ~~15-17~~ 16-18, October ~~29-31~~ 30 through November 1 and November ~~5-7~~ 6-8.

(23) Steinhatchee Falls Wildlife Management Area

(a) Open season:

1. Archery – September 25-26 through October 10-11.

2. Muzzleloading gun – October 29-31 ~~30 through November 1.~~

3. General gun – November 13-21 ~~14-22~~.

4. Small game – December 4-19 ~~5-20~~.

5. Spring turkey – March 18-20 through April 2-4.

(24) Goethe Wildlife Management Area

(a) Open season:

1. Archery – September 25-26 through October 10-11.

2. Muzzleloading gun – October 29-31 ~~30 through November 1.~~

3. General gun (still hunt) – November 13-16 ~~14-17~~.

4. General gun (dog hunt) – November 17-21 ~~18-22~~.

5. Small game – November 27-28 through December 12-13.

6. Spring turkey – March ~~18-26~~ ~~20-28~~.

(25) Flint Rock Wildlife Management Area

(a) Open season:

1. General gun – November 13 through January 9.

2. Small game – January 10 through March 5.

3. Spring turkey – March 18 through April 23.

4. Archery – September 25 through October 24.

5. Early duck – In the September season established by Rule 39-13.003, F.A.C.

6. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C.

7. Fishing and frogging – During periods the area is open.

8. Trapping – January 10 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs other than waterfowl retrievers and bird dogs is prohibited.

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

3. Access is permitted only by individuals possessing a valid recreational user permit except as provided by section 372.57, F.S., and only during periods open to hunting and 7 days before each open hunting season.

4. Vehicles may be operated only on designated roads, and vehicular access is restricted to designated entrances.

5. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 and County Road 14 is prohibited as provided by Rule 39-4.008, F.A.C.

6. Fires are prohibited.

7. The use of all-terrain vehicles (ATVs) is prohibited.

(26) San Pedro Bay Wildlife Management Area

(a) Open season:

1. General gun – November 13 through January 9.

2. Small game – January 10 through March 5.

3. Spring turkey – March 18 through April 23.

4. Archery – September 25 through October 24.

5. Muzzleloading gun – October 29 through October 31.

6. Early duck – In the September season established by Rule 39-13.003, F.A.C.

7. Fishing and frogging – During periods the area is open.

8. Trapping – January 10 through March 1.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Wild hogs may be taken only during the archery season, muzzleloading gun season, and the first 30 days of general gun season.

(c) Camping: Prohibited.

(d) General regulations:

1. The taking of hogs by the use of dogs is prohibited.

2. Deer dogs may be trained on the area between the established muzzleloading gun season and general gun season.

3. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 39-13.003, F.A.C.

4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.

5. Public access to the area is prohibited from one and one-half (1 1/2) hours after sunset to one-half (1 1/2) hours before sunrise.

6. Vehicles may only enter and exit the area at designated entrances.

7. Horses are permitted only during periods closed to hunting.

8. Fires are prohibited.

9. Access is permitted only by individuals possessing a valid recreational user permit except as provided by s. 372.57, F.S.

(27) This rule shall be effective July 1, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const., Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS., History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: RULE NO.:

Specific Regulations for Type I Wildlife Management Areas – Northwest Region 39-15.063

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust the hunting season dates on all Northwest Region Wildlife Management areas (WMAs) to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zones, to revise specific regulations to accommodate implementation of Recreational User Permits, and to make needed changes in other regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs.

SUMMARY: The proposed rule change would adjust all applicable hunting season dates on WMAs in the Northwest Region to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zones. The proposed rule would also establish the following specific area regulations:

Edward Ball WMA – The proposed rule changes would establish a special-opportunity dove season on Saturdays only during the first phase of the statewide dove season; permit the use of all-terrain vehicles in posted dove fields by persons possessing a mobility-impaired certificate; prohibit the use of dogs other than bird dogs or retrievers on posted dove fields during the first phase of dove season; require check in and out at the check station by persons entering or exiting posted dove fields to hunt doves during the first phase of dove season; require possession of a special-opportunity dove hunt permit when hunting in posted dove fields during the special-opportunity dove season; require possession of a mobility-impaired certificate to hunt during the first day of the special-opportunity dove season; provide for one or more individuals to accompany mobility-impaired hunters during the first day of the special-opportunity dove season provided each of those individuals possesses a special-opportunity dove hunt permit when hunting doves in the posted dove fields; allow entry into the posted dove fields no earlier than one hour before shooting time and require exit no later than one hour after sunset; require that dove hunters hunt from assigned stations in posted dove fields; and allow transfer of station assignments at the check station.

Blackwater WMA, Hutton Unit – The proposed rule changes would establish seasons for archery (October 16-24), muzzleloading gun (November 19-21), quail (November 13-14, 24-25, December 4-5, 13-14, 18-19, 27-28, and January 1-2), general gun (January 15-23), spring turkey (March 18-20, March 31 through April 2, and April 14-16), and fishing and frogging (throughout the year). The proposed rule changes would establish all legal game, fish, frogs, and furbearers as legal to take except that only quail may be taken during the quail season. The proposed rule would establish the bag limit for quail at 12 per hunting group each day and define a group for the purpose of quail hunting as up to three persons. The proposed rule would prohibit the taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline provided the forked antler shall have at least two points one inch or greater in length. The proposed rule would establish the bag limit for antlered deer at one per quota hunt permit and provide that antlerless deer may be taken by permit only. The proposed rule would establish the bag limit for turkeys during spring turkey season at one gobbler or bearded turkey per quota hunt permit. The proposed rule would permit camping at designated sites only; permit vehicular access during hunting seasons by hunters only and allow vehicular access by the public during other times; permit operation of vehicles only on named or numbered roads and entry and exit only at entrances

designated on the hunt map; require hunter check in and out at the check station when entering and exiting the area; prohibit hunting with dogs other than bird dogs or retrievers; prohibit taking of quail after 3:00 p.m. Central Standard Time; prohibit possession or use of all-terrain vehicles; and prohibit the possession or use of firearms other than shotguns during the quail season.

Moore's Pasture WMA – The proposed rule would establish specific regulations to implement the Recreational User Permit (User Pay) Program on this WMA that was formerly a portion of Point Washington WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation and \$297 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area

(a) Open season:

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~13~~ ~~14~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B.).

2. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

4. Muzzleloading Gun – November ~~19-21~~ ~~20-22~~.

5. Early duck – On Tuesdays, Thursdays, Saturdays and Sundays of the September season established by Rule 39-13.003, F.A.C.

6. Duck and coot – On Tuesdays, Thursdays, Saturdays and Sundays of the duck and coot season established in Rule 39-13.003, F.A.C.

8. Quail – November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~.

(2) Apalachicola Wildlife Management Area

(a) Open season:

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11-12~~ through February ~~2-3~~.
2. Small game – November ~~13-24~~ ~~14-25~~, November ~~29-30~~ through December ~~10-11~~ and February ~~3-4~~ through March ~~5-7~~.
3. Spring turkey – March ~~18-20~~ through April ~~23-25~~.
4. Archery – October ~~16-17~~ through November ~~14-15~~.
5. Muzzleloading Gun – November ~~19-21~~ ~~20-22~~.
6. Muzzleloading gun and archery – February ~~17-27~~ ~~18-28~~.
8. Fox, raccoon, opossum and bobcat – October 1 through March ~~5-7~~ in that portion of the area in Liberty County lying west of State Road 65 and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 357 and 349, on the west by Forest Roads 348 and F.H. 13, 314, 309, and 344. No guns may be used prior to November ~~25-26~~.

9. Trapping – February ~~3-4~~ through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~25-28~~ ~~26-29~~ and from December ~~11-22~~ ~~12-23~~. Wild hogs may be taken only during the archery, muzzleloading gun, general gun, archery and muzzleloading and small game hunts. No size or bag limits on wild hogs.

(d) General regulations:

2. Bird dogs may be trained from June 1 through March ~~5-7~~.
4. Deer dogs may be trained from ~~October-30~~ ~~31~~ through November ~~18-19~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

4. During the November ~~13-14~~ through March ~~5-7~~ period, hunting as specified by Rule 39-24.002(2)(b), F.A.C. is permitted.

(3) Apalachicola Wildlife Management Area – Bradwell Unit

(a) Open season:

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11-15~~ ~~12-16~~.
2. Archery – October ~~16-31~~ ~~17~~ through November ~~1~~.
3. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.
4. Small game – November ~~13-18~~ ~~14-19~~ and ~~22-24~~ ~~23-25~~.
5. Spring turkey – March ~~18-19~~ ~~20-21~~ and March 31 through April 2-4.

(4) Blackwater Wildlife Management Area

(a) Open season:

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11-12~~ through February ~~2-3~~.
2. Small game – November ~~13-24~~ ~~14-25~~, November ~~29-30~~ through December ~~10-11~~ and February ~~3-4~~ through March ~~5-7~~.
3. Spring turkey – March ~~18-20~~ through April ~~23-25~~.
4. Archery – October ~~16-17~~ through November ~~14-15~~.
5. Muzzleloading gun – November ~~19-21~~ ~~20-22~~, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February ~~17-27~~ ~~18-28~~, in the still hunt area only (except in the field trial area). January ~~21-23~~ ~~15-17~~ in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March ~~12-15~~, north of State Road 4 (except in the still hunt area).

(b) Legal to take: All legal game, fish, frogs and furbearers. During the January ~~21-23~~ ~~15-17~~ archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken.

(d) General regulations:

1. That portion known as the field trial area which is bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area shall be open to deer hunting only during the archery season before November 1 and during the January ~~21-23~~ ~~15-17~~ archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Saturdays and Wednesdays only) and the second phase of the dove season (Wednesdays only), and the third phase of the dove season (Wednesdays only) until January 1 on fields posted as open to dove hunting.

(5) Blackwater Wildlife Management Area – Hutton Unit

(a) Open Season:

1. Archery – October 16-24.
2. Muzzleloading gun – November 19-21.
3. Quail – November 13-14 and 24-25; December 4-5, 13-14, 18-19, and 27-28; and January 1-2.
4. General Gun – January 15-23.
5. Spring turkey – March 18-20, March 31 through April 2, and April 14-16.
6. Fishing and Frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. The bag limit for quail is 12 per hunting group each day. A group for the purpose of quail hunting shall include up to three persons. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. The bag limit for antlered deer shall be one per quota hunt permit. Antlerless deer may be taken by permit only. During spring turkey season, the bag limit shall be one gobbler or bearded turkey per quota hunt permit.

(c) Camping – permitted at designated sites only.

(d) General Regulations:

1. During hunting seasons, vehicular access is permitted only by individuals possessing quota hunt permits. Vehicles may be operated only on named or numbered roads and shall enter and exit only at the designated entrance as indicated on the hunt map.

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

3. Hunting with dogs other than bird dogs or retrievers is prohibited.

4. Taking quail after 3:00 p.m. Central Standard Time is prohibited.

5. The possession or use of all-terrain vehicles is prohibited.

6. The possession or use of firearms other than shotguns is prohibited during the quail season.

(6)(5) Edward Ball Wildlife Management Area

(a) Open season:

1. General gun – November 25-28 26-29 and December 11 12 through February 2 3 (Mondays, Tuesdays and Wednesdays closed to hunting after December 19 20 in the dog-hunt area only).

2. Archery – October 16 17 through November 14 15.

3. Muzzleloading gun and archery – February 17-27 18-28 (Mondays, Tuesdays and Wednesdays closed to hunting).

6. Special-opportunity dove – Saturdays only during the first phase of dove season established by Rule 39-13.008, F.A.C.

6. through 7. renumbered 7. through 8. No change.

(d) General regulations:

4. The use of all-terrain vehicles is prohibited, except in posted dove fields by persons possessing a mobility-impaired certificate.

7. The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.

8. Persons hunting doves in posted dove fields during the first phase of dove season shall check in and out at the check station when entering and exiting the area and check all doves taken.

9. Persons shall possess a special-opportunity dove hunt permit when hunting in posted dove fields during the special-opportunity dove season. During the first day of the special-opportunity dove season, persons shall possess a special-opportunity dove permit and a mobility-impaired certificate or if accompanying a mobility-impaired person, a special-opportunity dove permit, when hunting doves in posted dove fields.

10. During the first phase of dove season, hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset.

11. During the first phase of dove season, dove hunters shall hunt from assigned stations in posted dove fields. Hunt station assignments may be transferred at the check station.

(7)(6) Joe Budd Wildlife Management Area

(a) Open season:

1. Archery – December 10 11 through January 9 10 (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 14-30 15-31 (Fridays, Saturdays and Sundays only).

3. Small game – October 6 7 through December 29 30, Wednesdays only, and Saturdays from October 9 10 through December 4 5.

4. Spring turkey – March 18 20 through April 23 25 (Saturdays and Sundays only).

(8)(7) Robert Brent Wildlife Management Area

(a) Open season:

1. General gun – November 25-28 26-29 and December 11 12 through February 2 3.

2. Small game – November 13-24 14-25, November 29 30 through December 10 11 and February 3 4 through March 5 7.

3. Spring turkey – March 18 20 through April 23 25.

4. Archery – October 16 17 through November 14 15.

5. Muzzleloading gun – November 19-21 20-22.

6. Archery and muzzleloading gun – February 17-27 18-28.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 25-28 26-29 and from December 11-22 12-23.

(9)(8) Champion International Wildlife Management Area

(a) Open season:

1. General gun – November 25-28 26-29 and December 11 12 through January 19 20.

2. Small game – February 12 13 through March 5 7, Saturdays and Sundays only.

3. Archery – October 16 17 through November 14 15.

4. Spring turkey – March 18-21 20-23, 23-26 25-28, March 30 through April 2 1-4, April 6-9 8-11, 13-16 15-18, and 20-23 22-25.

5. Archery and muzzleloading gun – January 22-23 23-24 and January 29-30 30-31.

(10)(9) Point Washington Wildlife Management Area

(a) Open season:

1. General gun – November 25-28 26-29 and December 11 12 through February 2 3.

2. Small game – November 13-24 14-25, November 29 30 through December 10 11 and February 3 4 through March 5 7.

3. Spring turkey – March 18 20 through April 23 25.

4. Archery – October 16 17 through November 14 15.

5. Muzzleloading gun – November 19-21 20-22 in still hunt areas only.

6. Archery and muzzleloading gun – February 17-27 18-28.

9. Fox, raccoon, opossum and bobcat – November 13 14 through March 5 7 in that portion of the dog hunt area west of S.R. 79, and March 6 8 through March 17 19 and April 24 26 through July 15 in that portion of the dog hunt area east of S.R. 79.

(d) General regulations:

6. During the November ~~13~~ ~~14~~ through March ~~5~~ ~~7~~ period in all areas where hunting with the use of deer dogs is permitted, hunting as specified by Rule 39-24.002(2)(b), F.A.C., is permitted.

~~(11)(10)~~ Point Washington Moores Pasture Wildlife Management Area Unit

(a) Open season:

1. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.
2. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.
3. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through January ~~23~~ ~~24~~.
4. Archery and muzzleloading gun – February ~~12-13~~ ~~13-14~~, ~~18-20~~ ~~19-21~~ and February ~~25-27~~ ~~26-28~~.
5. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(d) General regulations:

2. Vehicles may be operated only on established roads and shall enter and exit at the designated entrance ~~access~~ ~~gates~~ only.

7. Access is permitted only by individuals possessing a valid recreational user permit except as provided by section 372.57, F.S.

~~(12)(11)~~ Talquin Wildlife Management Area

(a) Open season:

1. General gun – November ~~26-28~~ ~~27-29~~ and December ~~11~~ ~~12~~ through January ~~2~~ ~~3~~ (Fridays, Saturdays and Sundays only).
2. Small game – January ~~7~~ ~~8~~ through March ~~5~~ ~~7~~ (Fridays, Saturdays and Sundays only).
3. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~ (Fridays, Saturdays and Sundays only).
4. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~ (Saturdays and Sundays only).

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken January ~~1~~ ~~2~~.

(d) General regulations:

4. Hunters shall check in and out at the check station on January ~~1~~ ~~2~~ and check all game taken.

~~(13)(12)~~ Ochlockonee River Wildlife Management Area

(a) Open season:

1. Archery and muzzleloading gun – November ~~26-28~~ ~~27-29~~ and December ~~11~~ ~~12~~ through January ~~2~~ ~~3~~ (Fridays, Saturdays and Sundays only).
2. Small game – January ~~7~~ ~~8~~ through March ~~5~~ ~~7~~ (Fridays, Saturdays and Sundays only).
3. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~ (Fridays, Saturdays and Sundays only).
4. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~ (Saturdays and Sundays only).

(d) General regulations:

~~(14)(13)~~ Escambia River Wildlife Management Area

(a) Open season:

1. General gun – December ~~11~~ ~~12~~ through January ~~5~~ ~~6~~.

2. Small game – November ~~13~~ ~~14~~ through December ~~10~~ ~~11~~ and January ~~6~~ ~~7~~ through March ~~5~~ ~~7~~.

3. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

4. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

5. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

6. Muzzleloading gun and archery – February ~~17-27~~ ~~18-28~~.

(d) General regulations:

6. Center-fire rifles are prohibited except during the December ~~11~~ ~~12~~ through January ~~5~~ ~~6~~ and March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~ periods.

~~(15)(14)~~ Tate's Hell Wildlife Management Area

(a) Open Season:

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~2~~ ~~3~~.

2. Small game – November ~~13-24~~ ~~14-25~~, November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~ and February ~~3~~ ~~4~~ through March ~~5~~ ~~7~~.

3. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

4. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

5. Muzzleloading gun and archery – February ~~17-27~~ ~~18-28~~.

(d) General regulations:

1. Deer dogs may be trained from October ~~30~~ ~~31~~ through November ~~18~~ ~~19~~.

~~(16)(15)~~ Tate's Hell Wildlife Management Area – Womack Creek Unit

(a) Open Season:

1. Small game – November ~~13~~ through February ~~2~~ ~~7-25~~ and December ~~21~~ through February ~~4~~.

2. General gun dog – November ~~25-28~~ ~~26-29~~ and December ~~11-19~~ ~~12-20~~.

5. Spring turkey – March ~~18-19~~ ~~20-21~~, March ~~25-26~~ ~~27-28~~, April ~~1-2~~ ~~3-4~~ and April ~~8-9~~ ~~10-11~~.

(d) General regulations:

(17) This rule shall be effective July 1, 1999.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife
 RULE NO.: 39-15.064
 Management Areas – Everglades Region

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust the hunting season dates on all Everglades Region Wildlife Management Areas (WMAs) to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zone, to establish seasons and specific rules for special-opportunity alligator hunts, and to make needed changes in other regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs.

SUMMARY: The proposed rule change would adjust all applicable hunting season dates on WMAs in the Everglades Region to conform with proposed 1999-2000 hunting season dates for the zone in which the WMA lies. The proposed rule would also establish the following specific area regulations:

Holey Land WMA – special-opportunity alligator hunt September 1-15.

Everglades and Francis S. Taylor WMA – special-opportunity alligator hunts September 1-15 and 16-30.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$150 for administrative preparation and \$111 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-15.064 Specific Regulations for Type I Wildlife Management Areas – Everglades Region.

(1) J.W. Corbett Wildlife Management Area

- (a) Open season:
 1. General gun – November ~~6~~ ⁷ through January ~~2~~ ³.
 2. Small game – January ~~3~~ ⁴ through February ~~13~~ ¹⁴.
 3. Spring turkey – March ~~4~~ ⁶ through April ~~9~~ ¹¹ (Saturdays and Sundays only).
 4. Archery – August ~~28~~ ²⁹ through September ~~19~~ ²⁰.
 5. Muzzleloading gun – October ~~2-17~~ ³⁻¹⁸.
 6. Raccoon season – January ~~3~~ ⁴ through February ~~13~~ ¹⁴.

(2) Holey Land Wildlife Management Area

- (a) Open season:
 1. General gun – Walk, October ~~23-31~~ ²⁴ through ~~November 1~~.
 2. General gun – Vehicle, November ~~6-21~~ ⁷⁻²² (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.
 3. Archery – August ~~28~~ ²⁹ through September ~~19~~ ²⁰.
 4. Muzzleloading gun – October ~~2-17~~ ³⁻¹⁸.
 7. Special-opportunity alligator – September 1-15.

(b) Legal to take: All legal game (except turkeys), fish, alligators as specified in Rule 39-25.047, F.A.C., frogs and furbearers. During the archery season only antlered deer may be taken. The bag limit of hogs shall be one per day; annual bag two. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one during archery season, one during muzzleloading gun season, one during general gun-walk season and one per tag during the general gun-vehicle season.

(c) General regulations:

4. All hunters, except special-opportunity alligator hunt participants when taking alligators, shall check out at a check station and record their game harvest.

(e) Notwithstanding any other provisions of this subsection, special-opportunity alligator hunt participants:

1. May possess and use guns and baits as specified in Rule 39-25.047, F.A.C., when taking alligators, and

2. May operate airboats throughout the area when taking alligators.

(3) Everglades and Francis S. Taylor Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~23-31~~ ~~24~~ through ~~November 1~~, Conservation Areas 3A North and 2 only. December ~~2-31~~ ~~3~~ through ~~January 1~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~6-21~~ ~~7-22~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August ~~28~~ ~~29~~ through September ~~19~~ ~~20~~, Conservation Area 3A North only.

4. Muzzleloading gun – October ~~2-17~~ ~~3-18~~, in Conservation Area 3A North only.

7. Special-opportunity alligator – September 1-15 and 16-30.

(b) Legal to take: All legal game (except turkeys), fish, alligators as specified in Rule 39-25.047, F.A.C., frogs and furbearers. During the archery season only antlered deer may be taken. The bag limit of hogs shall be one per day and two annually. During the general gun-vehicle season, a bag limit of one hog per day per vehicle shall apply. The bag limit of deer shall be one per season during archery, muzzleloading gun and general gun-walk seasons and one per tag during the general gun-vehicle season.

(e) Notwithstanding any other provisions of this subsection, special-opportunity alligator hunt participants:

1. May operate airboats throughout the area when taking alligators, and

2. May possess and use guns and baits as specified in Rule 39-25.047, F.A.C., when taking alligators and may transport such guns by airboat for the purpose of taking alligators.

(4) Rotenberger Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~23-31~~ ~~24~~ through ~~November 1~~.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~6-21~~ ~~7-22~~ by quota permit only.

3. Archery – August ~~28~~ ~~29~~ through September ~~19~~ ~~20~~.

4. Muzzleloading gun – October ~~2-17~~ ~~3-18~~.

(5) Big Cypress Wildlife Management Area

(a) Open season:

2. Small game – The day following the close of general gun season through February ~~6~~ ~~7~~.

3. Archery – September ~~4~~ ~~5~~ through October ~~3~~ ~~4~~ in all units and November ~~13~~ ~~14~~ through January ~~2~~ ~~4~~ in the Deep Lake Unit only.

4. Muzzleloading gun – October ~~9-24~~ ~~10-25~~, except in the Deep Lake Unit.

5. Spring turkey – March ~~4~~ ~~6~~ through April ~~9~~ ~~11~~.

(7) Fort Drum Wildlife Management Area

(a) Open Season:

1. Special-opportunity deer – November ~~13-19~~ ~~14-20~~.

2. Small game – December ~~11-26~~ ~~12-27~~.

3. Special-opportunity turkey – March ~~18-24~~ ~~20-26~~, April ~~1-7~~ ~~3-9~~ and April ~~15-21~~ ~~17-23~~.

4. Special-opportunity wild Hog – September ~~7-9~~ ~~8-10~~, ~~14-16~~ ~~15-17~~, and ~~21-23~~ ~~22-24~~.

(8) This rule shall be effective July 1, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History--New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, ~~7-1-99~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Central Region

RULE NO.: 39-15.065

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Central Region Wildlife Management Areas (WMAs) to conform with proposed 1999-2000 hunting season dates for the Central hunting zone, establish or revise regulations proposed for new hunts or new WMAs, and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule change would adjust all applicable hunting season dates on WMAs in the Central Region to conform with proposed 1999-2000 hunting season dates for the Central hunting zone. The proposed rule would also establish the following specific area regulations:

Rock Springs Run WMA – The proposed rule change would permit horseback riding during the 6-day (3 weekends) small game season per landowner request.

Caravelle Ranch WMA – The proposed rule change would establish a 9-day supervised small game hunt (October 10-18). The proposed rule would specify that both the youth and the adult supervisor may participate in the hunt and define the youth as a person under 16 years of age.

Lake Panasoffkee WMA – Open seasons would be established for special-opportunity archery (September 30-October 3, October 7-10, and 19-22, November 4-7 and 16-19, December 2-5 and 14-17 and January 6-9), hog – still (February 4-6), and hog-dog (February 16-18); special-opportunity turkey seasons would be revised (March 23 -26, April 4-7, and 20-23); and open seasons would be established for small game (January 21-23 and 28-30). Legal to take would be revised to permit take of all legal game and wild hogs (no size or bag limit), one antlered deer per special-opportunity deer hunt permit (only antlered deer having at least one antler with four or more points), and antlerless deer (except spotted fawns) by antlerless deer permit. Camping regulations would be revised to permit camping at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers would be prohibited. Lumber, sheet metal or other building materials would be prohibited. Each camper would be required to assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites would be prohibited.

Potts WMA – Open seasons would be established for archery (September 25 – October 3), muzzleloading gun (October 29-31), general gun hog with dogs (November 19-21), and small game hunts (December 4-12); spring turkey would be revised (March 18-21 and 22-26). Legal to take would be revised to permit take of all legal game and wild hogs (no size or bag limit). Camping regulations would be revised to permit camping at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers would be prohibited. Lumber, sheet metal or other building materials would be prohibited. Each camper would be required to assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation and \$311 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Bull Creek Wildlife Management Area

(a) Open season:

1. General gun – November ~~13 14~~ through January ~~9 10~~.

2. Small game – January ~~10 11~~ through March ~~5 7~~.

3. Spring turkey – March ~~18 20~~ through April ~~23 25~~.

4. Archery – September ~~25 26~~ through October ~~24 25~~. A special quota permit will be required for the September ~~25-26 26-27~~ hunt.

5. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

(2) Citrus Wildlife Management Area

(a) Open season:

1. Modern gun – December ~~18-19 19-20~~ and January ~~8-9 9-10~~.

2. Small game – January ~~10 11~~ through March ~~5 7~~.

3. Muzzleloading gun – December ~~11-12 12-13~~ and January ~~1-2 2-3~~.

4. Archery – November ~~13 14~~ through December ~~5 6~~.

(3) Miami Corporation Wildlife Management Area

(a) Open season:

1. General gun – November ~~13 14~~ through January ~~9 10~~. Hunting is prohibited on Wednesdays and Thursdays, except the first nine days, Thanksgiving Day, Christmas Day and New Year's Day.

2. Fishing and frogging – November ~~13 14~~ through January ~~9 10~~ or as authorized by permit from the landowner.

3. Archery – September ~~25 26~~ through October ~~24 25~~, in the still hunt area, Saturdays and Sundays only.

4. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~, only in the still hunt area.

(4) Ft. McCoy Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.
2. Small game – January 10-30 11-31.
3. Archery – September 25 26 through October 24 25.
4. Muzzleloading gun – October 29-31 30 through ~~November 1~~.

5. Spring turkey – March 18 20 through April 23 25.

(5) Georgia-Pacific Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.
2. Small game – January 10 11 through March 5 7.
3. Spring turkey – March 18 20 through April 23 25.
4. Archery – September 25 26 through October 24 25.

(6) Ocala Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.
2. Small game – January 10 11 through March 5 7.
3. Archery – September 25 26 through October 24 25.
4. Muzzleloading gun – October 29-31 30 through ~~November 1~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November 13 14 through April 16 18.7. Spring turkey – March 25-26 27-28, April 1-2 3-4, 8-9 10-11 and 15-16 17-18, on the Lake Delancy Management Unit only.

(b) Legal to take:

2. Furbearing animals – During the November 13 14 through March 1 period, hunting as specified in Rule 39-24.002(2)(b), F.A.C., is permitted only in the Pipeline Management Unit. Raccoons may also be hunted, with dogs only, from March 7 9 through April 16 18 only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January 10 11 through April 16 18, only in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of SR 19.

(d) General regulations:

8. Dogs may be used to pursue rabbits from January 10 11 through April 16 18 in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

(e) Notwithstanding any other provisions of this subsection, special-opportunity alligator hunt participants may possess and use guns and baits as specified in Rule 39-25.047, F.A.C., when taking alligators.

(7) Richloam Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.
2. Spring turkey – March 18 20 through April 23 25.

3. Archery – September 25 26 through October 24 25.5. Trapping – January 10 11 through March 1.

(8) Richloam Wildlife Management Area – Baird Unit

(a) Open season:

1. Archery – September 25 26 through October 10 11.2. Muzzleloading gun – October 29-31 30 through ~~November 1~~.3. General gun – November 13-21 14-22.4. Spring turkey – March 18-20 20-22, March 24-26 26-28, and March 31 through April 2 2-4.5. Small game – December 4-19 5-20 and January 22 23 through February 13 14.6. Fishing and frogging – Permitted ~~throughout throughout~~ the year.

(9) Three Lakes Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.2. Small game – January 10 11 through March 5 7.3. Spring turkey – March 18 20 through April 23 25.4. Archery – September 25 26 through October 24 25.6. Muzzleloading gun – October 29-31 30 through ~~November 1~~.7. General gun for mobility-impaired – November 5-7 6-8.8. General gun-dog – December 9-12 10-13, 23-26 24-27 and December 30 31 through January 2 3 in that area between the Florida Turnpike and U.S. 441 only.

(10) Prairie Lakes Unit, Three Lakes Wildlife Management Area

(a) Open season:

1. Archery – October 1-3 2-4 and 8-10 9-11.2. Muzzleloading gun – October 29-31 30 through ~~November 1~~.3. General gun – November 19-21 20-22 and 26-28 27-29.4. Small game – December 11-26 12-27.5. Spring turkey – March 18-20 20-22, March 31 through April 2 2-4 and 14-16 16-18.7. General gun hog – December 3-5 4-6 and January 7-9 8-10.

(11) Tiger Bay Wildlife Management Area

(a) Open season:

1. General gun – November 13 14 through January 9 10.2. Archery – September 25 26 through October 24 25.3. Muzzleloading gun – October 29-31 30 through ~~November 1~~.4. Small game – January 10 11 through March 5 7.5. Spring turkey – March 18-20 20-22, March 31 through April 2 2-4 and 14-16 16-18.

(12) Tiger Bay Wildlife Management Area – Rima Ridge Unit

(a) Open Season:

1. Small game – November ~~13 14~~ through December ~~5 6~~ and December ~~25 26~~ through January ~~9 10~~.

(13) Relay Wildlife Management Area

(a) Open season:

1. General gun – November ~~13 14~~ through January ~~9 10~~.

2. Archery – September ~~25 26~~ through October ~~24 25~~ (Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

4. Small game – January ~~10 11~~ through March ~~5 7~~.

5. Spring turkey – March ~~18 20~~ through April ~~23 25~~.

(14) Tosohatchee Wildlife Management Area

(a) Open season:

1. Archery – September 30 through October ~~3 4~~ and October ~~7-10 8-11~~.

2. Muzzleloading gun – October ~~14-17 15-18~~ and ~~21-24 22-25~~.

3. Modern gun – November ~~18-21 19-22~~ and ~~26-28 27-29~~.

4. Spring turkey – March ~~18-20 20-22~~, March 31 through April ~~2 2-4~~, and ~~14-16 16-18~~.

5. General gun- hog – January ~~14-20 15-21~~ and January ~~28 29~~ through February ~~3 4~~.

(15) Seminole Ranch Wildlife Management Area

(a) Open season:

1. Archery – October ~~8-10 9-11~~ and ~~15-17 16-18~~.

2. Muzzleloading gun – October ~~30-31 31~~ through ~~November 1~~ and November ~~6-7 7-8~~.

3. Modern gun – November ~~19-21 20-22~~.

4. Small game – November ~~27-28 28-29~~, December ~~4-5 5-6~~ and ~~11-12 12-13~~.

5. Spring turkey – March ~~18-20 20-22~~, ~~24-26 26-28~~ and March 31 through April ~~2 2-4~~.

(16) Jumper Creek Wildlife Management Area

(a) Open season:

1. Archery – September ~~25 26~~ through October ~~24 25~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – November ~~13 14~~ through January ~~9 10~~.

4. Small game – January ~~10-30 11-31~~.

5. Spring turkey – March ~~18 20~~ through April ~~23 25~~.

(17) Rock Springs Run Wildlife Management Area

(a) Open season:

1. Archery – October ~~1-3 2-4~~ and ~~8-10 9-11~~.

2. Muzzleloading gun – October ~~15-17 16-18~~ and ~~22-24 23-25~~.

3. Modern gun – November ~~12-14 13-15~~ and ~~19-21 20-22~~.

4. Small game – December ~~4-5 5-6~~, ~~11-12 12-13~~ and January ~~8-9 9-10~~.

(d) General regulations:

5. Airboats, tracked vehicles, motorcycles and all-terrain vehicles are prohibited. Horses are prohibited during periods when the area is open to hunting, except during small game season.

(18) Guana River Wildlife Management Area

(a) Open season:

2. General gun – November ~~19-21 20-22~~ and ~~26-28 27-29~~.

3. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~ and November ~~5-7 6-8~~.

4. Archery – October ~~15-17 16-18~~ and ~~22-24 23-25~~.

5. Small game – December ~~3-5 4-6~~, ~~10-12 11-13~~ January ~~7-9 8-10~~, ~~14-16 15-17~~, ~~21-23 22-24~~ and ~~28-30 29-31~~.

(19) Half Moon Wildlife Management Area

(a) Open season:

1. Archery – September ~~25-27 26-28~~ and October ~~1-3 2-4~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – November ~~13-15 14-16~~ and ~~19-21 20-22~~.

4. Small game – December ~~3-5 4-6~~, ~~10-12 11-13~~, and ~~17-19 18-20~~.

5. Spring turkey – March ~~24-26 26-28~~, March 31 through April ~~2 2-4~~ and ~~7-9 9-11~~.

(20) Caravelle Ranch Wildlife Management Area

(a) Open season:

1. Archery – September ~~25 26~~ through October ~~3 4~~.

2. Supervised small game – October 10-18.

~~3.2. Muzzleloading gun – October 29-31 30~~ through ~~November 1~~.

~~4.3. General gun – November 13-21 14-22.~~

~~5.4. No change.~~

~~6.5. Small game – November 25 26 through January 9 10, Thursdays, Fridays, Saturdays and Sundays only.~~

~~7.6. Spring turkey – March 18-21 20-23 and 22-26 24-28.~~

~~8.7. No change.~~

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

(21) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25 26~~ through October ~~24 25~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – November ~~13-28 14-29~~.

4. Small game – November ~~29 30~~ through March ~~5 7~~.

5. Spring turkey – March ~~18-20 20-22~~, March 31 through April ~~2-4~~, and ~~14-16 16-18~~.

(22) Lake George Wildlife Management Area – Dexter/Mary's Farm Unit

(a) Open season:

1. Small game – November ~~13 14~~ through December ~~5 6~~ and December ~~25 26~~ through January ~~9 10~~.

2. Special-opportunity turkey – March ~~18-24 20-26~~, April ~~1-7 3-9~~ and ~~15-21 17-23~~.

3. General gun hog – January ~~15-18 16-19~~, ~~19-24 20-25~~, ~~25-30 26-31~~.

(23) Seminole Forest Wildlife Management Area

(a) Open season:

1. Archery – September ~~25-28 26-29~~ and September ~~29 30~~ through October ~~3 4~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – December ~~4-7 5-8~~ and ~~8-12 9-13~~.

4. Small game – January ~~15-30 16-31~~, Saturdays and Sundays only.

5. Spring turkey – March ~~18-21 20-23~~ and ~~22-26 24-28~~.

6. General gun for mobility-impaired – October ~~22-24 23-25~~.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers except otter and bobcat. Antlerless deer may be taken by permit only during muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

2. Oaks Pond: fishing is prohibited, except by permit issued pursuant to Rule 39-9.002(1), F.A.C. No person shall take in any one day more than 4 freshwater fish including catfish and fish generally known as panfish such as bream, crappie (speckled perch), shellcracker, or warmouth in the aggregate. No person shall kill or possess any black bass.

(24) Flying Eagle Wildlife Management Area

(a) Open season:

1. Archery – October ~~2-10 3-11~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – November ~~13-21 14-22~~.

4. Small game – November ~~26-28 27-29~~ and December ~~17-19 18-20~~.

5. Spring turkey – March ~~18-21 20-23~~ and ~~22-26 24-28~~.

(25) Triple N Ranch Wildlife Management Area

(a) Open season:

1. Special-opportunity hog – October ~~16-17 17-18~~, ~~23-24 24-25~~, October ~~30-31 31~~ through ~~November 1~~ and November ~~6-7 7-8~~.

2. Small game – November ~~13 14~~ through January ~~9 10~~.

3. Special-opportunity turkey – March ~~18-24 20-26~~, April ~~1-7 3-9~~ and ~~15-21 17-23~~.

(26) Homosassa Wildlife Management Area

(a) Open season:

1. General gun hog – September ~~9-12 10-13~~ and ~~16-19 17-20~~.

2. Small game – November ~~13 14~~ through December ~~5 6~~ and December ~~25 26~~ through January ~~9 10~~.

3. Special-opportunity spring turkey – March ~~18-24 20-26~~ and April ~~1-7 3-9~~.

(27) Etoniah Creek Wildlife Management Area

(a) Open season:

1. Archery – September ~~25 26~~ through October ~~10 11~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. General gun – November ~~13-21 14-22~~.

4. Small Game – December ~~4-19 5-20~~ and January ~~22 23~~ through February ~~13 14~~.

5. Spring turkey – March ~~18-20 20-22~~, ~~24-26 26-28~~, ~~March 31 through~~ April ~~2 2-4~~.

(28) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit

(a) Open season:

1. Archery – October ~~8-10 9-11~~ and ~~15-17 16-18~~.

2. Muzzleloading gun – November ~~5-7 6-8~~.

3. General gun – November ~~19-21 20-22~~.

4. Small game – December ~~11-26 12-27~~ (Saturdays and Sundays only).

(29) Lake Panasoffkee Wildlife Management Area

(a) Open season:

1. Special-opportunity turkey – March ~~23 20~~ through March ~~26~~, and April ~~4 3~~ through April ~~7 9~~, and April ~~20-23~~.

2. Special-opportunity archery – September 30 through October 3, October 7-10 and 19-22, November 4-7 and 16-19, December 2-5 and 14-17, and January 6-9.

3. Special-opportunity hog-still – February 4-6.

4. Special-opportunity hog-dog – February 16-18.

5. Small game – January 21-23 and 28-30.

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

(b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. No bag or size limit on wild hogs. Fish and frogs throughout the year.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is

~~prohibited. Camping is permitted at designated campsites during the special opportunity turkey hunts, and at other times by permit from the Southwest Florida Water Management District.~~

(d) General regulations:

3. The use of tracked vehicles, airboats, motorcycles, bicycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity ~~spring turkey~~ hunts.

4. No ~~game turkey~~ shall be dismembered until checked at the hunt headquarters.

10. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the special-opportunity hog-dog season.

(30) Potts Wildlife Management Area

(a) Open season:

1. Spring turkey – March ~~18 20~~ through ~~21 23~~ and March ~~22 24~~ through ~~26 28~~.

2. Archery – September 25 through October 3.

3. Muzzleloading gun – October 29-31.

4. General gun hog-dog – November 19-21.

5. Small game – December 4-12.

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

(b) Legal to take: All legal game, wild hogs, Turkeys, fish, and frogs. The bag limit for turkey shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit. No size or bag limit on wild hogs.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is prohibited. Camping is permitted at designated campsites during periods when hunting is allowed, and at other times by permit from the Southwest Florida Water Management District.

(d) General regulations:

2. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas. ~~Horses and B~~bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails. The use of horses is prohibited during spring turkey hunts.

5. No ~~game turkey~~ shall be dismembered until checked at the check station.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season.

(31) This rule shall be effective July 1, 1999.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations on Type II Wildlife Management Areas

RULE NO.: 39-16.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to adjust hunting season dates on Type II Wildlife Management Areas (WMAs) to conform with proposed 1999-2000 hunting season dates and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on Type II WMAs.

SUMMARY: The proposed rule would adjust hunting season dates on all applicable Type II WMAs to coincide with proposed 1999-2000 statewide hunting season dates. The proposed rule would also establish the following specific area regulations:

Eglin Air Force Base – Santa Rosa, Okaloosa and Walton counties – The proposed rule changes would shift general gun, archery, and muzzleloading gun seasons to more closely coincide with peak deer breeding activity per landowner request. The proposed rule changes would establish an open season (February 12-13) for special hunts where any deer except spotted fawns would be legal to take.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$279 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATE: 9:00 a.m., March 12, 1998

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-16.005 Specific Regulations on Type II Wildlife Management Areas.

(1) Eglin Air Force Base – Santa Rosa, Okaloosa and Walton counties

(b) Archery hunts

1. Open season

a. October ~~16~~ ~~47~~ through November ~~14~~ ~~45~~ in all open, stalk and archery-only areas.

b. November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~42~~ through January ~~16~~ ~~47~~ in special archery areas and in Unit 3 as authorized by the Air Base Wing Commander.

2. Legal to take – Antlered deer, antlerless deer before November ~~15~~ ~~46~~ only, wild hog, gray squirrel and rabbit. Furbearers after November 30 only. No size or bag limit on wild hog.

(c) Muzzleloading gun

1. Open season – November ~~19-21~~ ~~20-22~~.

(d) Mobility-impaired general gun

1. Open season – February ~~5-6~~ ~~6-7~~.

(e) General gun hunts

1. Open season – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~42~~ through January ~~2~~ and ~~January 22 through February 6~~ ~~47~~, in all Units except Units ~~6~~ and ~~16~~ ~~7~~; November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~42~~ through January ~~2~~ ~~3~~ in Units ~~6~~ and ~~16~~; ~~November 26-29, December 12 through January 17, and January 30 through February 7 in Unit 7; and at other times designated by the Air Base Wing Commander.~~

(f) Small game hunt

1. Open season – January ~~17~~ ~~48~~ through February ~~17~~ ~~48~~ in all Units except Unit 6 and the area north of Range Road 211, west of State Road 85 and east of State Road 87. November ~~13~~ ~~44~~ through February ~~17~~ ~~48~~ only in Unit 6 and the area north of Range Road 211, west of State Road 85 and east of State Road 87.

3. General regulations – Bird dogs may be used to hunt quail in both the dog and still hunt areas. Dogs may be used to take rabbits in Unit 10 from January ~~17~~ ~~48~~ through February ~~17~~ ~~48~~.

(g) Archery and muzzleloading gun

1. Open season – February ~~11-14~~ ~~49-22~~ and ~~18-20~~ ~~26-28~~ except in Units ~~6~~ and ~~16~~.

(i) Spring turkey season

1. Open season – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(j) Special hunt

1. Open Season – February ~~12-13~~.

2. Legal to take – Any deer (except spotted fawns).

(k)(+) Trapping

1. Open season – December ~~11~~ ~~42~~ through March 1.

(k) through (m) renumbered (l) through (n) No change.

(2) Lower Escambia – Escambia and Santa Rosa counties

(a) Open season

1. General gun – December ~~11~~ ~~42~~ through January ~~5~~ ~~6~~ except Parker and Morgan Islands (December ~~11-31~~ ~~42-34~~).

2. Small game – November ~~13~~ ~~44~~ through December ~~10~~ ~~44~~, and January ~~6~~ ~~7~~ through March ~~5~~ ~~7~~ except Parker and Morgan Islands (November ~~13-18~~ ~~44-49~~, November ~~22~~ ~~23~~ through December ~~10~~ ~~44~~ and February 1 through March ~~5~~ ~~7~~).

3. Duck and dove – As established by Rules 39-13.003 and 39-13.008, F.A.C.

4. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

5. Archery – October ~~16~~ ~~47~~ through November ~~14~~ ~~45~~.

6. Archery and muzzleloading gun – February ~~17-27~~ ~~48-28~~ except on Parker and Morgan Islands January 1-31 and February ~~17-27~~ ~~48-28~~).

7. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(c) General regulations

5. Hunting with dogs other than bird dogs is prohibited during daylight hours November ~~13~~ ~~44~~ through December ~~10~~ ~~44~~ and January ~~6~~ ~~7~~ through March ~~5~~ ~~7~~; also, December ~~11~~ ~~42~~ through January ~~5~~ ~~6~~ in that portion of the area north of State Road 184 Mineral Springs Road in Santa Rosa County and Bogia Road in Escambia County.

(3) Upper St. Johns River Marsh – Indian River, Brevard, and Osceola counties

(a) Open season

1. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~26~~.

2. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.

3. General gun – November ~~13~~ ~~44~~ through January ~~23~~ ~~24~~.

4. Small game – January ~~24~~ ~~25~~ through March ~~5~~ ~~7~~.

5. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(b) Legal to take

All legal game, furbearers, fish and frogs. Antlerless deer may be taken during the archery season and the period November ~~14-15~~ ~~45-46~~. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons. The period of November ~~7~~ ~~8~~ through January ~~3~~ ~~4~~ is open for bearded turkeys only. No bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun and small game seasons.

(c) General regulations

14. Hunting with dogs is prohibited except during the small game season. Waterfowl retrievers are permitted during the duck and coot season. Hunting hogs with the aid of dogs is prohibited, except during the period January ~~26-30~~ ~~27-31~~.

(4) Tyndall Air Force Base – Bay County

(a) Archery season

1. Hunting – October ~~16~~ ~~17~~ through October ~~24~~ ~~25~~ daily and October ~~25~~ ~~26~~ through November ~~14~~ ~~15~~ on Wednesdays, Saturdays, Sundays and Federal holidays only.

(b) Special Hunt Unit

1. General gun – December ~~18-19~~ ~~19-20~~, January ~~1-2~~ ~~2-3~~ and January ~~29-30~~ ~~30-31~~.

(c) General gun season

1. Hunting – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~16~~ ~~17~~ on Saturdays, Sundays, Wednesdays, federal holidays from November ~~25~~ ~~26~~ through February ~~16~~ ~~17~~, and daily from December ~~18~~ ~~19~~ through January ~~2~~ ~~3~~, except Christmas Day. Hunt days are subject to change by order of the Wing Commander.

(d) Special hunt

1. Hunting – November ~~20-21~~ ~~21-22~~, ~~26-27~~ ~~27-28~~, and December ~~11-12~~ ~~12-13~~.

(f) Spring turkey season

1. Hunting – March ~~18-19~~ ~~20-21~~, ~~25-26~~ ~~27-28~~, April ~~1-2~~ ~~3-4~~, ~~8-9~~ ~~10-11~~, ~~15-16~~ ~~17-18~~, and ~~22-23~~ ~~24-25~~ west of DeJarnette Drive.

(5) Avon Park Air Force Range – Polk and Highlands counties

(a) Open season

1. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~, Friday, Saturday, Sunday and Monday only.

2. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~, Friday, Saturday, Sunday and Monday only.

3. General gun – November ~~13~~ ~~14~~ through January ~~2~~ ~~3~~, Friday, Saturday, Sunday and Monday only and at other times as designated by the U.S. Air Force.

4. Small game – January ~~3~~ ~~4~~ through March ~~5~~ ~~7~~, Friday, Saturday, Sunday and Monday only.

5. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~, Friday, Saturday, Sunday and Monday only.

(b) Legal to take

2. Antlerless deer may be taken during the archery season and on October ~~30~~ ~~31~~, and December ~~11~~ ~~12~~ and ~~18~~ ~~19~~. Antlered deer may be taken during archery season, muzzleloading gun season and the first four weekend hunting periods of general gun season.

(6) Upper Chipola River – Jackson County

(a) Open season

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through January 1.

2. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

3. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

4. Small game – November ~~13-24~~ ~~14-25~~, November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~, and January ~~1~~ ~~2~~ through March ~~5~~ ~~7~~.

5. Archery and muzzleloading gun – February ~~19-20~~ ~~20-21~~ and February ~~26-27~~ ~~27-28~~.

6. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(7) Apalachicola River – Gulf and Liberty Counties

(a) Open season

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~16~~ ~~17~~.

2. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

3. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

4. Small game – November ~~13-24~~ ~~14-25~~, November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~, and February ~~17~~ ~~18~~ through March ~~5~~ ~~7~~.

5. Archery and muzzleloading gun – February ~~17-27~~ ~~18-28~~.

6. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken only during the archery season. During the general gun season, bearded turkeys or gobblers may be taken only during the period of November ~~25-28~~ ~~26-29~~ and December ~~11-22~~ ~~12-23~~.

(8) Choctawhatchee River – Bay, Walton, Washington and Holmes Counties

(a) Open season

1. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~16~~ ~~17~~ except Holmes Creek Unit and East River Island.

2. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

3. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

4. Small game – November ~~13-24~~ ~~14-25~~, November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~, and February ~~17~~ ~~18~~ through March ~~5~~ ~~7~~.

5. Archery and muzzleloading gun – February ~~17-27~~ ~~18-28~~. Holmes Creek Unit and East River Island November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~27~~ ~~28~~.

6. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~ only in that portion of the area south of the pipeline right-of-way located up river (north) of Cedar Log Landing (Walton County) and Douglas Ferry Landing (Washington County).

(b) Legal to take: All legal game (except turkeys shall not be taken in that portion of the area north of the pipeline right-of-way), fish, frogs and furbearers. During the general gun season, bearded turkeys or gobblers may be taken only in the portion of the area south of the pipeline right-of-way during the period of November ~~25-28~~ ~~26-29~~ and December ~~11-22~~ ~~12-23~~.

(9) Little River – Suwannee County

(a) Open season

1. Archery – September ~~25-27~~ ~~26-28~~; October ~~2-4~~ ~~3-5~~ and ~~9-11~~ ~~10-12~~.

2. Muzzleloading gun – October ~~29-31~~ ~~30~~ through November ~~1~~.

3. Small game – December ~~4-8~~ ~~5-9~~ and December ~~25-29~~ ~~26-30~~.

(10) Middle Aucilla – Madison, Taylor and Jefferson Counties

(a) Open season

1. General gun – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~.

2. Small game – January ~~10~~ ~~11~~ through March ~~5~~ ~~7~~.

3. Archery – September ~~25~~ ~~26~~ through October ~~24~~ ~~25~~.

4. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.

5. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(11) Troy Springs – Lafayette County

(a) Open season

1. Small game – November ~~13~~ ~~14~~ through January ~~9~~ ~~10~~ except on Sundays and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251 and southwest of the Suwannee River.

(12) Ralph E. Simmons Memorial – Nassau County

(a) Open season

1. General gun – November ~~20-28~~ ~~21-29~~.

2. Archery – September ~~25~~ ~~26~~ through October ~~10~~ ~~11~~.

3. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.

4. General gun for mobility impaired – October ~~16-19~~ ~~17-20~~.

5. Small game – December ~~20~~ ~~21~~ through January ~~2~~ ~~3~~ and February ~~5-13~~ ~~6-14~~.

8. Spring turkey – March ~~24-26~~ ~~26-28~~, April ~~7-9~~ ~~9-11~~ and April ~~21-23~~ ~~23-25~~.

(14) Bayard – Clay County

(a) Open season:

1. Archery – September ~~25~~ ~~26~~ through October ~~10~~ ~~11~~ and November ~~20~~ ~~21~~ through November ~~28~~ ~~29~~.

2. Muzzleloading Gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.

3. Spring turkey – March ~~24-26~~ ~~26-28~~; April ~~7-9~~ ~~9-11~~, and April ~~21-23~~ ~~23-25~~.

(15) Dunns Creek – Putnam County

(a) Open season:

1. Archery – September ~~25~~ ~~26~~ through October ~~10~~ ~~11~~ and November ~~20-28~~ ~~21-29~~.

2. Muzzleloading gun – October ~~30~~ ~~31~~ through November ~~7~~ ~~8~~.

3. Spring turkey – March ~~24-27~~ ~~26-29~~; April ~~7-9~~ ~~9-11~~, and April ~~21-23~~ ~~23-25~~.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit shall be one antlered and one antlerless deer per hunt permit. Wild hogs of any size with no

bag limit may be taken during any hunt. Turkeys of either sex may be taken during the archery season only. Quail, gray squirrel and rabbit.

(16) Upper Choctawhatchee River – Holmes County

(a) Open season:

1. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

2. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

3. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~16~~ ~~17~~.

4. Small game – November ~~13-18~~ ~~14-19~~; ~~22-24~~ ~~23-25~~; November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~ and February 28 through March 5 ~~1-7~~.

5. Archery and muzzleloading gun – February ~~17-27~~ ~~18-28~~.

(17) Yellow River – Santa Rosa County

(a) Open season:

1. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

2. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

3. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~16~~ ~~17~~.

4. Small game – November ~~13-18~~ ~~14-19~~; ~~22-24~~ ~~23-25~~, November ~~29~~ ~~30~~ through December ~~10~~ ~~11~~ and February 28 through March 5 ~~1-7~~.

5. Archery and muzzleloading gun – February ~~17-27~~ ~~18-28~~.

6. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

(18) Econfina Creek – Bay and Washington counties

(a) Open Seasons except in the mobility-impaired hunt area.

1. Archery – October ~~16~~ ~~17~~ through November ~~14~~ ~~15~~.

2. Muzzleloading gun – November ~~19-21~~ ~~20-22~~.

3. General gun – November ~~25-28~~ ~~26-29~~ and December ~~11~~ ~~12~~ through February ~~2~~ ~~3~~.

4. Archery and muzzleloading gun – February ~~17-27~~ ~~18-28~~.

5. Small game – November ~~13~~ ~~14~~ through March ~~5~~ ~~7~~.

6. Spring turkey – March ~~18~~ ~~20~~ through April ~~23~~ ~~25~~.

7. Raccoon – November ~~13~~ ~~14~~ through March ~~17~~ ~~19~~ and April ~~24~~ ~~26~~ through July 31.

(b) Open Seasons – mobility-impaired hunt area south of S.R. 20 and east of Enfinger Road.

1. General gun – November ~~26-28~~ ~~27-29~~, January ~~14-16~~ ~~15-17~~, January ~~21-23~~ ~~22-24~~, January ~~28-30~~ ~~29-31~~ and February ~~2-4~~ ~~3-5~~.

2. Spring turkey – March ~~18-19~~ ~~20-21~~, ~~24-26~~ ~~26-28~~, March 31 through April ~~2~~ ~~2-4~~, ~~7-9~~ ~~9-11~~, ~~14-16~~ ~~16-18~~ and ~~21-23~~ ~~23-25~~.

(19) This rule shall become effective July 1, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 12-3-79, 7-13-80, 8-4-81, 10-15-81, 11-17-81, 8-29-82, 7-27-83, 9-27-83, 8-13-84, 8-20-85, 9-23-85, Formerly 39-16.05, Amended 8-5-86, 8-13-87, 8-18-88, 8-17-89, 8-21-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 8-15-95, 9-15-96, 8-7-97, 7-1-98, 8-11-98, 7-1-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Specific Regulations for Wildlife and Environmental Areas
RULE NO.: 39-17.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to adjust hunting season dates on Wildlife and Environmental Areas (WEAs) to conform with proposed 1999-2000 hunting season dates, and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule would adjust hunting season dates on all applicable WEAs to coincide with proposed 1999-2000 statewide hunting season dates. The proposed rule would also establish the following specific area regulations:

Apalachicola River WEA – The proposed rule changes would establish an open season for taking doves in posted dove fields on Saturdays only during the first phase of the statewide dove season; prohibit the use of dogs other than bird dogs or retrievers on posted dove fields during the first phase of dove season; require check in and out at the check station by persons entering or exiting posted dove fields to hunt doves during the first phase of dove season; require possession of a special-opportunity dove hunt permit when hunting in posted dove fields during the special-opportunity dove season; allow entry into the posted dove fields no earlier than one hour before shooting time and require exit no later than one hour after sunset; require that dove hunters hunt from assigned stations in posted dove fields; and allow transfer of station assignments at the check station.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$114 for advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.
LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., March 12, 1999
PLACE: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

39-17.005 Specific Regulations for Wildlife and Environmental Areas.

(3) Santa Fe Swamp – Bradford County

(a) Open season (hunting prohibited at other times):

1. Archery – September ~~25 26~~ through October ~~24 25~~.

2. Muzzleloading gun – October ~~29-31 30~~ through ~~November 1~~.

3. Archery and muzzleloading gun – November ~~13 14~~ through January ~~9 10~~.

4. Spring turkey – March ~~18 20~~ through April ~~23 25~~.

(4) Southern Glades – Dade County

(a) Open seasons:

1. Archery – September ~~11 12~~ through October ~~10 11~~.

2. Muzzleloading gun – October ~~15-17 16-18~~.

3. General gun – October ~~30 31~~ through December ~~5 6~~.

4. Ducks, coots and snipe – During the seasons established for these species in ~~R~~rules 39-13.003 and 39-13.008, F.A.C.

6. Frogging – December ~~6 7~~ through March ~~4 6~~.

(b) Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots and snipe may be taken during seasons established for these species in ~~R~~rules 39-13.003 and 39-13.008, F.A.C.

(6) John G. and Susan H. Dupuis Jr. – Palm Beach County

(a) Open season:

1. Archery – September ~~11-13 12-14, 18-20 19-21~~ and ~~24-26 25-27~~.

2. Muzzleloading gun – October ~~9-11 10-12, 16-18 17-19~~ and ~~22-24 23-25~~.

3. General gun – October ~~30 31~~ through November ~~1 2~~ and November ~~6-8 7-9~~.

4. General gun for mobility-impaired – November ~~13-14 14-15~~.

5. General gun hog – November ~~16-18 17-19, 23-25 24-26, November 30 through~~ December ~~2 1-3~~ and ~~7-9 8-10~~. Wild hogs only. No bag or size limit.

6. Spring turkey – March ~~7-9 9-11, 18-20 20-22~~ and ~~25-27 27-29~~.

7. Small game – December ~~11-12~~ through January ~~30-31~~.

(b) Legal to take:

3. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 39-13.003 and 39-13.008, F.A.C., that coincide with the small game season.

(7) Apalachicola River – Gulf, Franklin and Liberty Counties

(a) Hunting shall be allowed only during the open seasons established for migratory birds in Rules 39-13.003 and 39-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel and wild hogs in Rule 39-13.004, F.A.C., except for the following: (1) antlerless deer may only be taken during the archery season; ~~and~~ (2) general gun season shall open the fourth Thursday in November and close 3 days thereafter and reopen the second Saturday in December and close 53 days thereafter; and (3) during the first phase of dove seasons established by Rule 39-13.008, F.A.C., doves may be taken in posted dove fields on Saturdays only.

(b) Furbearers may be taken in accordance with the provisions of Rule 39-24.002, F.A.C.

(c) General regulations:

4. The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.

5. Persons hunting doves in posted dove fields during the first phase of dove season shall check in and out at the check station when entering and exiting the area and check all doves taken.

6. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields during the first phase of dove season.

7. During the first phase of dove season, hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset.

8. During the first phase of dove season, dove hunters shall hunt from assigned stations in posted dove fields. Hunt station assignments may be transferred at the check station.

(12) CREW – Collier and Lee Counties

(a) Open season:

1. Archery hog hunt – September ~~11-19~~ ~~12-20~~, Corkscrew Marsh Unit only.

2. Muzzleloading gun hog hunt – October ~~16-24~~ ~~17-25~~, Corkscrew Marsh Unit only.

(19) This rule shall be effective July 1, 1999.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, ~~7-1-99.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 1998

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

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: General Methods of Taking Freshwater Fish
RULE NO.: 39-23.002

PURPOSE AND EFFECT: The proposed rule amendment decreases the regulatory burden on freshwater anglers by eliminating some restrictions on possession and use of bait catching gear for harvesting freshwater fish for use as bait.

SUMMARY: The proposed rule repeals the prohibition against possession or use of bait catching devices to take bait while in possession of freshwater gamefish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated the proposed action will cost the agency \$75 for administrative preparation and \$107.84 for advertising. No other significant economic impacts are anticipated.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-23.002 General Methods of Taking Freshwater Fish.

(9) ~~Except where otherwise provided in this section, possession of any freshwater fish together with any device which is prohibited for taking such freshwater fish is unlawful, except that game fish may be possessed. The possession of~~

~~striped bass or sunshine bass, together with the bait catching devices as provided in Rule 39-23.002(6), F.A.C., is not prohibited; provided, however, that the use of said devices while in possession of striped bass or sunshine bass is prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-21-82, 7-1-84, Formerly 39-23.02, Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Darrell L. Scovell
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Regulations Governing the Harvest of Alligators on Special-opportunity Alligator Hunt Areas
RULE NO.: 39-25.047

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish procedures and requirements for special-opportunity alligator hunts on the Holey Land and Everglades and Francis S. Taylor wildlife management areas. The effect will be to provide opportunities for the public to hunt alligators through special-opportunity alligator hunts on these areas.

SUMMARY: The proposed rule would establish procedures and requirements for special-opportunity alligator hunts on the Holey Land and Everglades and Francis S. Taylor wildlife management areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$60 for advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.
LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m., March 12, 1999
PLACE: Second Floor, Auditorium, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-25.047 Regulations Governing the Harvest of Alligators on Special-Opportunity Alligator Hunt Areas.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission that relate to taking alligators from the wild.

(2) Special-opportunity alligator hunt permits shall be issued in accordance with Rule 39-5.005, F.A.C. One CITES tag shall be issued per permit. Applicants selected for the Holey Land and Everglades and Francis S. Taylor special-opportunity hunt areas shall also be issued an alligator harvest tag that differs in color from harvest tags issued pursuant to Rule 39-25.042, F.A.C.

(3) Alligator trapping requirements:

(a) Only those persons licensed as required by s. 372.6673, F.S., and possessing a valid special-opportunity alligator hunt permit and an alligator CITES tag (and an alligator harvest tag, if issued) may take alligators under this section.

(i) Immediately upon killing, a CITES tag issued by the Commission with each permit and an alligator harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. No person shall possess any untagged alligator hide. The CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing.

(k) All unused CITES tags and harvest tags, if issued, must be returned by the permittee to the Commission's Wildlife Research Laboratory, 4005 South Main Street, Gainesville, FL 32601 no later than 15 days after the close of the assigned hunt period. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section more than 15 days after the close of the assigned hunt period.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 6-1-97, Amended 4-12-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy E. O'Meara
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts
RULE NO.: 39-25.052

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-1-96, 9-15-96, 6-1-97, 4-12-98, _____.

PURPOSE AND EFFECT: Changes are proposed to prohibit the sale of meat from alligators taken pursuant to Rule 39-25.047, F.A.C., from the Holey Land and the Everglades and Francis S. Taylor wildlife management areas. The effect will be prohibit the sale of meat containing elevated levels of mercury from alligators taken under these hunts.

SUMMARY: The proposed rule would prohibit the sale of meat from alligators taken pursuant to Rule 39-25.047, F.A.C., from the Holey Land and the Everglades and Francis S. Taylor wildlife management areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$60 for advertising. No other significant economic impacts are expected.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

39-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

(2) Alligator meat from alligators taken pursuant to Rule 39-25.047, F.A.C., from the Holey Land and the Everglades and Francis S. Taylor special-opportunity hunt areas may not be sold for human consumption and if not discarded must be permanently and visibly labeled “NOT FOR SALE, Recommend: NOT FOR HUMAN CONSUMPTION.”

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O'Meara
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 1998

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program
 RULE CHAPTER NO: 40E-63
 RULE TITLE: Definitions
 RULE NO.: 40E-63.102

PURPOSE AND EFFECT: The Everglades Forever Act mandates a 25 percent reduction in the total phosphorus load discharged from the EAA. The District is required to calculate this EAA Basin Compliance annually. Chapter 40E-63, F.A.C. established a formal procedure to calculate these phosphorus loads. Chapter 40E-63 anticipated that refinements to the EAA Basin phosphorus calculation procedures would be required over time to incorporate changes to the surface water management system within the EFA, such as construction of the Stormwater Treatment Areas. The proposed amendments are to ensure that the calculation of the reduction in phosphorus load is made as accurately as possible and to clarify the definitions of Individual and Master permits.

SUMMARY: The proposed rule amends the FORTRAN code used to calculate basin compliance, which is contained in Chapter 40E-63, F.A.C., Appendix 3A and incorporated by reference in Appendix 63-3 F.A.C. Basin Compliance. The amendments formally modify the basin phosphorus load calculation procedures by adding the proposed Stormwater Treatment Areas 2 inflow pump station (G-328) as new discharge point from the EAA, and discharges from Stormwater Treatment Area 5 (G-344A, G-344B, G-344C, and G-344D) as a new inflow points into the EAA from the C-139 Basin. The proposed amendments include revisions to tables, Table 40E-63-1 and 40E-63-2, and revisions to Figure 40E-63-4 within Appendix 40E-63-3 in order to reflect new monitoring locations associated with the new stormwater treatment areas. Amendments to Rule 40E-63.102 are proposed to clarify definitions for Individual and Master Works of the District within the Everglades Permits.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS.

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

TIME AND DATE: 9:00 a.m., March 11, 1999

PLACE: South Florida Water Management District, Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marcy LaHart, Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-63.102 Definitions.

(1) through (4) No change.

(5) "Individual Permit" means a single permit issued to any entity, and the owner of land on which a structure is located, any entity responsible for operating the structure, and the owners of all parcels which discharge water tributary to the structures identified in the permit, that is responsible for implementing Best Management Practices and conducting water quality monitoring for all lands specified within the permit.

(6) through (7) No change.

(8) "Master Permit" means a single permit issued for the entire Everglades Agricultural Area to a legally responsible entity; ~~cooperating group of landowners, or individual owner of multiple structures~~ that provides an opportunity to achieve collective compliance with the provisions of this Chapter.

(9) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History--New 1-22-92, Amended 7-7-92, 6-30-97, _____.

INSERT TABLE 40E-63-1 – FULL PAGE

**INSERT TABLE 40E-63-2 – FULL
PAGE**

**INSERT FULL PAGE MAP – FIGURE
40E-63-4**

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paul Whalen, Director of Everglades Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Terrie Bates, Director of Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 10, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 14, 1998

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Acupuncture Examination
RULE NO.: 64B1-3.004
PURPOSE AND EFFECT: The purpose of the amendment is to implement a transition to use of computerized administration for the approved licensing exam.
SUMMARY: The amendment to the rule implements a transition of the use of computerized administration for the approved licensing exam.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.574(1)(c), 457.104 FS.
LAW IMPLEMENTED: 455.574(1)(c), 457.104 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., March 10, 1999
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.004 Acupuncture Examination.

The Board hereby approves as the Florida examination for licensure the two-part written NCCAOM examination (one part on acupuncture theory and one part on clean needle technique), and Computer Simulated Point Location Examination (CSPLE). Initial applicants will apply directly to NCCAOM for examination, the point location examination.

(1) For the May and October 1999 examinations only, the Board approves both the Practical Examination of Point Location Skills (PEPLS) and the Computer Simulated Point Location Examination (CSPLE) at the election of the candidate.

(2) For May and October of 1999, the Board approves a special administration for the two parts of the former NCCAOM written examination for candidates who have failed one part of the examination and passed the other. The two parts of the examination are:

- (a) one part on acupuncture theory, and
- (b) one part on clean needle technique.

Specific Authority 455.574(1)(c), 457.104 FS. Law Implemented 455.574(1)(c), 457.104 FS. History—New 8-13-84, Amended 10-2-84, Formerly 21AA-3.04, Amended 1-25-88, 9-3-89, 2-27-92, 5-6-92, Formerly 21AA-3.004, Amended 1-27-94, Formerly 61F1-3.004, Amended 11-21-95, Formerly 59M-3.004, Amended 10-15-97, 5-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 14, 1998
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 22, 1999

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Criteria for Continuing Education Programs
RULE NO.: 64B24-6.005
PURPOSE AND EFFECT: The proposed rule amendments are to allow the licensed midwives to obtain their continuing education through self-study programs and to give them credit for attending a Council meeting to meet the required continuing education credit for the law and rules.
SUMMARY: The proposed rule amendments would offer the licensed midwife to obtain their continuing education through self-study programs and to obtain credit for the law and rules requirement by attending a Council of Licensed Midwifery meeting.
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: 467.012(3), 467.005 FS.
LAW IMPLEMENTED: 467.012(3) 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., March 8, 1999
PLACE: Executive Director’s Office, Council of Licensed Midwifery, 1940 North Monroe Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-6.005 Criteria for Continuing Education Programs.

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

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

(l) Self-study courses ~~up to a maximum of five (5) hours per biennium~~ which meet the criteria pursuant to this section, and approved videocassette courses not to exceed five hours per subject.

(m) The department will credit any licensed midwife who attends the entire meeting of any Council of Licensed Midwifery meeting and/or rules workshop as having met the one hour continuing education requirement for the law and rules for the current biennium.

(n) Programs not specifically approved above shall be considered by the department on an individual basis upon written request and sufficient documentation to verify that the program meets the requirements pursuant to 64B24-6.005, F.A.C.

Specific Authority ~~467.012(3), 467.005, 467.012~~ FS. Law Implemented ~~467.012(3), 455.219(3)~~ FS. History—New 1-26-94, Formerly 61E8-6.005, 59DD-6.005, Amended 3-20-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council of Licensed Midwifery

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Buckhalt, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 1998

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family Cap Requirements

RULE NO.: 65A-4.214

PURPOSE AND EFFECT: This proposed rule amendment clarifies provisions regarding the applicability of the family cap. This proposed amendment does not reflect any change in policy.

SUMMARY: This proposed rule amendment clarifies criteria as to applying the family cap ten months after the month of application or reapplication. The method of calculating ten months prior to the birth month is re-stated to clarify meaning with no change in policy. Additionally, statements regarding disqualification and including the children's income are clarified.

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: 414.115 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., March 8, 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 412-D, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.214 Family Cap Requirements.

(1) Family Cap. The first child born more than ten ~~eleven~~ months after ~~back from~~ the month of application or reapplication, will receive a temporary cash assistance benefits grant of 50 percent of the maximum incremental increase for an additional person. Subsequent children born to a temporary cash assistance recipient will receive no increase in the temporary cash assistance benefits grant. These subsequent children are considered ineligible for temporary cash assistance disqualified. They are considered temporary cash assistance recipients for all other purposes. The income and assets of children subject to the family cap are considered fully in the budget calculation of the assistance group with the exception of child support income. Child support income of the first child subject to the family cap is considered. Child support income of subsequent children subject to the family cap is not considered. The caps on the first child and subsequent children will be permanent as long as the child, subject to the cap, is a child in the birth parent's or a relative payee's temporary cash assistance benefits grant.

(2) Assistance Breaks/Family Cap Count. ~~When there is a break in receipt of temporary cash assistance, the family cap applies will apply~~ if the child's birth parent was receiving temporary cash assistance more than ten in the eleventh months prior to back from the birth month. When there has been a break in receipt of temporary cash assistance and the break is less than six continuous months, the family cap will apply to births occurring more than ten months from the month of application or reapplication. The count to determine more

than ten ~~the eleventh~~ months begins with the month prior to the birth month with or without a break in receipt of temporary cash assistance.

(3) through (4) No change.

Specific Authority 414.45 FS. Law Implemented 414.115 FS. History—New 4-13-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Temporarily Cash Assistance

RULE CHAPTER NO.: 65A-4

RULE TITLE: Immunization Program

RULE NO.: 65A-4.216

PURPOSE AND EFFECT: This rule amendment changes verification requirements for immunizations.

SUMMARY: The preferred method of verification will continue to be the Florida Certification of Immunization Form, DH 680, or other written verification. The amendment will allow oral verification through direct contact between departmental staff with the health care professional or their authorized designee when the participant is unable to obtain written verification.

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: 120.54(1), 414.45 FS.

LAW IMPLEMENTED: 414.13 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: 3:00 p.m., March 8, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.216 Immunization Program.

(1) No change.

(2) Any written statement containing information that the immunizations are current, the date the next immunization is due and the dated signature of a health care professional licensed under Chapters 458, 459 or 460, F.S., or authorized designee is acceptable as verification for immunization requirements. DH Form 680, 11/96, Florida Certification of Immunization, incorporated by reference, is an example of acceptable verification. Oral verification through direct contact between departmental staff and the health care professional or their authorized designee is allowed when the participant is unable to obtain written verification. ~~This DH Form 680,~~ when signed by a healthcare professional licensed under Chapters 458 or 459, F.S., also will be used as verification of good cause for failure to immunize a child due to a permanent medical condition. CF Form 681, 6/94, Religious Exemption from Immunization, incorporated by reference, signed by the county public health director or administrator is acceptable verification of good cause for failure to immunize a child because of religious beliefs.

Specific Authority 120.54(1), 414.45 FS. Law Implemented 414.13 FS. History—New 4-26-94, Formerly 10C-1.517, Amended 7-22-97, Formerly 65A-1.517, 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, Public Assistance Policy Bureau

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

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

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 980570-EU

RULE NO.: 25-6.0185

RULE TITLE: Electric Utility Procedures for Long-Term Energy Emergencies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 48, November 25, 1998, issue of the Florida Administrative Weekly: