

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.
 LAW IMPLEMENTED: 491.005(4)(c) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., April 27, 2000
 PLACE: The Radisson Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE:

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures and revise forms for the submission of applications by companies seeking to do business in the state of Florida. The purpose of the rule chapter will also establish procedures for companies who wish to amend their certificates of authority to add new lines of business.

SUMMARY: The proposed amendments include eliminating rules that were targeted for repeal during the recent rule review project. Additionally, several of the amendments are aimed at consolidating domestic and alien forms and permits used by the Department into fewer rule sections. Lastly, the amendments include repealing forms that are no longer necessary.

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, 627.954 FS.

LAW IMPLEMENTED: 624.307(3), 624.318, 624.321, 624.34, 624.401, 624.404, 624.408, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501, 624.913, 626.611(14), 627.943, 627.944, 627.945 (1), 627.947, 627.948, 628.051, 628.061, 628.6011 FS.

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

TIME AND DATE: 10:00 a.m., March 22, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan Hendrix, Senior Management Analyst I, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2570

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: Joan Hendrix, (850)413-2570.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-136.001 Purpose.

~~The purpose of this rule chapter is to establish procedures for the submission of applications by companies seeking to do business in this state pursuant to the provisions of Chapters 624, 626, 628, and 629, Florida Statutes. This rule chapter contains specific filing instructions for the following entities:~~

~~(1) Application for Certificate of Authority for Foreign and Alien Property and Casualty Insurers, pursuant to Section 624.404, Florida Statutes.~~

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-136.001
Foreign and Alien Insurers Filing for a Certificate of Authority	4-136.002
Foreign and Alien Insurers Filing for a Certificate of Authority for Property and Casualty Surplus Lines	4-136.003 4-136.004
Foreign and Alien Life and Accident and Health Insurers	4-136.005
Domestic Insurers Filing for an Application for Permit	4-136.006
Applications for Permit Submitted for Domestic Assessable Mutual Insurers	4-136.007
Permit for Domestic Property and Casualty Insurers	4-136.008
Application for Permit, Domestic Captive Insurer Permit for Domestic Life, Accident and Health Insurers	4-136.009 4-136.010
Domestic Insurers Filing for a Certificate of Authority	4-136.011
Forms Adopted	4-136.012
Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business	4-136.015
Purpose	4-136.030
Registration as a Purchasing Group	4-136.031
Restriction on Insurance Purchased by Purchasing Groups	4-136.033

~~(2) Application for Certificate of Authority for Commercial Self-Insurance Funds, pursuant to Section 624.462, Florida Statutes.~~

~~(3) Application as an Insurer Under Florida's Surplus Lines Law, pursuant to Section 626.913, Florida Statutes.~~

~~(4) Application for Permit for Domestic Assessable Mutual Insurers, pursuant to Section 628.6011, Florida Statutes.~~

~~(5) Application for Permit for Domestic Property and Casualty Insurers, Title Insurers, and Life and Health Insurers, pursuant to Section 628.051, Florida Statutes.~~

~~(6) Application for Permit for Domestic Captive Insurers, pursuant to Chapter 628, Part III, Florida Statutes.~~

~~(7) Application for Permit for Domestic Life, Accident and Health Insurers, pursuant to Section 628.051, Florida Statutes.~~

~~(8) Application for Certificate of Authority of Domestic Property and Casualty Insurers, pursuant to Section 624.404, Florida Statutes.~~

~~(9) Application for Certificate of Authority of Domestic Life, Accident and Health Insurers, pursuant to Section 624.404, Florida Statutes.~~

~~(10) Application for Certificate of Authority of Domestic Reciprocal Insurers, pursuant to Section 629.081, Florida Statutes.~~

Specific Authority 624.308 FS. Law Implemented 624.401, 624.404, 624.462, 624.466, 626.913, 628.051, 628.6011, 629.081, 629.091 FS. History—New 2-26-92, Repealed.

4-136.002 Foreign and Alien Insurers Filing for a Certificate of Authority.

All foreign entities seeking a ~~any of the~~ certificates of authority specified in 4-136.001 shall comply with the requirements of Sections 624.404, 624.413 and related Florida Statutes, and shall submit the following ~~common~~ forms:

~~(1) Form DI4-841, "Invoice Request for Payment of Application Fees," rev. 08/91;~~

~~(1)(2) Form DI4-144, "Service of Process Consent & Agreement," rev. 1/97 "Consent and Agreement in re Service of Process Under the Laws of Florida," rev. 11/90;~~

~~(3) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(4) Form DI4-414, "Paid Representative Registration," rev. 6/89;~~

~~(5) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 11/90;~~

~~(6) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91;~~

~~(7) Form DI4-844, "Management Information," rev. 10/91;~~

~~(2)(8) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98; 11/90; and~~

~~(3)(9) Form DI4-450, "Authority For Release of Information," rev. 8/91;~~

~~(4) Form DI4-884, "Application for Certificate of Authority Foreign and Alien Insurer," rev. 2/00;~~

~~(5) Form DI4-881, "Invoice, Application For Certificate of Authority," rev. 10/97;~~

~~(6) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;~~

~~(7) Form DI4-887, "Application For Certificate of Authority To Conduct Business In The State of Florida," rev. 9/98;~~

~~(8) Form DI4-901, "Life, Accident and Health Insurers, Lines of Business By Company Code," rev. 5/91;~~

~~(9) Form DI4-877, "Property and Casualty Insurers, Lines of Business By Company Code," rev. 11/05/99;~~

~~(10) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Formas (Pages 1-4)," rev. 9/96;~~

~~(11) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98;~~

~~(12) Form DI4-888, "Disclosure Form Property and Casualty Insurers Only," rev. 4/97;~~

~~(13) Form DI4-889, "Certification, Property and Casualty Insurers Only," rev. 4/97;~~

~~(14) Form DI4-1301, "Subscription Agreement Form," rev. 5/99;~~

~~(15) Form DI4-1298, "Management Information Form," rev. 4/97;~~

~~(16) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99; and~~

~~(17) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501 FS. History—New 2-26-92, Amended.

4-136.003 Foreign and Alien Insurers Filing for a Certificate of Authority for Property and Casualty.

~~Applications submitted for a Certificate of Authority for Foreign and Alien Property and Casualty Insurers shall contain all of the following forms in addition to the common forms pursuant to Section 624.404 and required by Rule 4-136.002, above:~~

~~(1) Form DI4-884, "Application for Certificate of Authority for Foreign and Alien Property and Casualty Insurers," rev. 4/91;~~

~~(2) Form DI4-885, "Instructions, Sections I-IV," rev. 4/91;~~

~~(3) Form DI4-886, "Required Filings Check List, Sections I-IV," rev. 4/91;~~

~~(4) Form DI4-887, "Application for License to Conduct Business in the State of Florida—Foreign or Alien Property and Casualty Insurer," rev. 5/91;~~

~~(5) Form DI4-896, "Proformas (Pages 1-18)," rev. 5/91;~~

~~(6) Form DI4-888, "Disclosure Form For Premiums Due," rev. 5/91; and~~

~~(7) Form DI4-889, "Certification re Premiums Due," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422 FS. History—New 2-26-92, Repealed.

4-136.004 Surplus Lines.

Applications submitted as an Insurer Under Florida's Surplus Lines Law, pursuant to Section 626.913, Florida Statutes, shall contain all of the following forms:

(1) Form ~~DI4-915~~ ~~DI4-815~~, "Application as an Insurer Under Florida's Surplus Lines Law," rev. ~~12/97~~ ~~4/91~~;

(2) Form DI4-916, "Instructions, Sections I-IV," rev. ~~5/99~~ ~~4/91~~;

(3) Form DI4-917, "Required Filings Check List, Sections I-IV," rev. ~~5/98~~ ~~4/91~~;

~~(4) Form DI4-841, "Invoice, Request For Payment of Application Fees," rev. 8/91;~~

~~(4)(5) Form DI4-144, "Service Of Process Consent & Agreement," rev. 1/97 "Consent and Agreement In Re Service of Process Under The Laws of Florida," rev 11/90;~~

~~(6) Form DI4-514, "Resolution Form," rev. 11/90;~~

~~(7) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

~~(5)(8) Form DI4-844, "Management Information," rev. 4/97~~ ~~10/91~~;

~~(6) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;~~

~~(7) Form DI4-877, "Property and Casualty Insurers, Lines of Business By Company Code," rev. 11/05/99;~~

~~(8) Form DI4-422, "Biographical Statement and Affidavit", rev. 10/26/98;~~

~~(9) Form DI4-450, "Authority for Release of Information," rev. 8/91;~~

~~(10) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99; and~~

~~(11) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99.~~

Specific Authority 624.308 FS. Law Implemented 624.422, 624.501, 626.913 FS. History—New 2-26-92, Amended.

4-136.005 Foreign and Alien Life and Accident and Health Insurers.

Applicants for a Certificate of Authority for Foreign and Alien Life and Accident and Health shall submit all of the following forms in addition to the common forms required by Rule 4-136.002, above:

~~(1) Form DI4-838, "Application for Certificate of Authority Foreign & Alien Life, Accident & Health Insurer," rev. 5/91;~~

~~(2) Form DI4-839, "Instructions, Sections I-IV," rev. 5/91;~~

~~(3) Form DI4-840, "Required Filings Check List," rev. 5/91;~~

~~(4) Form DI4-842, "Application For License, Foreign and Alien Life, Accident & Health Insurer," rev. 5/91; and~~

~~(5) Form DI4-904, "Proformas (Exhibits 1A, 1B, 2A and 2B)," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501 FS. History—New 2-26-92, Repealed.

4-136.006 Domestic Insurers Filing for an Application for Permit.

All domestic insurers filing an Application for Permit, pursuant to Chapter 628, Florida Statutes, for the following: Domestic Property and Casualty Insurers, Title Insurers, and Life and Health Insurers, pursuant to Section 628.051, Florida Statutes; Domestic Assessable Mutual Insurers, pursuant to Section 628.051, Florida Statutes; and Domestic Captive Insurers, pursuant to Chapter 628, Part III, as referenced in 4-136.001, above, shall submit the following common forms:

~~(1)(a) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97~~ ~~5/91~~;

~~(2)(b) Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97~~ ~~11/90~~;

~~(c) Form DI4-414, "Paid Representative Registration," rev. 6/89;~~

~~(3)(d) Form DI4-422, "Biographical Statement and Affidavit," rev. 11/90;~~

~~(4)(e) Form DI4-450, "Authority For Release of Information," rev. 8/91;~~

~~(5) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99;~~

~~(f) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Equifax Report," or similar report, rev. 5/91;~~

~~(g) Form DI4-843, "Florida Comprehensive Health Association Agreement," rev. 5/91;~~

~~(6)(h) Form DI4-844, "Management Information," rev. 4/97;~~ ~~10/91; and~~

~~(7)(i) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99;~~ ~~4/91.~~

~~(8) Form DI4-872, "Application for Permit Domestic Insurer," rev. 2/00;~~

~~(9) Form DI4-875, "Invoice, Domestic Insurer Application For Permit," rev. 4/97;~~

~~(10) Form DI4-876, "Application For Permit To Form A Domestic Insurer," rev. 4/97;~~

~~(11) Form DI4-901, "Life, Accident and Health Insurers Lines of Business By Company Code Form," rev. 5/91;~~

~~(12) Form DI4-877, "Property and Casualty Insurers Lines of Business By Company Code Form," rev. 11/05/99;~~

~~(13) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Formas (Pages 1-4)," rev. 9/96; and~~

~~(14) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98.~~

(2) The Department may request an updated Biographical Affidavit, Authority for Release of Information, Equifax or a similar report and fingerprint card on an officer, director, incorporator and those owning 10% or more, or on those who will be associated in the formation of the insurer, for each application submitted to do business in Florida.

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.051 FS. History—New 2-26-92, Amended

4-136.007 Applications for Permit Submitted for Domestic Assessable Mutual Insurers.

(1) ~~Applications submitted for Domestic Assessable Mutual Insurers, pursuant to Section 628.051, Florida Statutes, shall contain all of the forms in subsection (2), below, in addition to the common forms as specified in 4-136.006:~~

- (2)(a) ~~Form DI4-890, "Application for Permit, Domestic Assessable Mutual Insurer," rev. 5/91;~~
- (b) ~~Form DI4-892, "Instructions, Part I-IV," rev. 5/91;~~
- (c) ~~Form DI4-891, "Required Filings Check List, Sections I-IV," rev. 5/91;~~
- (d) ~~Form DI4-893, "Invoice, Domestic Assessable Mutual Insurer," rev. 5/91;~~
- (e) ~~Form DI4-894, "Application for Permit to Form a Domestic Assessable Mutual Insurer," rev. 5/91; and~~
- (f) ~~Form DI4-896, "Proformas (pages 1-18)," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.501, 628.051 FS. History—New 6-4-92, Repealed

4-136.008 Permit for Domestic Property and Casualty Insurers.

~~Applications submitted for a Permit for Domestic Property and Casualty Insurers, pursuant to Section 628.051, Florida Statutes, shall contain the following forms in addition to the common forms as specified in 4-136.006:~~

- (1) ~~Form DI4-872, "Application for Permit, Domestic Property and Casualty Insurer," rev. 5/91;~~
- (2) ~~Form DI4-873, "Instructions, Sections I-IV," rev. 5/91;~~
- (3) ~~Form DI4-874, "Required Filings Check List, Sections I-IV," rev. 5/91;~~
- (4) ~~Form DI4-875, "Invoice, Domestic Property and Casualty Insurer," rev. 3/91;~~
- (5) ~~Form DI4-876, "Application for Permit To Form a Domestic Property and Casualty Insurer," rev. 5/91; and~~
- (6) ~~Form DI4-896, "Proformas (pages 1-18)," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.051 FS. History—New 2-26-92, Repealed

4-136.009 Application for Permit, Domestic Captive Insurer.

(1) Applicants for a Permit as a Domestic Captive Insurer, pursuant to Chapter 628, Part III, Florida Statutes, shall submit the following forms in addition to the common forms specified in Rule 4-136.006:

- (a) ~~Form DI4-827, "Application for Permit, Domestic Captive Insurer," rev. 5/91;~~
- (b) ~~Form DI4-828, "Instructions, Sections I-IV," rev. 5/91;~~
- (c) ~~Form DI4-829, "Required Filings Check List, Sections I-IV," rev. 5/91;~~
- (d) ~~Form DI4-830, "Invoice for Filing Fee, Domestic Captive Insurer," rev. 5/91; and~~
- (e) ~~Form DI4-831, "Application For Permit To Form a Domestic Captive Insurer," rev. 5/91.~~

(2) ~~A domestic captive insurer submitting an application to do business in Florida must use the word "captive" in its corporate name.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.905 FS. History—New 2-26-92, Repealed

4-136.010 Permit for Domestic Life, Accident and Health Insurers.

~~Applications submitted for a Permit for Domestic Life, Accident and Health Insurers, pursuant to Section 628.051, Florida Statutes, shall contain the following forms, in addition to the common forms as specified in Rule 4-136.006:~~

- (1) ~~Form DI4-897, "Application for Permit," rev. 5/91;~~
- (2) ~~Form DI4-898, "Instructions, Sections I-IV," rev. 5/91;~~
- (3) ~~Form DI4-899, "Required Filings Check List," rev. 5/91;~~
- (4) ~~Form DI4-900, "Application For Permit To Form a Domestic Life, Accident and Health Insurer," rev. 5/91; and~~
- (5) ~~Form DI4-902, "Invoice, Application for Permit Filing Fee," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.501, 628.051 FS. History—New 2-26-92, Repealed

4-136.011 Domestic Insurers Filing for a Certificate of Authority.

(1) All domestic entities seeking a certificate of authority, pursuant to Sections 624.466, 628.6011, or 628.051, or to Chapter 628, Part I, or to Chapter 629, Florida Statutes, as ~~referenced in Rule 4-136.001~~, shall submit the following ~~common~~ forms:

- Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. ~~4/97~~ 5/91;
- (b) Form DI4-883, "~~Certificate of Designation, Registered Agent/Registered Office,~~" rev. 5/91;
- (c) Form DI4-144, "Service of Process Consent & Agreement," rev. 1/97 ~~Form DI4-144, "Consent and Agreement in Re Service of Process," rev. 11/90;~~

- (d) Form DI4-514, "Resolution Form," rev. 11/90;
- ~~(d)(e)~~ Form DI4-516, "Insurance Holding Company System Registration Statement," rev. 4/97 11/90;
- ~~(e)(f)~~ Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98 11/90;-
- ~~(f)(g)~~ Form DI4-450, "Authority For Release of Information," rev. 8/91;-
- (g) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99;
- ~~(h) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Equifax Report", or a similar report, rev. 5/91;~~
- (h) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99;
- ~~(i) Fingerprint cards in accordance with the instructions on Form DI4-938, "Fingerprint Card Instructions," rev. 4/91;-~~
- (i)(j) Form DI4-844, "Management Information Form," rev. 4/97 10/91;
- (j) Form DI4-878, "Application For Certificate of Authority Domestic Insurer," rev. 2/00;
- (k) Form DI4-1299, "Invoice Domestic Insurer Application for Certificate of Authority," rev. 4/97;
- (l) Form DI4-882, "Application For Domestic Certificate of Authority To Conduct Business In The State Of Florida," rev. 4/97;
- (m) Form DI4-901, "Life, Accident and Health Insurers Lines of Business By Company Code," rev. 5/91;
- (n) Form DI4-877, "Property and Casualty Insurers Lines of Business By Company Code," rev. 11/05/99;
- (o) Form DI4-896, "Life, Accident, and Health Insurance Company Pro Formas (Pages 1-4)," rev. 9/96;
- (p) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98;
- (q) Form DI4-883, "Registered Agent/Registered Office," rev. 5/91;
- (r) Form DI4-1301, "Subscription Agreement Form," rev. 5/99; and
- (s) Copy of the latest NAIC Company Code Application form filed with the National Association of Insurance Commissioners.
- ~~(2) Applications submitted for a Certificate of Authority Domestic Property and Casualty Insurers shall contain all of the following forms pursuant to Section 624.404, Florida Statutes, in addition to the common forms specified in subsection (1), above:~~
- ~~(a) Form DI4-878, "Application for Certificate of Authority Domestic Property and Casualty Insurer," rev. 4/91;~~
- ~~(b) Form DI4-879, "Instructions, Sections I-IV," rev. 4/91;~~
- ~~(c) Form DI4-880, "Required Filings Check List, Sections I-IV," rev. 4/91;~~
- ~~(d) Form DI4-881, "Invoice, Domestic Property and Casualty Insurer," rev. 4/91;~~
- ~~(e) Form DI4-882, "Application for License to Conduct Business in the State of Florida," rev. 5/91; and~~
- ~~(f) Form DI4-896, "Proformas (pages 1-18)," rev. 5/91.~~
- ~~(2)(3) Applications submitted for Certificate of Authority As A Commercial Self-Insurance Fund shall contain all of the following forms pursuant to Section 624.462, Florida Statutes; in addition to the common forms specified in subsection (1), above:~~
- ~~(a) Form DI4-845, "Application For Certificate of Authority, Commercial Self-Insurance Fund," rev. 4/95 5/91;~~
- ~~(b) Form DI4-846, "Instructions, Sections I-IV," rev. 5/91;~~
- ~~(c) Form DI4-847, "Required Filings Check List, Sections I-IV," rev. 5/91;~~
- ~~(c)(d) Form DI4-848, "Invoice, Commercial Self-Insurance Fund," rev. 7/92 5/91;~~
- ~~(d)(e) Form DI4-849, "Application For License to Conduct Business In The State of Florida," rev. 5/91;~~
- ~~(e)(f) Form DI4-869, "Consent and Agreement in Re Service of Process For Commercial Self-Insurance Fund," rev. 5/91;~~
- ~~(f)(g) Form DI4-870, "Resolution Form For Commercial Self-Insurance Fund," rev. 5/91;~~
- ~~(g)(h) Form DI4-871, "Bond Form," rev. 5/91; and~~
- ~~(h)(i) Form DI4-936, "Management Information, Complete Listing of Administrators, Trustee of Funds and Trustees of Sponsors," rev. 5/91-;~~
- ~~(i) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;~~
- ~~(j) Form DI4-877, "Property and Casualty Insurers, Lines of Business by Company Code," rev. 11/05/99;~~
- ~~(k) Form DI4-896, "Property & Casualty Insurance Company Pro Formas (Pages 5-22)," rev. 11/98;~~
- ~~(l) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;~~
- ~~(m) Form DI4-450, "Authority For Release of Information," rev. 8/91;~~
- ~~(n) An investigative report in accordance with the instructions on Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99; and~~
- ~~(o) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99.~~
- ~~(3)(4) Applications submitted for a Certificate of Authority of Domestic Reciprocal Insurers, pursuant to Chapter 629, Florida Statutes, shall submit the following forms in addition to the common forms specified in subsection (1), above:~~
- ~~(a) Form DI4-907, "Application for Certificate of Authority Domestic Reciprocal Insurer," rev. 4/95 5/91;~~
- ~~(b) Form DI4-908, "Instructions, Sections I-IV," rev. 4/95 5/91;~~

(c) Form DI4-909, "Required Filings Check List, Sections I-IV," rev. ~~4/95~~ 5/94;

(d) Form DI4-910, "Invoice, Domestic Reciprocal Insurer," rev. ~~7/92~~ 5/94;

(e) Form DI4-911, "Application for License to Conduct Business in the State of Florida," rev. 5/91;

(f) Form DI4-912, "Consent and Agreement in Re Service of Process, Reciprocal Insurers," rev. 5/91;

(g) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91;

(h) Form DI-914, "Complete Listing of All Advisory Committee Members and Subscribers," rev. 5/91; ~~and~~

(i) Form DI-937, "Complete Listing of All Attorney-In-Fact Officers, Directors and Shareholders," rev. 5/91;

(j) Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 1/94;

(k) Form DI4-877, "Property And Casualty Insurers Lines of Business By Company Code," rev. 11/05/99;

(l) Form DI4-913, "Resolution Form, Reciprocal Insurer," rev. 5/91;

(m) Form DI4-896, Pages 5-22 for "Property & Casualty Insurers," rev. 11/98;

(n) Copy of NAIC Company Code Application submitted to the NAIC upon licensure;

(o) Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;

(p) Form DI4-450, "Authority For Release of Information," rev. 8/91;

(q) Form DI4-938, "Fingerprint Card Instructions," rev. 7/99; and

(r) Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99.

~~(5) Applications submitted for a Certificate of Authority of Domestic Life, Accident and Health Insurers, pursuant to Chapter 624, Florida Statutes, shall include all of the following forms in addition to the common forms specified in subsection (1), above:~~

~~(a) Form DI4-832, "Application For Certificate of Authority Domestic Life, Accident and Health Insurers," rev. 8/91;~~

~~(b) Form DI4-833, "Instructions, Sections I-IV," rev. 8/91;~~

~~(c) Form DI4-834, "Required Filings Check List, Sections I-IV," rev. 8/91;~~

~~(d) Form DI4-835, "Invoice, License Tax and Filing Fee," rev. 8/91;~~

~~(e) Form DI4-836, "Application For License to Conduct Business in the State of Florida," rev. 5/91; and~~

~~(f) Form DI4-843, "Florida Comprehensive Health Association Subscription Agreement," rev. 5/91.~~

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.466, 624.501, 628.6011, 628.051, Part I, Chs. 628, 629 FS. History—New 2-26-92, Amended _____.

4-136.012 Forms Adopted.

(1) All the forms listed in Rules 4-136.002 through 4-136.011 are hereby adopted and incorporated by reference. All the forms may be obtained from and shall be submitted to the Department of Insurance, Division of Insurer Services Support, Applications Coordination Section, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-03270300.

(2) An original and one copy is required to be filed for all applications referenced in Rules 4-136.002 through 4-136.011.

~~(3)(2)~~ The department may request that all applications and supporting information be provided to the department in a computer readable format as specified by the department.

Specific Authority 624.308 FS. Law Implemented 624.34, 624.401, 624.404, 624.413, 624.422, 624.462, 624.466, 624.501, 626.913, 628.6011, 628.051, 628.061 Part I, Chs. 628, 629 FS. History—New 2-26-92, Amended _____.

4-136.015 Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business.

(1) The purpose of this rule is to establish a procedure for insurers to amend their certificates of authority by adding a new line of business. Since the addition of any new line of business to a company's certificate of authority may impact the company's surplus and/or writing ratios, any such request to amend an existing certificate will be carefully evaluated by applying current standards required of an insurer seeking a certificate of authority from this state.

(2) This rule applies to all authorized insurers, as defined in Section 624.09, Florida Statutes.

(3) Any insurer seeking to add a new line of insurance to an existing certificate of authority shall submit all of the following applicable forms in writing:

(a) Form DI4-1339, "Application For Adding A New Line Of Business," rev. 9/99; ~~Verification of three years of satisfactory operation in the line of insurance to be added. The Department may waive the 3-year requirement if the foreign or alien insurer or exchange:~~

~~1. Has operated successfully and has a minimum capital and surplus of \$5 million and is in compliance with Section 624.408(1), Florida Statutes; or~~

~~2. Is the wholly owned subsidiary of an insurer which is an authorized insurer in this state; or~~

~~3. Is the successor in interest through merger or consolidation of an authorized insurer; or~~

~~4. Provides a product or service not readily available to the consumers of this state;~~

(b) Form DI4-1340, "Application For Adding A New Line Of Business application form," rev. 9/96; ~~Any other information which is reasonably necessary to evaluate the proposed amendment.~~

(c) Form DI4-1341, "Invoice, Request For Certificate Of Compliance For Amended Certificate of Authority," rev. 9/96;

(d) Form DI4-877, "Property and Casualty Insurers Lines of Business By Company Code," rev. 11/05/99;

(e) Form DI4-901, "Life, Accident and Health Insurers Classifications and Code Numbers," rev. 5/91;

(f) Form DI4-843, "Florida Comprehensive Health Association (FCHA) Subscription Agreement," rev. 5/91; and

(g) Form DI4-1093, "State of Florida form for Small Employer Carrier's Application To Become a Risk Assuming Carrier or a Reinsuring Carrier," rev. 9/95.

(4) The Department shall not authorize the addition of any lines of insurance to an insurer's existing certificate of authority unless evidence is presented satisfactory to the Department that authorization of the additional lines of insurance would be in the best interests of the financial solvency of the insurer and in the best interests of the policyholders.

Specific Authority 624.308(1) FS. Law Implemented 624.09, 624.404, 624.408, 624.413, 624.414, 624.416(4) FS. History--New 3-30-92, Amended 9-2-96, _____.

4-136.030 Purpose.

~~The purpose of this rule chapter is to implement the provisions of Part XX of Chapter 627, Florida Statutes.~~

Specific Authority 624.308, 627.954 FS. Law Implemented Part XIX, Chapter 627 FS. History--New 1-30-91, Formerly 4-107.001, Repealed _____.

4-136.031 Registration as a Purchasing Group.

(1) All entities seeking registration ~~licensure~~ as a purchasing group shall comply with the requirements of Section 627.948, Florida Statutes, and shall submit:

(a) Form DI4-515, "Purchasing Group - Notice and Registration," rev. 10/07/99; ~~Application for Registration as a Purchasing Group with Addendum,~~ rev. 11-90;

(b) Form DI4-144, "Service of Process Consent & Agreement," rev. 1/97; ~~Appointment of Attorney to Accept Service,~~ rev. 11-90; and

(c) All purchasing groups shall comply with the information contained in Form DI4-515, "Purchasing Group - Notice and Registration," rev. 10/07/99 and submit the following forms where applicable.

(e) Form DI4-514, "Resolution Form," rev. 11-90.

1. Form DI4-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;

2. Form DI4-422, "Biographical Statement and Affidavit," rev. 10/26/98;

3. Form DI4-450, "Authority For Release of Information," rev. 8/91;

4. Form DI4-905, "Instructions For Furnishing Background Investigative Reports," rev. 6/99; and

5. DI4-938, "Fingerprint Card Instructions," rev. 7/99.

(2) In addition to the information required on the forms in (1) above, the entity shall:

(a) Identify all other states in which the group is currently registered ~~intends to do business~~;

(b) Specify the method by which, and the person or persons, if any, through whom insurance will be offered to its members whose risks are resident or located in this state; and

(c) Provide such other information as is necessary for the Department to determine whether the persons through whom insurance will be offered meet the standard set forth in section 626.611(14), Florida Statutes.

(3) During the pendency of the application, if any of the information submitted in response to the requirements of this rule change, the entity shall notify the Department of the change within ten days of the change.

(4) The forms in subsection (1) above are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to the Applications Coordination Section, Division of Insurer Services, Department of Insurance, ~~Larson Building,~~ 200 East Gaines Street, Tallahassee, FL 32399-~~03260300~~.

Specific Authority 624.308, 627.954 FS. Law Implemented 624.307(3), 624.318, 624.321, 626.611(14), 627.948 FS. History--New 1-30-91, Formerly 4-107.002, Amended 9-19-94, _____.

4-136.033 Restrictions on Insurance Purchased by Purchasing Groups.

(1) A purchasing group which obtains liability insurance from an insurer not admitted in this state or a risk retention group shall inform each of the members of such group which have a risk resident or located in this state that such risk is not protected by an insurance insolvency guaranty fund in this state, and that such risk retention group or such insurer may not be subject to all insurance laws and rules of this state.

~~(2) No purchasing group may purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members.~~

~~(2)(3)~~ Purchases of insurance by purchasing groups are subject to the same standards regarding aggregate limits which are applicable to all purchases of group insurance.

Specific Authority 624.308, 627.954 FS. Law Implemented 627.945(1), 627.947 FS. History--New 1-30-91, Formerly 4-107.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan E. Hendrix, Senior Management Analyst I, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Director, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: November 17, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

DEPARTMENT OF INSURANCE

RULE TITLE: Health Maintenance Organization (HMO) RULE NO.: 4-191.300

Penalty Guidelines
 PURPOSE AND EFFECT: Establishes penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations pursuant to Section 642.25, Florida Statutes.

SUMMARY: This rule establishes penalty categories that specify varying ranges of monetary fines for willful and nonwillful violations pursuant to Section 641.25, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 641.25, 641.36 FS.

LAW IMPLEMENTED: 641.25 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: 9:30 a.m., March 21, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cecila Frau, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0300

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, (850)922-3100, Ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-191.300 Health Maintenance Organization (HMO) Penalty Guidelines.

(1) Purpose. The purpose of this rule is to establish uniform guidelines for the assessment of administrative fines imposed upon HMOs with respect to certain violations of the provisions of the Florida Insurance Code or rules promulgated thereunder applicable to HMO's.

(2) Scope. This rule applies to all HMOs licensed under Chapter 641, Florida Statutes. It applies to all violations of the provisions of the Florida Insurance Code or rules promulgated

thereunder applicable to HMOs. This rule shall not be construed as creating any substantive violations not otherwise prescribed by statute or rule.

(3) Definitions. The following terms have the following meanings for purposes of this rule:

(a) "HMO" means a health maintenance organization as defined in Section 641.18(13), Florida Statutes, and licensed pursuant to the provisions of Chapter 641, Florida Statutes.

(b) "Action" means an event or events leading to the commission of a violation.

(c) "Department" shall have the same meaning as Section 624.05, Florida Statutes.

(d) "Departmental Rules" means rules adopted by the Department which apply to HMOs.

(e) "Florida Insurance Code" shall have the same meaning as Section 624.01, Florida Statutes.

(f) "Repeat Violations" means a second or subsequent offense of any given violation subject to a fine under this rule for which an HMO has been assessed an administrative fine or has received written notification of the violation from the Department in either of the two immediately preceding financial or market conduct examinations or as a result of a Department investigation conducted within the immediately preceding six years.

(g) "Violation" means any instance of non-compliance with the Florida Insurance Code, rules or orders of the Department applicable to HMOs.

(h) "Knowing and willful" means any act or omission, which is committed intentionally as opposed to accidentally and which is committed with knowledge of the act's unlawfulness or with reckless disregard as to the unlawfulness of the act.

(i) "Investigation" means any official departmental review, analysis, inquiry, or research into referrals, complaints, or inquiries to determine the existence of a violation.

(4) General Provisions.

(a) Rule Not All-Inclusive. This rule contains illustrative violations. This rule does not, and is not intended to, encompass all possible violations of statute or Department rule that might be committed by an HMO. The absence of any violation from this rule shall in no way be constructed to indicate that it is not subject to penalty. In any instance wherein the violation is not listed in this rule, the penalty shall be determined by consideration of:

1. The penalty factors specified in this rule; or
2. Any closely analogous violation that is listed in this rule.

(b) Rule and Statutory Violations Included. This rule applies whether the violation is of an applicable statute or Department rule, or an order implementing such a statute or rule.

(c) Rule Establishes Norms. The penalty guidelines assume a mix of aggravating and mitigating factors encountered by the Department in previous cases. However, these guidelines shall not supersede the Department's authority to suspend or revoke an entity's certificate of authority, nor the Department's authority to require specific corrective action in cases in which the imposition of an administrative penalty is not deemed appropriate. Notwithstanding the specification of fines for particular violations, the Department will not impose such fines, but will instead initiate action to suspend or revoke a certificate of authority as a result of such violations where aggravating factors are present. The Department may reduce the amount of a penalty which would otherwise be imposed pursuant to this rule if the payment of such penalty would reduce surplus to an extent which the Department determines, based on the particular circumstances of the HMO involved, would jeopardize the financial condition of the HMO such that the provisions of Part VI of Chapter 624, Administrative Supervision; Confidentiality; Review or Chapter 631, rehabilitation and liquidation, would have to be invoked.

(d) Description of Violations. Although the violations in subsections (7) through (9) below include specific references to statutes and/or rules, the violations are described in general language because in many cases several statutes or rules are involved. The use of general language shall not be construed to expand or modify the statute. Violations are not necessarily described herein using the language that would be used to formally allege the violation in a specific case. In some instances a basic generic violation is described herein (e.g., misleading advertising), but there also appear one or more specific variations of that same general violation, with different penalties specified, where the Department has determined that different treatment is needed or merited. If any statutory or rule citations in subsections (7) through (9) are changed but the violation remains the same and the tracking tables in the Florida Statutes or the history notes in the Florida Administrative Code indicate the new statutory or rule citation, then the use of the previous statutory or rule citation will not invalidate this rule.

(e) Relationship to Other Rules. The provisions of this rule shall be subordinated in the event that any other rule more specifically addresses a particular violation or violations.

(f) Other Licensees. The imposition of a penalty upon any HMO in accordance with this rule shall in no way be interpreted as barring the imposition of a penalty upon any agent, adjuster, or other licensee in connection with the same conduct.

(5) Penalty Factors. The following factors are considered in determining whether aggravating factors are presented as well as in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified. The factors are not necessarily listed in order of importance.

(a) Willfulness and knowledge of the violation.

(b) Actual harm or damage to any member, claimant, applicant, or other person or entity caused directly or indirectly by the violation, as determined by the Department's financial examination, market conduct examination, or Departmental investigation.

(c) Degree of potential harm to which any member, claimant, applicant, or other person or entity was exposed by the violation, as determined by the Department's financial examination, market conduct examination, or Departmental investigation.

(d) Degree to which the violation, if not detected, tends to undermine the regulatory process, regulatory system, or the integrity of regulatory reports.

(e) Whether the HMO reasonably should have known of the action's unlawfulness.

(f) Whether corrective activities are substantially initiated only after the violation or the possibility of a violation is formally or informally noted or brought to the attention of the HMO by the Department, or whether instead corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO before the violation was noted by or brought to the attention of the Department and before the HMO was made aware that the Department was investigating the alleged violation. It has been the Department's experience that corrective activities have included remedial procedures put in place to assure that the violation does not recur, including but not limited to, personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(g) Financial gain or loss to the HMO from the violation.

(h) Previous fines or suspensions imposed over the preceding six years by the Department against the HMO.

(i) Whether the violation is a repeat violation that occurred in the preceding six (6) years.

(j) The number of occurrences of a violation found during an investigation.

(6) Penalty Categories and Fines Assessed. Violations are divided into four categories. Category I violations are the most serious and Category IV violations are the least serious. The Department will use the factors in subsection (5) above to determine, within the penalty ranges specified below, the fine for each violation within a category. The penalty amount does not include any investigative or legal costs that are assessed in addition to the fine.

(a) CATEGORY I. If the violation is knowing and willful, the Department may impose a fine in an amount not to exceed \$20,000. Fines for knowing and willful violations may not exceed an aggregate amount of \$250,000 for all such violations arising out of the same action. If the violation is non-willful, the Department may impose a fine not to exceed \$2,500. Fines

for non-willful violations may not exceed an aggregate amount of \$25,000 for all such violations arising out of the same action.

1. Violation by the HMO of any lawful order of the Department.

2. Failure by the HMO to take corrective actions or other measures as agreed to by the HMO in writing to the Department, pursuant to Section 641.23, Florida Statutes.

3. Failure by the HMO to take effective corrective actions or other measures on a formal written criticism made by the Department in a previous financial or market conduct examination report, after that report becomes final and within the timeframe prescribed by the Department, pursuant to Section 641.23, Florida Statutes.

4. Failure of the HMO or any of its officers or directors to properly respond to or cooperate with the Department in reporting, or providing information to the Department, or producing or making reasonably available, any of its accounts, records, or files, as requested by the Department, pursuant to Section 641.27, Florida Statutes.

5. Use by the HMO of an unlicensed managing general agent, broker, agent, representative, or third party administrator, pursuant to Section 641.386, Florida Statutes.

6. Filing or causing to be filed any materially incorrect financial report with the Department pursuant to Section 641.26, F.S.

7. Reporting assets on financial statements not in compliance with Section 641.35, Florida Statutes.

8. Transacting any insurance business other than that authorized under a certificate of authority issued by the Department.

9. Engaging in an unfair or deceptive act, advertisement or practice, pursuant to Sections 641.385, 641.3901, and 641.3903, Florida Statutes.

10. Use by the HMO of unfiled or disapproved rates or forms pursuant to Sections 641.21(1), 641.221, and 641.31(3), Florida Statutes, and Rule Chapter 4-191, Florida Administrative Code.

11. Failure by the HMO to comply with and maintain surplus requirements pursuant to Section 641.225, Florida Statutes.

12. Failure by the HMO to comply with limits on investments without a special consent from the Department pursuant to Section 641.35, Florida Statutes.

13. Failure by the HMO to comply with the requirements of Sections 641.255 and 628.4615, Florida Statutes, pertaining to the voting securities of a health maintenance organization.

14. Failure by the HMO to guarantee issue health coverage to eligible small employers and eligible employees/dependents pursuant to Section 627.6699(5), Florida Statutes.

15. Failure by the HMO to actively market health benefit plans to small employers pursuant to Section 627.6699(5) and (12), Florida Statutes.

16. Failure by the HMO to offer policies pursuant to Section 641.3921, Florida Statutes.

17. Failure by the HMO to give adequate notice of termination pursuant to Section 641.3108, Florida Statutes.

18. Entering into a commission arrangement that is varied depending upon health status, claims experience, industry or occupation for small groups pursuant to Section 627.6699(13)(d), Florida Statutes.

19. Payment of dividends by the HMO in excess of guidelines pursuant to Section 641.365, Florida Statutes without prior written approval of the Department.

20. Failure by the HMO to offer reasonable commission for Standard and Basic plans pursuant to Section 627.6699(13)(e), Florida Statutes.

21. Inducing an employer to separate or exclude an employee pursuant to Section 627.6699(13)(g), Florida Statutes.

22. Failure by the HMO to provide comprehensive health care services pursuant to Chapter 641, Florida Statutes.

(b) CATEGORY II. Failure to timely file annual and quarterly financial reports pursuant to and in full compliance with Sections 641.26 and 641.35, Florida Statutes, and Rule 4-191.075, Florida Administrative Code. The fine will be calculated as follows:

1. The day after the due date the Department will impose a fine of \$1,000 per day for each day through day 10.

2. If the violation continues past day 10, an additional \$2,000 per day fine will added to the total for day eleven and each day thereafter until the reports are received, not to exceed \$100,000 for each report.

3. If the violation continues past day 10, suspension of enrollment to new subscribers is immediate upon written notification by the Department pursuant to Section 641.26(4), Florida Statutes.

(4) In order to be considered as a timely filing, the reports required under Chapter 641.26, Florida Statutes, must be verified by the oath of two officers of the organization, or, if not a corporation, of two persons who are principal managing directors of the affairs of the organization. The signatures of such officers or principal managing directors must be properly notarized.

(5) The signatures of all such persons when written on annual and quarterly statements or other reports, documents or correspondence required by Chapter 641 and Rule 4-191, Florida Administrative Code, shall be presumed to have been so written by the person whose signature is affixed thereon. The affixing of any signature by anyone other than the purported signer does not constitute a timely filing.

(c) CATEGORY III. If the violation is knowing and willful, the fine assessed will begin at \$2,500 to \$10,000 per violation. If the violation is non-willful, the fine assessed will begin at \$750 – \$1,000 per violation.

1. Use of an agent by the HMO who is licensed but not properly appointed pursuant to Section 641.386, Florida Statutes.

2. Failure by the HMO to provide 60 days advance written notice on cancellation of contracts to the provider and the Department pursuant to Section 641.315, Florida Statutes.

3. Failure by the HMO to timely pay a claim pursuant to Section 641.3155, Florida Statutes. **Assignment by the HMO of claim processing and/or payment to a TPA or other entity does not relieve the HMO of its responsibilities for timely claim payment.**

4. Failure by the HMO to provide 45 days notice of cancellation or non-renewal of an HMO subscriber contract or failure to state in writing the reason or reasons for the cancellation, termination, or non-renewal pursuant to Section 641.3108, Florida Statutes.

5. Failure by the HMO to display the HMO's licensed name on the member or subscriber application pursuant to Section 641.3104, Florida Statutes. **Use by the HMO of any form which has a title, heading, or other indication of its provisions which is misleading.**

6. Failure by the HMO to make delivery of the HMO contract pursuant to Sections 641.31(1) and 641.3107, Florida Statutes.

7. Failure by the HMO to display the HMO's licensed name and address on advertising and marketing materials pursuant to Rule 4-191.060, Florida Administrative Code.

8. Failure by the HMO to maintain a fidelity bond pursuant to Section 641.22(7), Florida Statutes.

9. Failure by the HMO to have reinsurance contracts approved pursuant to Section 641.22(8), Florida Statutes.

10. Failure by the HMO to maintain a sufficient deposit pursuant to Section 641.285, Florida Statutes.

11. Failure by the HMO to file small employer advertising with the Department as required by Section 627.6699(12)(d)4., Florida Statutes.

12. Failure by the HMO to exclude non-admitted assets as defined in and required by Section 641.35, Florida Statutes.

13. Failure by the HMO to submit translations of forms pursuant to Section 641.305(1)(b), Florida Statutes.

14. Failure by the HMO to include a provision in provider contracts which holds the member harmless pursuant to Sections 641.315(1) and (4), Florida Statutes.

15. Billing a member for an amount in excess of that which is contracted for pursuant to Section 641.315(1) and (4), Florida Statutes.

16. Failure by the HMO to maintain an investment approval mechanism pursuant to Section 641.35(7), Florida Statutes.

(d) CATEGORY IV. If the violation is knowing and willful, the fine assessed will range from \$1,500 to \$2,500. If the violation is non-willful, the fine assessed will range from \$500 to \$1,000.

1. Failure by the HMO to properly confirm individual's intent to join the HMO pursuant to Rule 4-191.105(1), Florida Administrative Code.

2. Failure by the HMO to provide Medicare stickers pursuant to Sections 641.31(13) and 641.309, Florida Statutes.

3. Failure by the HMO to secure a signed statement from a prospect before issuing a small group plan pursuant to Section 627.6699(12)(d), Florida Statutes.

4. Failure by the HMO to notify the Department of terminating the appointment of an agent pursuant to Section 626.511, Florida Statutes.

5. Changing its name without approval by the Department pursuant to Rule 4-191.105, Florida Administrative Code.

6. Failure by the HMO to offer medical benefits pursuant to Chapter 641, Florida Statutes.

7. Failure by the HMO to maintain an advertising file pursuant to Rule 4-191.063, Florida Administrative Code.

8. Use by the HMO of prohibited terms, such as "insurance", "casualty", "surety", "mutual", pursuant to Section 641.33, Florida Statutes.

9. Failure by the HMO to include provisions in provider contracts for adequate time or notice to the Department of provider termination pursuant to Section 641.315(6)(a), Florida Statutes.

10. Failure by the HMO to properly notify the Department of the termination of a contracted provider pursuant to Section 641.315(6), Florida Statutes.

11. Failure by the HMO to include a contractual provision for the Department's termination of administrative contracts pursuant to Section 641.234(3), Florida Statutes.

Specific Authority 641.25, 641.36 FS. Law Implemented 641.25 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Vecchioli, Bureau of Managed Care, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Bracher, Bureau Chief of Managed Care, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

PUBLIC SERVICE COMMISSION

DOCKET NO. 960725-GU

RULE TITLE:

RULE NO.:

Transportation Service

25-7.0335

PURPOSE AND EFFECT: To require investor-owned natural gas utilities to offer transportation service to all non-residential customers.

SUMMARY: The rule requires investor-owned natural gas utilities to file tariffs in which transportation service is offered to all non-residential customers. The rule also establishes certain minimal conditions for gas transportation service. The rule requires natural gas utilities to provide, at a customer's request, the customers historical monthly usage summary. Natural gas utilities that offer transportation service are not responsible for providing natural gas to customers that elect service under a transportation service tariff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule may reduce the amount of regulatory assessment fees (RAFs) collected by the Commission. The rule may also reduce the amount of taxes collected by the Department of Revenue (DOR) while increasing DOR's collection costs. The total impact and possible losses for governmental entities is unknown. All of the investor-owned natural gas utilities in the state will be affected by the rule. Four of these utilities meet the statutory definition of a small business. Two of the small business utilities have transferred their pipeline capacity to another entity and the other two reported minimal costs to comply with the rule. All of the utilities affected reported divergent implementation costs. The impact on small cities and small counties is unknown and depends on the governmental entity's status as a gas purchaser.

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: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.03 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: 9:30 a.m., Wednesday, April 5, 2000

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0335 Transportation Service.

(1) Each utility must offer the transportation of natural gas to all non-residential customers. Each utility may offer the transportation of natural gas to residential customers when it is cost-effective to do so.

(2) In order to meet the objective set out in subsection (1), each utility must file a transportation service tariff with the Commission by July 1, 2000. Each tariff must include in its rules and regulations the utility's policy governing the transportation of natural gas. Each tariff must also comply with Rule 25-7.033, F.A.C. In addition, each tariff must set out the following terms and conditions:

(a) The utility is responsible for the transportation of natural gas purchased by the customer. The utility is not responsible for providing natural gas to a customer that elects service under the transportation service tariff. If the customer's marketer, broker, or agent fails to provide the customer with natural gas, the utility may disconnect service to the customer or provide natural gas under its otherwise applicable tariff provision.

(b) For customers that engage a marketer, broker, or agent to arrange and oversee the customer's gas purchase, the utility must obtain from that customer a statement that identifies the legal name, street address, mailing address if different from street address, and phone number of the marketer, broker, or agent.

(c) At the customer's request, the utility must provide an historical monthly usage summary with sufficient detail so that the customer can calculate its Maximum Daily Transportation Quantity (MDTQ). The utility may charge a cost-based fee for this summary.

(3) The utility must apply its transportation service tariff provisions in the same manner to all similarly situated affiliated and non-affiliated marketers, brokers, and agents.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.03 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Makin, Division of Electric and Gas

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 8, February 26, 1999 and Vol. 25, No. 39, October 1, 1999

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

RULE NO.: 40C-8.031

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of this proposed rule amendment is to establish minimum flows and levels (MFLs) on water bodies, courses and aquifers in accordance with the District’s Priority Water Body List and Schedule. The following systems will have MFLs established pursuant to the mandates of sections 373.042 and 373.0421, Florida Statutes. Minimum water levels for the following lakes and/or wetlands in the following counties: Lake Louisa, Lake County; Lake Weir, Marion County; Star Lake, Putnam County; Big Lake, Lake Gertie, Lake Hires, Lake Hokey, North Lake Talmadge, Scoggin Lake, Trout Lake, Lake Winona and Coon Pond in Volusia County. Minimum flows and/or levels for the following water courses in the following counties: Lake Washington and St. Johns River downstream of Lake Washington, Brevard County; Taylor Creek downstream of structure S-164 in Osceola/Orange counties; and Blue Spring, Volusia County.

Each system, with the exception of Blue Spring in Volusia County, would have a Minimum Frequent High flow and/or level, a Minimum Average flow and/or level and a Minimum

Frequent Low flow and/or level. A Minimum Average flow was the only MFL determined for Blue Spring. Each of these flows and/or levels would have an associated hydroperiod category. The terms referenced herein are already defined in Chapter 40C-8, FAC. As with the minimum flows and levels previously established by the District, if adopted, this rule amendment would require an applicant for a permit, pursuant to Chapters 40C-2, 40C-20, 40C-4 or 40C-40, FAC., to provide assurance that MFLs would not be violated by the proposed water withdrawals.

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

Any person who wishes to provide information regarding a 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: 373.042, 373.0421 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: following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., April 12, 2000

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32178

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32177-1429, (904)329-4450

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
BIG	Volusia	Seasonally Flooded		26.1			
		Typically Saturated			25.0		
		Semipermanently Flooded				23.7	
COON POND	Volusia	Seasonally Flooded		35.7			
		Typically Saturated			34.6		
		Semipermanently Flooded				33.1	
GERTIE	Volusia	Temporarily Flooded		27.5			
		Typically Saturated			25.6		
		Semipermanently Flooded				23.3	
HIRES	Volusia	Seasonally Flooded		41.0			
		Typically Saturated			39.5		
		Semipermanently Flooded				38.0	
HOKEY	Volusia	Seasonally Flooded		35.4			
		Typically Saturated			33.7		
		Semipermanently Flooded				32.3	
LOUISA	Lake	Seasonally Flooded		96.5			
		Typically Saturated			95.4		
		Semipermanently Flooded				94.0	
NORTH TALMADGE	Volusia	Seasonally Flooded		55.6			
		Typically Saturated			54.4		
		Semipermanently Flooded				52.9	
SCOGGIN	Volusia	Seasonally Flooded		35.0			
		Typically Saturated			34.1		
		Semipermanently Flooded				32.7	
STAR	Putnam	Seasonally Flooded		77.5			
		Typically Saturated			75.4		
		Semipermanently Flooded				74.0	
TROUT	Volusia	Seasonally Flooded		23.3			
		Typically Saturated			20.9		
		Semipermanently Flooded				17.7	
WEIR	Marion	Seasonally Flooded		57.2			
		Typically Saturated			56.4		
		Semipermanently Flooded				54.9	
WINONA	Volusia	Seasonally Flooded		36.1			
		Typically Saturated			33.5		
		Semipermanently Flooded				32.0	

(3) No change.

(4) No change.

(5) The following minimum surface water levels and flows are established:

Lake Washington

	<u>Level</u> <u>(ft NGVD)</u>	<u>Hydroperiod Category</u>
<u>Minimum Frequent High</u>	15.6	<u>Seasonally flooded</u>
<u>Minimum Average</u>	14.2	<u>Typically saturated</u>
<u>Minimum Frequent Low</u>	12.8	<u>Semipermanently flooded</u>

St. Johns River 1.5 miles downstream of Lake Washington weir

	<u>Level</u> <u>(ft NGVD)</u>	<u>Flow</u> <u>(cfs)</u>	<u>Hydroperiod Category</u>
<u>Minimum Frequent High</u>	15.3	1,450	<u>Seasonally flooded</u>
<u>Minimum Average</u>	12.7	240	<u>Typically saturated</u>
<u>Minimum Frequent Low</u>	11.3	28	<u>Semipermanently flooded</u>

Taylor Creek 1.7 miles downstream of structure S-164

	<u>Level</u> <u>(ft NGVD)</u>	<u>Flow</u> <u>(cfs)</u>	<u>Hydroperiod Category</u>
<u>Minimum Frequent High</u>	17.3	95	<u>Seasonally flooded</u>
<u>Minimum Average</u>	16.3	17	<u>Typically saturated</u>
<u>Minimum Frequent Low</u>	14.9	0.5	<u>Semipermanently flooded</u>

Blue Spring, Volusia County

	<u>Flow</u> <u>(cfs)</u>	<u>Hydroperiod Category</u>
<u>Minimum Average</u>	134	<u>Typically saturated</u>

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. G. B. (Sonny) Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, (904)329-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

If any person decides to appeal any decision with respect to any matter considered in the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days, before the meeting by contacting: Ann Freeman, (904)329-4101 or (904)329-4450 (TDD).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	CHAPTER TITLE NO.:
Environmental Resource Permits	40E-4
RULE TITLES:	RULE NOS.:
Permit Thresholds	40E-4.0415
Exemptions from Permitting	40E-4.051
Exemptions from Specified Review Criteria	40E-4.0515
Modification of Exempt Projects	40E-4.054
Publications, Rules and Interagency Agreements	

Incorporated by Reference	40E-4.091
Content of Permit Application	40E-4.101
Additional Conditions for Issuance of Permits	40E-4.302
Duration of Permits	40E-4.321
District Revocation or Modification of Permits	40E-4.341

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend the rules to indicate that a permit may be issued to an eminent domain authority, a contractual buyer of property, and a recorded easement holder with certain restrictions and to clarify the duration of permits. The proposed rule amendments will also correct citations and clarify other language currently in the rule.

SUMMARY: The proposed rule amendment addresses issuance of permits to eminent domain authorities, contractual buyers of property, and recorded easement holders; content of permit applications; and clarifies provisions pertaining to permits required; permit thresholds; modification of exempt

projects; duration of permits; and conversion from construction phase to operation phase. This rule will also correct citations and clarify language currently in the rule.

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

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.117, 373.118, 373.406, 373.409, 373.413, 373.4135, 373.416, 373.421, 373.426, 403, 813(2), 380.23 FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov)

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.0415 Permit Thresholds.

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

(2) Any non-exempt system which does not qualify for a noticed or no-notice general environmental resource permit pursuant to Chapter 40E-400, F.A.C., and does not exceed the standard for individual permits listed above, shall obtain a standard general permit pursuant to Ch. 40E-40, F.A.C.

(3)(2) Notwithstanding the provisions of subsections (1) and (2), the Governing Board may designate specific geographic areas within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History—New 10-3-95, Amended _____.

40E-4.051 Exemptions from Permitting.

Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environmental Protection from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this section if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(1) No change.

(2)(a) No change.

(b) The maintenance of functioning insect control structures, and the maintenance of functioning dikes and functioning irrigation and drainage ditches, including roadway drainage ditches, provided:

1. The spoil material is deposited on a self-contained upland spoil site which will prevent the escape of the spoil material and return water into wetlands or other surface waters.

2. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive as determined by the Department of Health, Agriculture and Consumer Services, pursuant to Subsection 403.088(1), F.S., that it will inhibit the proposed insect control, existing spoil sites or dikes may be used, upon notification to the District. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as approved, conditionally approved, restricted or conditionally restricted waters for shellfish harvesting by the Department, or functions as a habitat for commercially or recreationally important shellfish or finfish.

3. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

4. This exemption shall apply to manmade trenches dug for the purpose of draining water from the land or for transporting water for use on the land and which are not built for navigational purposes.

2.(c) through (11) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, _____.

40E-4.0515 Exemptions from Specified Review Criteria. Exemptions from specified review criteria under Chapter 40E-4 and 40E-40, F.A.C., are as follows:

(1) Exemptions for Treatment or Disposal Systems.

(a) Alteration and maintenance of the following shall be exempt from the provisions in Chapter 40E-4, F.A.C., adopted to implement subsections 373.414(1) through 373.414(6), 373.414(8), and 373.414(10), F.S.; and subsection 373.414(7), F.S., regarding any authority to apply state water quality standards within any works, impoundments, reservoirs, and other watercourses described in this subsection and any authority granted pursuant to section 373.414, F.S. (1991):

1. Works, impoundments, reservoirs, and other watercourses constructed and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under sections ~~62-28.700~~, 62-302.520 or Chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, 62-701, F.A.C., or section 403.0885, F.S., or rules implementing section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to 62-611, F.A.C., or section 403.0885, F.S., or its implementing rules;

2. Works, impoundments, reservoirs, and other watercourses constructed solely for wastewater treatment or disposal before a construction permit was required under Chapter 403, F.S., and operated solely for wastewater treatment or disposal in accordance with a valid permit reviewed or issued under sections ~~62-28.700~~, 62-302.520, or chapters 62-17, 62-600, 62-610, 62-640, 62-650, 62-660, 62-670, 62-671, 62-673, or 62-701, F.A.C., or section 403.0885, F.S., or rules implementing section 403.0885, F.S., except for treatment wetlands or receiving wetlands permitted to receive wastewater pursuant to Chapter 62-611, F.A.C., or section 403.0885, F.S., or its implementing rules;

3. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acres in combined area on a project-wide basis, constructed and operated solely for stormwater treatment in accordance with a noticed exemption under chapter 62-25, F.A.C., or a valid permit issued under Chapters 62-25 (excluding Rule 62-25.042), 62-330, 40E-4, F.A.C., except those permitted as wetland stormwater treatment systems;

4. Works, impoundments, reservoirs, and other watercourses of less than 0.5 acres in combined areas on a project-wide basis, constructed and operated solely for stormwater treatment before a permit being required under Chapters 62-25, 40E-4, F.A.C.

(b) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 10-3-95, Amended _____.

40E-4.054 Modification of Exempt Projects.

(+) In order to modify a project which was exempt from permitting under this chapter, has previously received a Notice of Exemption from the District, an environmental resource permit must be obtained, unless the proposed modification of the surface water management system qualifies for an exemption pursuant to Rule 40E-4.051, F.A.C.

~~(2) Substantial modifications of previously exempt projects shall require an environmental resource permit.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406, 373.413, 373.416 FS. History—New 3-9-83, Amended 4-20-94, 10-3-95,_____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____, 2000 ~~November 1996~~".

(b) No change.

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits under section 403.814, F.S., between South Florida Water Management District and Department of Environmental Protection effective December, 1998 dated October 27, 1998.

(d) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98,_____.

40E-4.101 Content of Permit Applications.

(1) No change.

(a) through (c) No change.

(2) The application must be signed by the owner or the owner's authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. ~~Contractual buyers of~~ Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property.

(3) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95,_____.

40E-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in section 40E-4.301, F.A.C., in order to obtain a standard general, individual, or conceptual approval permit under this chapter or chapter 40E-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3. through 4.2.3.7 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996:~~

1. through 7. No change.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8. through 4.2.8.2 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November, 1996.~~

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 62R-7, F.A.C., will comply with the additional criteria in subsection 4.2.5 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~ adopted by reference in Section 40E-4.091, F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6 of the Basis of Review for Environmental Resource Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~ adopted by reference in Section 40E-4.091, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-3-95, Amended 1-1-97, 12-3-98,_____.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) No change.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government

comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

- 1. through 3. No change.
- 4. ~~the latest date of~~ the date on which the District issues a final order pertaining to the resolution of any Chapter 120.57, F.S., F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

~~(e)~~ For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

- (2) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, _____.

40E-4.341 District Revocation or Modification of Permits.

(1) The Governing Board may revoke a permit in accordance with the provisions of Sections Chapter 373.429 and 120.60(5), F.S., and Rules 40E-1.609 and 28-107.004, F.A.C.

- (2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.429 FS. History–New 12-1-82, Amended 7-1-86, 4-20-94, 10-3-95, 7-2-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resources Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999 and January 7, 2000

WATER MANAGEMENT DISTRICTS
South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements
Incorporated by Reference

RULE NO.: 40E-4.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to clarify existing homeowners association documentation requirements, to correct citations and clarify language currently in the rule. The phrase “regional ecological value” is included in section 4.2.1.2.

SUMMARY: The proposed rule amendment addresses changes to the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996” incorporated by reference in Rule 40E-4.091, FAC. Specifically, the language regarding homeowners association documentation found in sections 9.2.3 and 9.2.4 will be modified to provide homeowners with notice of rights already conveyed to the District by the permit. These rights include the right of District access to the property containing the surface water management system and the right to take enforcement action. Also, amendments to association documents, that require a modification of a District permit, may not be finalized until the permit modification is approved. Sections 4.2.1.2 and 4.3.7.4 will have language clarified. The phrase “regional ecological value” is included in section 4.2.1.2. Citations to other sections are corrected. “May” is changed to “shall” in section 4.2.7.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.421, 373.426 FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000

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 DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference in to this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – ~~2000 November 1996~~".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-1-97, 12-3-98,_____.

(The following represent proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, F.A.C.)

1.0 INTRODUCTION

1.1 Objectives –

Under Part IV of Chapter 373, F.S. and Chapters 40E-4, 40E-40 and 40E-400, F.A.C., the District is responsible for the permitting of construction, alteration, operation, maintenance, removal and abandonment of surface water management systems within its jurisdictional boundaries. The objective of this document is to identify the permit review criteria and information used by District staff when reviewing permit applications. The objective of the permit application review process is to insure that the permit authorizes activities which are not harmful to the water resources of the District and are not inconsistent with water resource objectives of the District. This document has been adopted by reference in Rule 40E-4.091(1)(a), F.A.C.

1.2 through 1.4 No change.

2.0 No change.

3.0 No change.

4.0 through 4.2 No change.

4.2.1 Elimination or Reduction of Impacts

The degree of impact to wetland and other surface water functions caused by a proposed system, whether the impact to these functions can be mitigated and the practicability of design modifications for the site, as well as alignment alternatives for a proposed linear system, which could eliminate or reduce impacts to these functions, are all factors in determining whether an application will be approved by the District. Design modifications to reduce or eliminate adverse impacts must be explored, as described in subsection 4.2.1.1. Any adverse impacts remaining after practicable design modifications have been implemented may be offset by mitigation as described in subsections 4.3 – 4.3.9 ~~8~~. An applicant may propose mitigation, or the District may suggest

mitigation, to offset the adverse impacts caused by regulated activities as identified in sections 4.2 – 4.2.8.2. To receive District approval, a system cannot cause a net adverse impact on wetland functions and other surface water functions which is not offset by mitigation.

4.2.1.1 No change.

4.2.1.2 The District will not require the applicant to implement practicable design modifications to reduce or eliminate impacts when:

(a) No change.

(b) the applicant proposes mitigation that implements all or part of a plan that provides regional ecological value and that provides greater long term ecological value than the area of wetland or other surface water to be adversely affected.

4.2.1.3 No change.

4.2.2 through 4.2.6 No change.

4.2.7 Secondary Impacts

Pursuant to paragraph 4.1.1(f), an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resource, as described in paragraphs (a) through (d), below. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources which the District is authorized to protect under Part IV, Chapter 373, F.S. Those aquatic or wetland dependent species which are listed as threatened, endangered or of special concern are particularly in need of protection.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 4.2.2; water quality; upland habitat for aquatic or wetland dependent listed species; and historical and archaeological resources. Deminimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 4.3.8. If such secondary impacts can not be prevented, the applicant may propose mitigation measures as provided for in subsections 4.3 through 4.3.9 ~~8~~.

This secondary impact criterion consists of the following four parts:

(a) through (d) No change.

As part of this review, the District will also consider the impacts of the intended or reasonably expected uses of the future activities on water quality and wetland and other surface water functions.

In conducting the analysis under paragraph (d)2., above, the District will consider those future projects or activities which would not occur but for the proposed system, including where the proposed system would be a waste of resources should the future project or activities not be permitted.

Where practicable, proposed systems shall be designed in a fashion which does not necessitate future impacts to wetland and other surface water functions. If future phases or project

expansion have the potential to cause adverse secondary impacts, applicants must provide sufficient conceptual design information to provide reasonable assurance that these impacts can be successfully eliminated or offset.

System expansions and future system phases will be considered in the secondary impact analysis, and if the District determines that future phases of a system involve impacts that appear not to meet permitting criteria, the current application ~~shall may~~ be denied unless the applicant can provide reasonable assurance that those future phases can comply with permitting criteria. One way for applicants to establish that future phases or system expansions do not have adverse secondary impacts is for the applicant to obtain a conceptual approval permit for the entire project.

4.2.8 No change.

TABLE 4.2.7-1

LISTED WILDLIFE SPECIES THAT ARE AQUATIC OR WETLAND DEPENDENT AND THAT USE UPLAND HABITATS FOR NESTING OR DENNING

No change.

4.3 Mitigation –

Protection of wetlands and other surface waters is preferred to destruction and mitigation due to the temporal loss of ecological value and uncertainty regarding the ability to recreate certain functions associated with these features. Mitigation will be approved only after the applicant has complied with the requirements of subsection 4.2.1 regarding practicable modifications to eliminate or reduce adverse impacts. However, any mitigation proposal submitted by an applicant shall be reviewed concurrently with the analysis of any modifications pursuant to subsection 4.2.1. This section establishes criteria to be followed in evaluating mitigation proposals.

Mitigation as described in sections 4.3 – 4.3.9 ~~8;~~ is required only to offset the adverse impacts to the functions as identified in sections 4.2 – 4.2.8; caused by regulated activities. In certain cases, mitigation cannot offset impacts sufficiently to yield a permissible project. Such cases often include activities which significantly degrade Outstanding Florida Waters, adversely impact habitat for listed species, or adversely impact those wetlands or other surface waters not likely to be successfully recreated.

Applicants are encouraged to consult with District staff in pre-application conferences or during the application process to identify appropriate mitigation options.

4.3.1 through 4.3.1.6 No change.

4.3.1.7 Mitigation or reclamation required or approved by other agencies for a specific project will be acceptable to the District to the extent that such mitigation or reclamation fulfills the requirements of sections 4.3-4.3.9 ~~8;~~ and offsets adverse impacts of the same project in accordance with the criteria in sections 4.2-4.2.8.2.

4.3.1.8 No change.

4.3.2 Mitigation Ratio Guidelines

Subsections 4.3.2 – 4.3.2.4 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. Mitigation ratios for wetlands which have a 50% or greater coverage of melaleuca (*Melaleuca quinquenervia*), will be determined pursuant to subsection 4.3.2.4. and other provisions of this section. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the area being adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the long term, particularly when these values are not fully protected under existing regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 4.3.2.1 through 4.3.2.4 ~~and 4.3.2.2~~ For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

4.3.2.1 through 4.3.7.7 No change.

4.3.7.7.1 Partial Releases

The permittee may request the District to release portions of the financial responsibility mechanism as phases of the mitigation plan, such as earth moving or other construction or activities for which cost estimates were submitted in accordance with subsection 4.3.7.7 of the ~~Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District — August 1995~~ are

successfully completed. The request shall be in writing and include documentation that the phase or phases have been completed and have been paid for or will be paid for upon release of the applicable portion of the financial responsibility mechanism. The District shall authorize the release of the portion requested upon verification that the construction or activities have been completed in accordance with the mitigation plans.

4.3.7.7.2 through 4.3.9.5 No change.

Figure 4.3-1 No change.

4.4 through 4.4.13.5 No change.

4.5 No change.

4.5.1 Procedure

To petition for a formal determination, the petitioner must submit to the District the following:

(a) through (b) No change.

Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any missing or insufficient information in the petition documentation submitted which may be necessary to complete review of the petition.

The District shall complete the determination and shall issue a notice of intended agency action within 60 days after the petition is deemed complete. The District shall publish the notice of intended agency action on the petition in a newspaper of general circulation in the county or counties where the property is located.

Sections 120.57 and ~~120.569~~, ~~120.59~~ F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District's proposed action on the petition may request an administrative hearing on the proposed action pursuant to section 40E-1.511, F.A.C. If no request for an administrative hearing is filed, the Executive Director will then take final action on the petition for the formal determination.

The Executive Director will only issue a formal determination if the petitioner has satisfied all the requirements of section 4.5. A person requesting a formal determination may withdraw the petition without prejudice at any point before final agency action.

4.5.2 Types of Formal Determinations

A petitioner can request a formal determination consisting of a certified survey, an approximate delineation, or combinations thereof, as described below.

(a) The survey of the extent of wetlands and other surface waters shall be certified pursuant to chapter 472, F.S., to meet the minimum technical standards in chapter 61G17-6, F.A.C. A petitioner seeking a certified surveyed delineation shall have a land surveyor registered in the State of Florida survey the verified boundaries of wetlands and other surface waters, and shall have the surveyor or surveyor's representative accompany the District representative on the delineation verification described in subsection ~~4.5.3~~ ~~4.4.3~~. The certified survey shall

also contain a legal description of, and acreage contained within, the boundaries of the property for which the determination is sought. The boundaries of wetlands and other surface waters shall be witnessed to the property boundaries, and shall be capable of being mathematically reproduced from the survey. The petitioner shall submit five copies of the survey, along with five copies of the survey depicted on aerial photographs, to the District to complete the petition.

(b) No change.

4.5.3 through 4.5.6 No change.

5.0 WATER QUALITY CRITERIA

5.1 through 5.2.1 No change.

5.2.2 Land Use and Coverage Criteria

(a) No change.

(b) Projects having greater than 40% impervious area and which discharge directly to the following receiving waters shall provide at least one half inch of dry detention or retention pretreatment as part of the required retention/detention. Receiving waters being addressed are:

1. through 3. No change.

4. Other areas, such as the Savannas in St. Lucie and Martin Counties; the Six Mile Cypress Strand; the Big Cypress area of Collier County; and lands acquired by the District pursuant to Section 373.59, Florida Statutes, Water Management Lands Trust Fund (Save Our Rivers); mitigation bank lands, as set forth in Section 4.4., ~~“Environmental Resource Permit Applications within South Florida Water Management District—August 1995”.~~

5. through 6. No change.

5.3 through 5.5 No change.

5.6 through 5.8 No change.

5.9 Water Quality Monitoring -

All new drainage projects will be evaluated based on the ability of the system to prevent degradation of receiving waters and the ability to conform to State water quality standards (see Chapters ~~62-3~~, ~~62-4~~, and 62-302, F.A.C.).

5.9.1 (a) There are areas within the District where water quality considerations are extremely important, because of the sensitivity of the area. These areas include:

1. through 4. No change.

5. Outstanding Florida Waters as defined in Chapter ~~62-302~~, ~~17-3-302~~, Florida Administrative Code.

(b) No change.

5.9.2 through 5.9.3 No change.

5.9.4 The reason for the monitoring requirement will be stated in the Staff Report for each Permit. Also included in the permit will be the monitoring and reporting schedules and the parameters of interest. Each monitoring program will be designed specifically for the land use or individual project in question and will include applicable surface and ground water sampling. Staff shall specify applicable project specific parameters such as those listed in Chapter ~~62-302~~, ~~17-3-302~~,

F.A.C. The applicant shall use a Florida Department of Environmental Protection- or Florida Department of Health and Rehabilitative Services-certified laboratory for all water quality sampling and analysis. The District recommends that the applicant submit final results from the laboratory on a DOS-formatted 3.5" computer disk which will be supplied by the District. The disk will contain a program requiring the input of all pertinent data associated with the water quality monitoring special condition(s). If the permittee or their contracted laboratory does not have MS-DOS computer capabilities, water quality analysis may be submitted on paper. Examples of records to be supplied are as follows: sample date, sample location with D for discharge or N for no discharge, water discharge rates (cfs) and concentration values of indicated elements or compounds.

5.9.5 through 5.9.6 No change.

5.10 Solid Waste Facilities –

(a) Surface water management systems for Class I and II solid waste facilities, as defined by Chapter ~~62-701, 47-701~~, F.A.C., shall be so designed, constructed, and operated as to maintain the integrity of the landfill at all times (during construction, operation, closure and post closure). Applicant must provide assurances that:

1. through 2. No change.

(b) No change.

(c) Class I and II landfill projects shall provide adequate assurance that leachate will not enter the surface water management system. This assurance may be provided through affirmative demonstration that the requirement of ~~62-701, 47-701~~, F.A.C. for design and emplacement of liners, leachate collection systems, and treatment and disposal of leachate will be met.

(d) Borrow pits shall not be included in the surface water management system unless the applicant can affirmatively demonstrate that leachate will not enter the borrow pit, and that the water quality standards in Chapters 62-4, ~~62-3~~ and 62-302, 62-522, provisions of Rule 17-3.302 and Chapter 17-4, F.A.C. will be met.

(e) through (h) No change

6.0 through 6.13 No change.

7.0 through 7.6 No change.

8.0 through 8.8.2 No change

9.0 through 9.2.2 No change.

9.2.3 The Association must have the following general powers and attributes, which shall be reflected in the Articles of Incorporation or other documents of record:

(a) through (g) No change.

(h) The Association shall exist in perpetuity; however, if the Association is dissolved, the Articles of Incorporation must provide that the property consisting of the surface water management system and the right of access to the property containing the surface water management system shall be

conveyed to an appropriate agency of local government. If it is not accepted, then the surface water management system must be dedicated to a similar non-profit corporation.

9.2.4 The Association must have the following covenants and restrictions, which shall be set forth in the Declaration of Protective Covenants, Deed Restrictions, Declaration of Condominium, or other recorded document which sets forth the Association's rules and regulations:

(a) through (c) No change.

(d) That any proposed amendment to the association's documents, which would affect the surface water management system (including environmental conservation areas and the water management portions of the common areas) must be submitted to the District for a determination of whether the amendment necessitates a modification of the environmental resource or surface water management permit. If a modification is necessary, the District will so advise the permittee. The amendment affecting the surface water management system may not be finalized until any necessary permit modification is approved.

(e) through (f) No change.

(g) The environmental resource or surface water management permit and its conditions shall be attached to the rules and regulations as an exhibit. The Registered Agent for the Association shall maintain copies of all further permitting actions for the benefit of the association.

(h) The District has the right to take enforcement action, including a civil action for an injunction and penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities or in mitigation or conservation areas under the responsibility or control of the association.

9.2.5 through 9.2.6 No change.

10.0 No change.

APPENDICES

Appendix 2 No change.

Appendix 3 No change.

Appendix 6 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resources Regulation Department

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999 and January 7, 2000

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	CHAPTER TITLE NO.:
Environmental Resource Standard	
General Permits	40E-40
RULE TITLES:	RULE NOS.:
Permit Thresholds	40E-40.041
Standard General Permit for Incidental	
Site Activities	40E-40.042
Standard General Permit Authorization	40E-40.051
Delegation of Authority Pertaining to General	
Environmental Resource Permits, General	
Surface Water Management Permits and	
Associated Sovereign Submerged	
Lands Authorizations	40E-40.061

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to correct citations, add form numbers, correct position titles and clarify language currently in the rule.

SUMMARY: The proposed rule amendment addresses permit thresholds.

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

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

SPECIFIC AUTHORITY: 120.53, 373.044, 373.113, 373.118, 373.406(5) FS.

LAW IMPLEMENTED: 120.53, 120.60, 373.016, 373.103, 373.118, 373.406, 373.413, 373.416, 373.419, 373.426, 373.427 FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000

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 DEVELOPMENT IS: Julie Jennison, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@sfwmd.gov).

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-40.041 Permit Thresholds.

(1) ~~Any The permit threshold for non-exempt surface water management systems which do not qualify for a no notice or noticed general environmental resource permit, and do not exceed the threshold for individual permits as listed below, shall obtain a standard general permit, are set forth below. Systems which exceed any one of these threshold conditions shall require an individual permit pursuant to Chapter 40E-4, F.A.C.~~

(2) Threshold conditions are as follows:

(a) through (c) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History-New 4-20-94, Amended 10-3-95,_____.

40E-40.042 Standard General Permit for Incidental Site Activities.

(1) No change.

(2) No change.

(3) In order to receive a permit under this rule the applicant must:

(a) through (b) No change.

(c) submit Form 0444 and plans or a description of incidental site activities proposed, including proposed locations for work.

(d) No change.

(4)(a) through (b) No change.

(5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60(2), 373.103(4), 373.118, 373.413, 373.416 FS. History-New 9-3-81, Formerly 16K-4.021(1), 16K-4.022(1), Amended 12-1-82, 7-26-87, 4-20-94, 10-3-95,_____.

40E-40.051 Standard General Permit Authorization.

(1) through (3) No change.

(4) For applications for standard general permits, the Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~, as its agents for the purposes of reviewing and issuing these permits.

(5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(2), 373.103(6), 373.427 FS. History-New 10-3-95, Amended 4-1-96,_____.

40E-40.061 Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~ as its agents to review and take final action on all general environmental resource and surface water management permit applications issued under chapter 40E-40, F.A.C. However, staff recommendations for denial of general permit applications shall be considered by the Governing Board.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Section 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision-making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, and Service Center Directors, ~~and Regulatory Area Managers~~, when an application to use sovereign submerged lands involves an activity which is to be reviewed pursuant to the general permit procedures of Chapters 40E-1, 40E-40, or 40E-400, F.A.C.

Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.53, 373.016, 373.118 FS. History—New 4-1-96, Formerly 40E-1.6015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resources Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999 and January 7, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home Health Services
RULE NO.: 59G-4.130

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, March 2000. The effect will be to incorporate by reference in the rule the updated Florida Medicaid Home Health Services Coverage and Limitations Handbook.

SUMMARY: This rule amendment will incorporate by reference the Florida Medicaid Home Health Services Coverage and Limitations Handbook, March 2000.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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 20, 2000

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peggy Stafford, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)488-9990

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, March 2000 ~~October 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Peggy Stafford

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Child Care Program	60L-20
RULE TITLES:	RULE NOS.:
Scope and Purpose	60L-20.001
Statements of Policy	60L-20.002
Definitions	60L-20.003

Procedures for Coordination of Child Care Services Requests	60L-20.004
Criteria for Establishment of Child Care Centers	60L-20.005
Qualifications of Service Providers	60L-20.006
Responsibilities of Service Providers	60L-20.007

PURPOSE AND EFFECT: Affects changes made to s. 110.151, F.S., during the 1999 legislative session to allow agencies to cover operating costs other than the cost of the physical facility; clarifies the Department’s responsibilities for assisting agencies in maintaining established centers; clarifies that direct operation of the child care center by the sponsoring agency(ies) is permitted on a temporary, emergency basis only; removes the requirement of the Department’s approval of the sponsoring agency(ies) enrollment policies; broadens the service provider procurement process; and updates the reference to the rules regarding state child care standards.

SUMMARY: The rule amendments outline the policies for work-site child care centers for the children of state employees including the Department’s responsibilities and the sponsoring agency(ies) fiscal/operational responsibilities to comport with current practices and statutory language.

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: 110.151(8) FS.

LAW IMPLEMENTED: 110.151 FS.

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

TIME AND DATE: 10:00 a.m., March 20, 2000

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carolyn J. Johnson, Human Resource Consultant, 4050 Esplanade Way, Bldg. 4040, Suite 360, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-20.001 Scope and Purpose.

This chapter sets forth the procedures to be followed for establishing and maintaining work-site child care services for state employees.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History–New 3-18-90, Amended 3-18-92, Formerly 22K-28.001, Amended.

60L-20.002 Statements of Policy.

(1) No change.

(2) The sponsoring state agency may shall provide for the space, maintenance, utilities and other operating costs associated with the physical facility of the center.

(3) No change.

(4) Except as specified in section 60L-20.003(2), sService providers who operate state-sponsored child care centers shall be selected by competitive contract. Requests for proposals shall be developed by the sponsoring agency with the assistance of, and subject to the approval of, the Ddepartment.

(5) No change.

(6) The sponsoring state agency may elect to operate the center on a temporary, emergency basis for a period not to exceed six months when a second request for proposals fails to procure a qualified service provider, or when the service provider's contract is canceled and attempts to procure a qualified provider are unsuccessful, provided plans for the direct operation by the sponsoring agency are approved by the Ddepartment.

(7) through (9) No change.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History–New 3-18-90, Amended 1-24-91, 3-18-92, Formerly 22K-28.002, Amended 3-15-94,_____.

60L-20.003 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(2) “Service provider” means the person or persons awarded the contract to operate a state-sponsored center. Neither the service provider nor any personnel employed by the service provider shall be deemed to be employees of the state, unless the service provider is a governmental agency not subject to the competitive sealed bid requirements, as provided for in Section 287.057(3)(f)13., F.S.

(3) through (4) No change.

(5) “Employee” means full-time and part-time state officers or employees of all branches of state government holding salaried positions.

(6) through (7) No change.

(8) “Consortium arrangement” means an association or partnership whereby a state agency joins with one or more other state agencies or municipal or federal employers to pool resources in order to establish or maintain a work-site child care center to serve the employees of all contributing members.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History—New 3-18-90, Amended 1-24-91, 3-18-92, Formerly 22K-28.003, Amended 3-15-94, _____.

60L-20.004 Procedures for Coordination of Child Care Services Requests.

(1) Agencies requesting the establishment of work-site centers shall submit a written plan to the ~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t for approval. This plan shall contain the results of a feasibility study showing the following:

- (a) through (e) No change.
- (2) The ~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t shall respond to each agency's request by outlining its findings based on established criteria and, if the plan is approved, in accordance with Section 60L-20.005 of this Chapter, recommend a step-by-step procedure for establishing a child care center.

(3) The ~~D~~e~~p~~a~~r~~t~~m~~e~~n~~t shall provide technical assistance in the development of child care services which shall include:

- (a) through (d) No change.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History—New 3-18-90, Amended 1-24-91, 3-18-92, Formerly 22K-28.004, Amended _____.

60L-20.005 Criteria for Establishment of Child Care Centers.

The following criteria shall be used in reviewing agency requests for the establishment of state-sponsored child care centers:

- (1) through (2) No change.
- (3) Adequate and appropriate space for child care purposes which conforms to state physical facility standards described in Chapter ~~65C-22 10M-12~~, F.A.C.
- (4) No change.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History—New 3-18-90, Amended 3-18-92, Formerly 22K-28.005, Amended 3-15-94, _____.

60L-20.006 Qualifications of Service Providers.

(1) The service provider shall be considered qualified if the provider complies with all state and local standards for the licensure and operation of child care facilities, maintains liability insurance coverage and assumes financial and legal responsibility for the operation of the program, except as provided in section 60L-20.002(2) of this chapter.

(2) All child care personnel, including the owner, operator, employees, substitutes and volunteers must meet all personnel requirements, health requirements and training requirements, defined in Chapter ~~65C-22 10M-12~~, F.A.C.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History—New 3-18-90, Amended 3-18-92, Formerly 22K-28.006, Amended _____.

60L-20.007 Responsibilities of Service Providers.

- (1) No change.

(2) The service provider shall be responsible for enrolling children of state employees in accordance with the enrollment policy of the sponsoring agency, ~~as approved by the department,~~ pertaining to eligibility and procedures.

- (3) through (5) No change.

Specific Authority 110.151(8) FS. Law Implemented 110.151 FS. History—New 3-18-90, Amended 1-24-91, 3-18-92, Formerly 22K-28.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael T. Cochran, Deputy Secretary, Department of Management Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Examination and Reexamination

RULE NO.: 61G4-16.009

PURPOSE AND EFFECT: The Board proposes to reduce the minimum amount of time for an applicant who fails all or part of an examination on the first or second attempt to make application to retake said examination from 90 days to 45 days to coincide with the current 60 day examination cycle.

SUMMARY: Examination and Reexamination.

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

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

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.009 Examination and Reexamination.

- (1)(a) through (b) No change.

1. through 2. No change.

3. An applicant who fails the examination in whole or in part on his or her first or second attempt may submit an application to retake the certification examination to the Department no less than forty-five (45) days prior to the administration of the examination the applicant wishes to take may apply to the Department to retake said examination no less than ninety (90) days prior to the next administration date provided he or she pays all appropriate fees as set forth in paragraph (3) below.

(2) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to deceptive and misleading advertising.

SUMMARY: The Board has determined that an amendment to this rule is necessary to clarify when the initials “M.D.” can be used.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 455.664, 460.413(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (k) No change.

(l) Contains any other representation, statement or claim which is misleading or deceptive; or -

(m) Contains a reference to a medical degree or uses the initials “M.D. unless the chiropractor has actually received such a degree. If the chiropractor is not licensed to practice medicine in Florida, the letterhead, business card, or other advertisement shall also include next to the reference or initials the statement “Not licensed to practice medicine in the State of Florida” in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 455.664, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Definition of “Mental Health Professional”

RULE NO.:

64B4-2.006
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the definition of a “Mental Health Professional.”

SUMMARY: The Board is amending this rule to add the reference 491.0046(3), Florida Statutes to update the rule text.

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

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

SPECIFIC AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(c),(3)(c),(4)(c), 491.0046(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-2.006 Definition of "Mental Health Professional."

"Mental health professional" as used in Sections 491.005(1)(c), (3)(c), ~~and (4)(c)~~, and 491.0046(3), Florida Statutes, is defined as a psychotherapist licensed under Chapter 491, a psychologist licensed under Chapter 490, a psychiatrist licensed under Chapter 458 or 459 who is certified by the American Board of Psychiatry and Neurology; or an advanced registered nurse practitioner certified under Section 464.012, Florida Statutes, and who is certified by a board approved national certification organization pursuant to Rule 64B9-4.002, F.A.C.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c), 491.0046(3) FS. History—New 2-11-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 1999

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLES:	RULE NOS.:
Examination for Licensure	64B4-3.003
Documentation of Substantially Equivalent Licensing Examination	64B4-3.0051
Examination Review Procedures	64B4-3.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B4-3.003 to update the rule text. A new rule, numbered 64B4-3.0051 is being created to address the documentation of substantially equivalent licensing examinations. The Board is amending Rule 64B4-3.007 to change the examination procedures.

SUMMARY: The Board proposes to amend Rule 64B4-3.003 to update the rule text with regard to the requirements for examination for licensure for Mental Health Counselors. The Board has determined that a new rule be promulgated to address the documentation of substantially equivalent licensing examinations. Rule 64B4-3.007 is being amended by the Board to change the examination procedures for applicants who wish to review the answers or the part of the exam that the applicant failed.

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

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

SPECIFIC AUTHORITY: 455.574, 491.004, 491.006 FS.

LAW IMPLEMENTED: 455.574, 491.005, 491.006 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-3.003 Examination for Licensure.

(1) through (4) No change.

(5) PART II – THEORY AND PRACTICE

(a) CLINICAL SOCIAL WORKERS

1. through 2. No change.

(b) MENTAL HEALTH COUNSELORS

1. through 2. No change.

(c) MENTAL HEALTH COUNSELORS

1. The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

2. An applicant for licensure as a mental health counselor is not required to take the theory and practice Part II of 64B4-3.003(5)(b) of the licensure examination if the following conditions are met:

a. The applicant has taken the National Clinical Mental Health Counselor Examination within the last five years; and

b. The applicant earned the national passing score on the National Clinical Mental Health Counselor Examination.

(d)(e) MARRIAGE AND FAMILY THERAPISTS

1. through 2. No change.

(6) No change.

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History—New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00,_____.

64B4-3.0051 Documentation of Substantially Equivalent Licensing Examination.

In order for the Board to determine whether an applicant by endorsement has passed a substantially equivalent licensing examination in another state, the endorsement applicant shall provide the Board with documentation which demonstrates that the exam taken in another state is substantially equal in essential materials and elements to the licensure examinations required in Rule 64B4-3.003, F.A.C. Essential and material elements shall include but are not limited to:

- (1) name and publisher of the exam;
- (2) time allotted for taking the exam;
- (3) subject content domains covered by the exam;
- (4) conditions under which the exam was taken;
- (5) grading criteria;
- (6) raw score and scaled passing score;
- (7) exam administration date;
- (8) exam format (multiple choice/essay); and
- (9) exam security procedures.

Specific Authority 491.004, 491.006 FS. Law Implemented 491.006 FS. History—New_____.

64B4-3.007 Examination Review Procedures.

(1) An applicant is entitled to review the applicant's examination questions, answers, papers, grades and grading key used in ~~Part I—Laws and Rules of the laws and rules examination (Part 1) for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed.~~ Examination reviews shall be conducted ~~licensure~~ under such terms and conditions as prescribed by the Department of Health in rule 64B-1.013, F.A.C., unless prohibited or limited by rule 64B4-3.006, F.A.C., implementing security procedures.

(2) No change.

Specific Authority 455.574(2), 491.004(5) FS. Law Implemented 455.574(2) FS. History—New 8-18-93, Formerly 61F4-3.007, Amended 1-7-96, Formerly 59P-3.007, Amended 8-8-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 1999

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE:

RULE NO.:

Qualifications to Practice Juvenile Sex

64B4-7.007

Offender Therapy

PURPOSE AND EFFECT: The Board is amending this rule to simplify the requirements to practice juvenile sex offender therapy.

SUMMARY: The Board has determined that the rule text shall be amended to simplify the qualifications the licensee must have in order to practice juvenile sex offender therapy.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.007 Qualifications to Practice Juvenile Sex Offender Therapy.

Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to practice, or to hold oneself out as one certified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training in the following subject areas: Complete education and training to gain knowledge and competency in each of the following areas:

(a) through (1) No change.

(2) No change.

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History—New 2-9-99, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 21, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 30, 1999

DEPARTMENT OF HEALTH

**Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling**

RULE TITLE: Definition of Sexual Misconduct
RULE NO.: 64B4-10.002

PURPOSE AND EFFECT: The Board is amending this rule to
update the rule text with regard to the definition of sexual
misconduct and unnecessary language is being deleted.

SUMMARY: The Board proposes to amend this rule to delete
rule text that is no longer necessary and to further clarify the
definition of sexual misconduct for a psychotherapist.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.0111 FS.

LAW IMPLEMENTED: 491.0111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Sue Foster, Executive Director, Board
of Clinical Social Work, Marriage and Family Therapy and
Mental Health Counseling/MQA, 2020 Capital Circle, S. E.,
Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-10.002 Definition of Sexual Misconduct.

(1) It is sexual misconduct for a psychotherapist to engage,
attempt to engage, or offer to engage a client in sexual
behavior, or any behavior, whether verbal or physical, which is
intended to be sexually arousing, including kissing; sexual
intercourse, either genital or anal; cunnilingus; fellatio; or the
touching by either the psychotherapist or the client of the
other's breasts, genital areas, buttocks, or thighs, whether
clothed or unclothed.

~~(2) It is sexual misconduct for a psychotherapist to engage
a client in verbal or physical behavior which is sexually
arousing or demeaning unless:~~

~~(a) The psychotherapist meets the requirements to hold
oneself out as a sex therapist as specified in Rule 64B4-7.004;
and~~

~~(b) such behavior is for the sole purpose of treatment of
psycho-sexual disorders or dysfunctions included within the
categories of: paraphilia, sexual desire disorders, disorder of
sexual arousal, compulsive hyperactive sexual behaviors; and~~

~~(c) the psychotherapist complies with generally accepted
professional standards in this State for treatment of clients with
these specific disorders or dysfunctions; and~~

~~(d) treatment is provided in accordance with generally
accepted professional standards for psychotherapy in this State.~~

(3) It is sexual misconduct for a psychotherapist to
encourage the client to engage in sexual conduct with a third
party unless:

(a) through (b) No change.

Specific Authority 491.004(5), 491.0111 FS. Law Implemented 491.0111 FS.
History—New 3-4-90, Formerly 21CC-10.002, 61F4-10.002, 59P-10.002,
Amended 4-28-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Social Work,
Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 21, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 30, 1999

DEPARTMENT OF HEALTH

Board of Dentistry

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

PURPOSE AND EFFECT: The Board proposes to amend this
rule by adding an additional remedial task which may be
performed by a dental hygienist.

SUMMARY: The Board is amending this rule text by adding a
new subsection to expand the remediable tasks that may be
performed by a dental hygienist who received formal training
and who performs the tasks under direct supervision.

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

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

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.
 LAW IMPLEMENTED: 466.023, 466.024 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:
 64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

- (1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:
 - (a) through (m) No change.
 - (n) Inserting or removing dressings from alveolar sockets in post-operative osteitis when the patient is uncomfortable due to the loss of a dressing from an alveolar socket in diagnosed cases of post-operative osteitis;-
 - (o) Placing subgingival resorbable chlorhexidine.
 - (2) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
 RULE NO.: 64B9-8.006
 PURPOSE AND EFFECT: The proposed rule amendment is intended to add violations to the disciplinary guidelines.
 SUMMARY: The proposed rule amendment sets forth additional violations in the disciplinary guidelines.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.627, 455.624 FS.
 LAW IMPLEMENTED: 455.627, 455.624, 464.018 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 22, 2000
 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

THE FULL TEXT OF THE PROPOSED RULE IS:
 64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.
 (1) through (2) No change.
 (3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

- (a) No change.
- (b) Giving misleading statements or knowing misrepresentations to obtain a license (464.016(1)(d) or 464.018(1)(a) or 455.624(1)(e), (h) or (s), F.S.)
 - Concealing criminal record on application Denial of application
 - Renewing a license by knowing misrepresentations of continuing education (second or subsequent offense) Fine of up to \$100 per hour of incorrectly reported CE and suspension continued until such time as incorrectly reported CE is completed and fine paid.
 - Error of the Department or the Board Revocation
 - Attempting to procure license by bribery, knowing misrepresentation state attorney if Suspension or revocation and fine of \$1000 if licensed (denial and refer to not licensed)
- (c) through (1) No change.
- (m) Sexual misconduct (464.017 or 455.567 and 455.624 (1)(u), F.S.) Fine from \$500 – \$1000, referral to IPN or, and one year probation with conditions to revocation, or denial of licensure.
- (n) through (v) No change.
- (w) Failing to comply with the requirements for profiling and credentialing (455.624(1)(v), F.S.) Fine from \$250 – \$1000; suspension to revocation.

(x) Using information about people probation involved in motorvehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents (455.624(1)(x), F.S.)

Fine of \$250 – \$500 and one year to suspension.

(4) No change.

Specific Authority 455.627, 455.624 FS. Law Implemented 455.627, 455.624, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 210-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Fees for Licensure Pursuant to Section 461.018, Florida Statutes

RULE NO.: 64B18-12.009

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will address fees for licensure pursuant to section 461.018, Florida Statutes.

SUMMARY: Pursuant to Section 461.018, Florida Statutes, the Board has determined that a new rule should be created to address fees for licensure.

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

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

SPECIFIC AUTHORITY: 461.005, 461.018 FS.

LAW IMPLEMENTED: 455.641, 455.694, 461.006(1), 467.007(1), 461.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.009 Fees for Licensure Pursuant to Section 461.018, Florida Statutes.

The following fees are prescribed by the Board for licensure pursuant to Section 461.018, F.S.:

(1) The fee for initial application, licensure, and renewal is \$100.

(2) The fee for renewal of inactive status is \$50.

(3) The fee for renewal of delinquent status is \$50.

(4) The fee for renewal or reactivation is \$50.

(5) The fee for unlicensed activity is \$5 which is imposed by the Department and shall be in addition to the other licensure fees.

(6) Proof of financial responsibility shall be demonstrated by a letter of credit for \$1,000.

Specific Authority 461.005, 461.018 FS. Law Implemented 455.641, 455.694, 461.006(1), 461.007(1), 461.018 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 1999

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Continuing Education Required for License Renewal

RULE NO.: 64B18-17.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to reduce the number of hours in the area of risk management to one hour and delete rule text that is addressed by statute.

SUMMARY: The Board has determined that the number of continuing education in risk management should be reduced from two hours to one hour and unnecessary language is being deleted.

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

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

SPECIFIC AUTHORITY: 455.564(6), 455.604, 461.005, 461.007 FS.

LAW IMPLEMENTED: 455.564(6), 455.604, 461.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) No change.

(2) All licensees who seek to renew the active status of their licensure must demonstrate that they have completed, during the previous two years, at least forty (40) hours of continuing education.

(a) At least one (1) two (2) of the forty (40) hours must concern the topic of risk management.

(b) through (e) No change.

(3) through (4) No change.

~~(5) Failure to comply with continuing education requirements shall prohibit license renewal and shall also result in the license reverting to delinquent status. When poor health prevents a podiatrist from obtaining the required number of continuing education hours, however, the Board shall excuse the podiatrist from complying with the continuing education requirements for that biennium under the following circumstances: the application for waiver must be in writing; it must be received by the Agency on or before the last day for biennial renewal; it must affirmatively demonstrate that the onset of the poor health which precluded attendance at continuing education programs occurred at least three months before the last day for biennial renewal, and it must be accompanied by:~~

~~(a) a physician's diagnosis of the licensee's condition, including the date of its onset;~~

~~(b) a physician's prognosis of the licensee's condition;~~

~~(c) a physician's explanation of how the condition affects the podiatrist's ability to attend continuing education programs.~~

(6) through (8) renumbered (5) through (7) No change.

Specific Authority 455.564(6), 455.604, 461.005, 461.007 FS. Law Implemented 455.564(6), 455.604, 461.007 FS. History—New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999 and November 24, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Definitions

RULE NO.:

68A-1.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the definition of “bow” to preclude the use of devices which allow the bowstring to be mechanically held in the drawn and “ready-to-fire” (ready-to-release) position. The effect would be to clarify that bows allowed during archery-only seasons must be hand-held, hand-drawn and hand-released and not be equipped with devices that can mechanically hold the bowstring in the drawn (ready-to-fire) position. The proposed rule would permit the use of mechanical bowstring releases provided they are hand-held and not mechanically held.

SUMMARY: The proposed rule would clarify the definition of bows to prohibit the use of devices that mechanically hold the bowstring in the drawn and ready-to-release position. This clarification would in effect require that bows used in archery-only seasons be hand-held, hand-drawn and hand-released and not contain or be equipped with devices that can mechanically hold the bowstring in the drawn (ready-to-fire) position. Mechanical bow string releases would be permitted provided they are hand-held and not mechanically held.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$62.16 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m. March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-1.004 Definitions.

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

(1) through (15) No change.

(16) Bow – A device consisting of flexible material having a string connecting its two ends for the purpose of discharging arrows; which propels arrows only by the energy stored by the drawing of the device; which has a minimum draw weight of 35 pounds; ~~and which is hand-held, hand-drawn and hand-released; which is not equipped with a device that can mechanically hold the bowstring in the drawn (ready-to-fire) position, and which may include mechanical bowstring release devices provided they are only hand-held, hand-held releases connected to the bowstring.~~

(17) through (89) No change.

(90) This rule shall take effect on July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Victor J. Heller

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Possession of Wildlife or Freshwater Fish or

RULE NO.:

the Carcasses Thereof 68A-4.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to restrict processing of panfish by anglers on lakes with panfish minimum length regulations to ensure proper enforcement of this rule, which is designed to protect, conserve or produce quality or high-quality freshwater fisheries.

SUMMARY: The proposed rule would prohibit removal of the head or tail or filleting of panfish until anglers have completed fishing for the day. The proposed rule is applicable only in lakes with panfish minimum length regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated the proposed action will cost the agency \$75 for administrative preparation and 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIMES, DATES AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.004 Possession of Wildlife or Freshwater Fish or the Carcasses Thereof.

(1) through (2) No change.

(3) Black bass, striped bass and white bass or their hybrids, peacock bass, or black crappie and panfish (for black crappie and panfish, only in waters where black crappie minimum-length or slot-size limits for these fish apply) may not be filleted, nor their head or tail fin removed, until the angler has completed fishing for the day.

(4) This rule shall take effect July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-4.04, Amended 5-10-87, 7-1-89, 7-1-96, Formerly 39-4.004, Amended 7-1-00.

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: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Possession of Wildlife in Captivity; Permits

RULE NO.: 68A-6.0022

PURPOSE AND EFFECT: Local zoning codes do not always assure that a captive wildlife facility, that meets all requirements of Chapter 68A-6, F.A.C., is appropriate in relation to surrounding land uses or neighborhoods. The purpose of the proposed rule is to establish additional facility requirements, in addition to minimum cage size and structural requirements, to assure that facilities for Class I and Class II carnivores will have a minimal impact on surrounding property owners. By requiring minimum lot sizes, fencing and, a 35-foot buffer zone for Class I and Class II carnivore facilities, the proposed rule will help assure that new facilities will be safer and will pose a minimum impact on surrounding property owners.

SUMMARY: The proposed rule would create additional requirements for facilities that keep Class I and II carnivores as follows:

- (1) Require all facilities licensed after July 1, 2000, to meet the additional requirements as a condition of licensure;
- (2) Require a minimum 35-foot buffer zone between the cages of Class I and II facilities and adjacent property;
- (3) Require a minimum lot size for Class I (5 acres) and Class II (2 1/2 acres) facilities;
- (4) Require fencing and structural requirements for fencing such Class I and Class II carnivore facilities;
- (5) Allows facilities permitted as of July 1, 2000, to continue to operate in the same location even if there is a transfer of ownership.

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. There are no additional costs to the agency associated with this proposal, other than the normal costs associated with development and promulgation of this rule.

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-6.0022 Possession of Wildlife in Captivity; Permits.

(1) through (4) No change.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

(a) All applicants shall qualify for permits as follows:

1. through 2. No change.

3. Experience Requirement for Class I permits:

a. No change.

b. For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

i. through iii. renumbered I. through III. No change.

c. No change.

4. No change.

5. Facility Requirements:

a. No change.

b. In order to assure public safety, Class I and Class II wildlife shall only be kept in appropriate neighborhoods and, accordingly, facilities that house such wildlife shall meet the requirements of this rule subsection. Compliance with these requirements is a necessary condition for licensure. For purposes of this subsection, a "facility" means the site at which Class I or Class II carnivores are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance.

c. Notwithstanding any other requirements of this rule, facilities licensed prior to the effective date of this section may sell or transfer their interests, including their approved classification(s) of wildlife, (excluding licenses) to other qualified investor or owners for possession, and such facility may remain in the same location. New or prospective owners shall be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(I), F.A.C., Class I wildlife shall not be possessed in multi-unit dwellings or in any premises consisting of less than one-quarter acre of land area. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(II), F.A.C., Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit, and yard area.

(I) Additional facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):

(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.

(II) Additional facility requirements for the following Class II carnivores: cougars; panthers, clouded leopards, and Class II Canidae:

(A) The facility shall not be constructed on less than two and one-half (2 1/2) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2 gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45 degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2 gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.

(D) The above requirements shall be effective July 1, 2000, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After July 1, 2000, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorization shall be considered new applications for license purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History--New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Inspector Kyle W. Hill

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Permits for Hunting or Other Recreational Use

RULE NO.:

on Type I Wildlife Management Areas 68A-9.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish fees and permit quotas for recreational user permits on two Type I Wildlife Management Areas (WMAs) being proposed for inclusion in this program. The effect would be that users would be required to apply for recreational user permits and pay permit fees.

SUMMARY: Proposed rule changes would establish permit fees and permit quotas for recreational user permits for Champion International WMA (\$140 per permit and 325 permits) and Flint Rock WMA (\$98 per permit and 600 permits).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$180 for administrative preparation and \$135 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-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 Section 372.57(4)(b), F.S.

(a) No change.

(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:

1. through 4. No change.

5. Champion International – \$140

6. Flint Rock – \$98

(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:

1. through 4. No change.

5. Champion International – 325

6. Flint Rock – 600.

(d) through (f) No change.

(2) No change.

(3) This rule shall take effect on July 1, 2000.

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, 5-13-99, Formerly 39-9.004, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

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

68A-9.007

PURPOSE AND EFFECT: The purpose of the proposed changes is to establish new special-opportunity permits and revise existing permit criteria and remove provisions regarding special-opportunity alligator hunts. The effect will be to provide additional special-opportunity hunts or permit privileges and provide consistency with the proposed elimination of Rule 68A-25.047, F.A.C.

SUMMARY: Proposed changes would remove provisions regarding special-opportunity alligator hunts and revise or establish fees and/or permit criteria for other special-opportunity hunts as follows:

Special-opportunity dove hunt permit (existing permit) – one minor under 16 years of age would be allowed to accompany an adult permittee provided the minor is under the supervision and in the presence of the permittee and provided the minor and the permittee may take only one daily bag limit of doves. The minor would be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt.

Special-opportunity dove hunt combination permit (proposed new permit) – a permit fee of \$45 per day would be established. One minor under 16 years of age would be allowed to accompany an adult permittee provided the minor is under the supervision and in the presence of the permittee and the minor and the permittee would be each be permitted to take one daily bag limit of doves. The minor would be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt.

Annual special-opportunity dove field permit (proposed new permit) – a permit fee of \$150 per year would be established. One minor under 16 years of age would be allowed to accompany an adult permittee provided the minor is under the supervision and in the presence of the permittee and the minor and the permittee would be each be permitted to take one daily bag limit of doves. The minor would be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt. This permit would be non-transferable and valid only for the dove field specified on the permit. Up to one-half of the daily quota for each special-opportunity dove field would be available as annual permits.

Special-opportunity released-quail permit (proposed new permit) – a permit fee of \$100 for a 4-day hunt and a \$5 application fee would be established.

Special-opportunity bird dog training permit (existing permit) – this permit would be eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$148 for administrative preparation and \$78 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-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:

(1) Limited entry (special hunting and fishing) opportunities for which special-use permits are required shall be established by rule or, for small-game areas, by order of the Executive Director pursuant to Rule 68A-13.007, F.A.C., subject to the following provisions:

(a) through (d) No change.

(e) Special-use permits shall be transferable, except that ~~special opportunity alligator hunt permits shall not be transferable and~~ that special-opportunity dove hunt permits shall not be transferable after the date and time they become effective.

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

(a) through (b) No change.

(c) The fee for a special-opportunity dove hunt permit is \$35 per day. Under a special-opportunity dove hunt permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in s. 790.22, F.S., provided that the permittee and minor collectively may take only one daily bag limit. Notwithstanding other provisions in this chapter, the minor shall be considered to be in possession of a permit for the purpose of access to the special-opportunity dove hunt.

(d) The fee for a special-opportunity dove hunt combination permit is \$45 per day. Under the combination permit, one minor under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in s. 790.22, F.S., provided that the permittee and the minor may each take one daily bag limit of doves. Notwithstanding other provisions of this chapter, the minor shall be considered to be in the possession of a permit for the purpose of access to the special-opportunity dove hunt.

(e) The fee for an annual special-opportunity dove field permit is \$150. Under the annual permit, one minor child under 16 years of age may accompany an adult permittee and may hunt under the supervision and in the presence of the permittee as specified in s. 790.22, F.S., provided that the permittee and minor may each take one daily bag limit of doves. This permit shall be non-transferable and shall be valid only for the dove

field specified. Up to one-half of the daily quota for each special-opportunity dove field will be available as annual permits.

(d) through (f) renumbered (f) through (h) No change.

(i) The fee for a special-opportunity released-quail hunt permit is \$100 for 4 days, and the application fee is \$5.

~~(g) The fee for a special opportunity alligator hunt permit is \$0, and the application fee is \$5.~~

~~(h) The fee for a special opportunity bird dog training permit is \$10 per day, and the application fee is \$5.~~

(3) through (4) No change.

(5) This rule shall take effect on July 1, 2000.

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, 4-15-99, Formerly 39-9.007, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Hunting Regulations on Public Small-Game Hunting Areas

RULE NO.: 68A-13.007

PURPOSE AND EFFECT: The purpose of the proposed change is to make alligators and alligator eggs and hatchlings legal to take on public small-game hunting areas pursuant to other Commission rules. The effect will be to provide additional opportunities for taking alligators and alligator eggs and hatchlings.

SUMMARY: The proposed rule would provide for the taking of alligators and alligator eggs and hatchlings on public small-game hunting areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$118 for administrative preparation and \$38 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas.

- (1) No change.
- (2) The general regulations for public small-game hunting areas shall be as follows:

(a) Legal game for each public small-game hunting area shall be as identified in the specific area regulations. Legal game shall be limited to small game, frogs, and all legal fish, except that wild hogs may be included as legal game when necessary for management purposes, and alligators and alligator eggs and hatchlings may be established as legal to take pursuant to Rules 68A-25.031, 68A-25.032 and 68A-25.042, F.A.C.

- (b) through (e) No change.
- (f) The possession of firearms other than bang sticks by persons permitted to take alligators and shotguns is prohibited unless otherwise provided by specific area regulation.

(g) through (m) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-4-82, Formerly 39-13.07, Amended 7-1-89, 7-1-96, Formerly 39-13.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: General Regulations Relating to Type I Wildlife Management Areas

RULE NO.: 68A-15.004

PURPOSE AND EFFECT: The purposes of the proposed changes are to revise general regulations for Type I Wildlife Management Areas (WMAs) associated with public access during special-opportunity hunts, permitting of raccoon

hunting by hunting organizations and special-opportunity alligator hunts. The effect of the proposed changes would be to enhance the quality of special-opportunity hunts, increase opportunities for raccoon hunting on WMAs, provide consistency with the proposed elimination of Rule 68A-25.047, FAC. and increase the specificity and clarity of the rule.

SUMMARY: The proposed rule would specify that access restrictions during special-opportunity hog hunts would apply to still hunts only. Proposed changes would allow a non-permitted individual to accompany a permittee during special-opportunity deer, hog (still hunt only) and turkey hunts. While hunting or scouting, a non-permitted individual would be allowed to accompany a permittee and participate in the hunt but would not be allowed to occupy a vehicle separate from the permittee or possess a gun and the non-permitted individual would be required to be in the immediate vicinity (25 feet or less) of the permittee. Proposed changes clarify that persons using the Florida Trail for through-hiking would be exempt from access restrictions stipulated for special-opportunity, short-term use and special-use permits.

Proposed changes would establish a permit for raccoon hunting with dogs on WMAs during otherwise closed seasons and at times and places designated in the permit. The raccoon hunting permit would be issued to sanctioned raccoon hunting organizations by the Executive Director or a designee. The proposed rule would stipulate that permits may be issued only in areas where raccoon hunting will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions and when raccoon hunting will not be in conflict with other user groups.

Proposed changes would prohibit possession or removal of saw palmetto berries from any WMA where the Commission is the land owner or lead managing agency without written permission. Proposed changes would remove rule references to special-opportunity alligator hunts and specify the types of guns that may be possessed for alligator hunting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$255 for administrative preparation and \$136 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.004 General Regulations Relating to Type I Wildlife Management Areas.

(1) No change.

(2) Permits required:

(a) No change.

(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 (still hunt only), and wild turkey hunting is prohibited by persons not in possession of the appropriate special-opportunity hunt permit except that a non-permitted individual may accompany a permittee. While hunting or scouting, a non-permitted individual may accompany a permittee and participate in the hunt but shall not occupy a vehicle separate from the permittee or possess a gun, and shall be in the immediate vicinity (25 feet or less) of the permittee. Persons using the Florida Trail for through-hiking are exempt from the permit requirements of this paragraph. 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.

(c) No change.

(3) Permit exceptions: Persons exempted by s. 372.57, F.S., those persons who possess a gun on Osceola, Ocala and Apalachicola Wildlife Management Areas for the exclusive purpose of shooting at a Commission authorized shooting range, ~~or~~ persons in possession of a special-use permit, ~~or persons engaging in activities pursuant to Rules 68A-25.032 or 68A-25.042, F.A.C.,~~ are excepted from wildlife management area stamp requirements.

(4) Legal to hunt:

(a) through (e) No change.

(f) On any wildlife management areas where an antlered deer quota is established by order, no person shall take antlered deer after the quota for antlered deer is attained. ~~On any wildlife management area where an antlerless deer quota is established by order, no person shall take antlerless deer after the quota for antlerless deer is attained.~~

(g) through (h) No change.

(5) through (6) No change.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular management area. The Executive Director or designee may issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) through (d) No change.

(8) through (11) No change.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in s. 581.185, F.S.) from, any wildlife management area without written permission from the landowner or primary land manager.

(b) No person shall possess or remove saw palmetto berries from any wildlife management area where the Commission is the landowner or lead managing agency without written permission.

(13) Alligators: Notwithstanding any other provision in Chapter 15, F.A.C., herein, the harvest of alligators, their eggs or hatchlings may be conducted on Type I wildlife management areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032, and 68A-25.042, and 68A-25.047, F.A.C. Guns and bait may be possessed and used for taking alligators by ~~special-opportunity~~ alligator hunt participants as specified in Rules 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on Type I wildlife management areas shall not be required to check in and out at a check station, or check any alligators taken. 68A-25.047, F.A.C. A private landowner making his lands available for use in the Type I wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(14) through (15) No change.

(16) This rule shall take effect on July 1, 2000.

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, 7-5-84, 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, 4-15-99, Formerly 39-15.004, Amended 7-1-00.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

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

RULE NO.: 68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish, revise, or delete hunter quotas on wildlife management areas (WMAs) and wildlife and environmental areas (WEAs) and to remove references to special-opportunity alligator hunts that would provide consistency with the proposed elimination of Rule 68A-25.047, FAC. In addition, the purpose of proposed changes is to establish that the list of quotas by area and hunt would be maintained on a list incorporated under the rule by reference rather than listed in the text of the rule to reduce administrative time and costs associated with frequent rule change proposals.

SUMMARY: The proposed rule would establish the following quota hunts: Hilochee WMA – muzzleloading gun (5 permits, no exemptions), general gun hog (10 permits per hunt, no exemptions); small game (20 permits, no exemptions); Hickory Hammock WMA – muzzleloading gun (5 permits, no exemptions), general gun (5 permits, no exemptions); Lake Marion Creek WMA – archery (25 permits per hunt, no exemptions), muzzleloading gun (25 permits per hunt, no exemptions), general gun (25 permits per hunt, no exemptions), small game (25 permits per hunt, no exemptions); Fisheating Creek WMA – archery (20 permits per hunt, no exemptions), muzzleloading gun (20 permits per hunt, no exemptions), general gun (20 permits per hunt, no exemptions), spring turkey (15 permits per hunt, no exemptions), special-opportunity spring turkey (10 permits per hunt, no exemptions), general gun hog (15 permits per hunt, no exemptions); Blackwater WMA (Carr Unit) – special-opportunity, released quail (one group of up to four hunters per hunt, no exemptions); Okaloacoochee Slough WMA – archery (125 permits per hunt, no exemptions), muzzleloading gun (125 permits per hunt, no exemptions), general gun (125 permits per hunt, no exemptions), general gun hog (125 permits per hunt, no exemptions), dove (100 permits per hunt, no exemptions); Bull Creek WMA – special-opportunity dove (20 permits per hunt, no exemptions); Tiger Bay WMA (Rima Ridge Unit) – archery (75 permits per hunt, no exemptions), muzzleloading gun (75 permits per hunt, no exemptions), general gun (75 permits per hunt, no

exemptions); Seminole Ranch WMA – general gun hog (25 permits per hunt, no exemptions); Triple N Ranch WMA – special-opportunity deer (10 permits per hunt, no exemptions); and Buck Lake WMA – archery (40 permits per hunt, no exemptions), muzzleloading gun (40 permits per hunt, no exemptions), general gun (40 permits per hunt, no exemptions), small game (40 permits per hunt, no exemptions). Proposed changes would delete quota hunts on Aucilla WMA – general gun still hunts; Twin Rivers WMA (Blue Springs Unit) – special-opportunity quail; Champion International WMA – general gun, archery/muzzleloading gun, spring turkey; Browns Farm WMA – general gun; and delete the special-opportunity alligator quotas on Ocala WMA, Three Lakes WMA, Guana River WMA, Holey Land WMA, Everglades and Francis S. Taylor WMA and Teneroc FMA.

Proposed changes would increase the Croom WMA muzzleloading gun hunt quota from 200 to 400; decrease the Osceola WMA general gun still hunt quota from 2,500 to 2,400; increase the Osceola WMA general gun dog hunt quota from 500 to 550; increase the Caravelle Ranch WMA special-opportunity dove quota from 50 to 80; and decrease the Georgia-Pacific WMA general gun quota from 200 to 130.

Proposed changes would delete the list of quota hunts and hunter quotas from the text of the rule and establish that this list shall be maintained on a list incorporated under the rule by reference. Proposed changes would convert the bird dog training quota hunt on Twin River WMA (Blue Springs Unit) from special-opportunity to first-come, first-served at the Olustee Field Office; specify that the archery quota hunts on Jennings Forest WMA shall be the first four days, fifth through ninth days and tenth through sixteenth days of the archery season; exclude zone B from quota permit requirements for Apalachee WMA general gun and quail hunts; and establish that antlerless deer permits for specified WMAs or WEAs may be issued by order of the Executive Director rather than the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$285 for administrative preparation and \$335 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-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 68A-5.005, F.A.C.

(2) 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 maintained on a list titled "Quota and special-opportunity permits," incorporated herein by reference and kept by the Commission at its headquarters office and regional offices. as follows:

(a) South Region

1. ~~Croom, general gun (first nine days) — 400 by regular quota application.~~
2. ~~Croom, muzzleloading gun — 200 by special hunt application.~~
3. ~~Croom, spring turkey (each hunt) — 10 by spring turkey application (no exemptions).~~
4. ~~Green Swamp, general gun (first through fourth days and fifth through ninth days) (each hunt) — 750 by regular quota application.~~
5. ~~Green Swamp, archery — 750 at check station.~~
6. ~~Green Swamp, general gun (after first nine days) — 750 at check station.~~
7. ~~Green Swamp, small game — 150 at check station.~~

8. ~~Green Swamp, spring turkey — 200 at check station.~~
9. ~~Upper Hillsborough, archery (each hunt) — 100 by special hunt application, 50 at check station.~~
10. ~~Upper Hillsborough, muzzleloading gun (each hunt) — 100 by special hunt application, 50 at check station.~~
11. ~~Upper Hillsborough, small game (each hunt) — 150 at check station.~~
12. ~~Upper Hillsborough, spring turkey (each hunt) — 75 at check station.~~
13. ~~Fred C. Babeock/Cecil M. Webb, general gun — 500 by regular quota application.~~
14. ~~Fred C. Babeock/Cecil M. Webb, archery — 500 by special hunt application.~~
15. ~~Fred C. Babeock/Cecil M. Webb, field trial area — 25 by regular quota application (no exemptions).~~
16. ~~Fred C. Babeock/Cecil M. Webb, Yucca Pens Unit, general gun season — 10 by regular quota application (no exemptions).~~
17. ~~Arbuckle, archery (weekend hunts) (each hunt) — 150 by special hunt application (no exemptions).~~
18. ~~Arbuckle, archery (weekday hunts) — 75 at check station (no exemptions).~~
19. ~~Arbuckle, muzzleloading gun (weekend hunts) (each hunt) — 150 by special hunt application (no exemptions).~~
20. ~~Arbuckle, muzzleloading gun (weekday hunts) — 50 at check station (no exemptions).~~
21. ~~Arbuckle, general gun hog (each hunt) — 150 by regular quota hunt application (no exemptions).~~
22. ~~Arbuckle, spring turkey (each hunt) — 10 by spring turkey application (no exemptions).~~
23. ~~Kieco, spring turkey (each hunt) — 15 by spring turkey application (no exemptions).~~
24. ~~Kieco, archery (each hunt) — 25 by special hunt application (no exemptions).~~
25. ~~Kieco, muzzleloading gun (each hunt) — 15 by special hunt application (no exemptions).~~
26. ~~Kieco, general gun hog hunt (each hunt) — 15 by regular quota hunt application (no exemptions).~~
27. ~~Chassahowitzka, archery (first nine days) — 150 by special hunt application.~~
28. ~~Chassahowitzka, muzzleloading gun — 150 by special hunt application.~~
29. ~~Chassahowitzka, general gun (first nine days) — 150 by regular quota application.~~
30. ~~Hickory Hammock, special opportunity — wild hog hunt (each hunt) — 10 by special opportunity hunt application (no exemptions).~~
31. ~~Hickory Hammock, spring turkey (each hunt) — 5 by spring turkey application (no exemptions).~~
32. ~~Tenoroc, special opportunity alligator hunt (each harvest period) — two by special opportunity hunt application (no exemptions) (non-transferable).~~

33. ~~Walk in the Water, archery (first two days, third through sixth days, seventh through ninth days, tenth through thirteenth days and last three days) (each hunt) — 40 by special quota hunt application (no exemptions).~~

34. ~~Walk in the Water, muzzleloading gun — 25 by special quota hunt application (no exemptions).~~

35. ~~Walk in the Water, general gun hog hunt (first through fourth days and fifth through ninth days) (each hunt) — 25 by regular quota hunt application (no exemptions).~~

36. ~~Hiloechee, special opportunity dove hunt (each hunt) — 30 (no exemptions).~~

37. ~~Hiloechee, spring turkey (each hunt) — 5 by spring turkey application (no exemptions).~~

38. ~~Green Swamp, West Unit, special opportunity turkey hunt, Zone A (each hunt) — 18 by special opportunity turkey hunt application (no exemptions).~~

39. ~~Green Swamp, West Unit, special opportunity turkey hunt, Zone B (each hunt) — 18 by special opportunity turkey hunt application (no exemptions).~~

40. ~~Green Swamp, West Unit, special opportunity turkey hunt, Zone C (each hunt) — 18 by special opportunity turkey hunt application (no exemptions).~~

41. ~~Green Swamp, West Unit, special opportunity archery (each hunt) — 54 by special opportunity hunt application (no exemptions).~~

42. ~~Green Swamp, West Unit, special opportunity general gun (each hunt) — 54 by special opportunity hunt application (no exemptions).~~

43. ~~Green Swamp, West Unit, special opportunity hog still (each hunt) — 200 by special opportunity hunt application (no exemptions).~~

44. ~~Green Swamp, West Unit, special opportunity hog dog (each hunt) — 100 by special opportunity hunt application (no exemptions).~~

45. ~~Green Swamp, West Unit, small game (each hunt) — 60 at the check station.~~

46. ~~Lake Marion Creek, spring turkey (each hunt) — 10 by spring turkey application (no exemptions).~~

(b) Northeast Region

1. ~~Camp Blanding, general gun still hunt (first through fourth days and fifth through ninth days) (each hunt) — 400 by regular quota application.~~

2. ~~Camp Blanding, general gun dog hunt (first through fourth days and fifth through ninth days) (each hunt) — 400 by regular quota application.~~

3. ~~Camp Blanding, archery (first hunt) — 350 by special hunt application.~~

4. ~~Camp Blanding, muzzleloading gun (each hunt) — 200 by special hunt application.~~

5. ~~Camp Blanding, spring turkey (each hunt) — 65 by spring turkey application.~~

6. ~~Camp Blanding, archery area — 150 at check station.~~

7. ~~Camp Blanding, supervised youth hunt (each hunt) — 40 by youth hunt application (no exemptions).~~

8. ~~Cypress Creek, archery — 20 by special quota hunt application (no exemptions).~~

9. ~~Cypress Creek, muzzleloading gun — 15 by special quota hunt application (no exemptions).~~

10. ~~Cypress Creek, spring turkey — 12 by spring turkey application (no exemptions).~~

11. ~~Gulf Hammock, general gun (first nine days) — 400 by regular quota application.~~

12. ~~Lake Butler, general gun (first nine days) — 350 by regular quota application.~~

13. ~~Lochloosa, general gun still hunt (first nine days) — 250 by regular quota application.~~

14. ~~Lochloosa, general gun dog hunt (first nine days) — 300 by regular quota application.~~

15. ~~Osecola, general gun still hunt (first nine days) — 2,500 by regular quota application.~~

16. ~~Osecola, general gun dog hunt (first nine days) — 500 by regular quota application.~~

17. ~~Big Bend, Tide Swamp Unit, general gun (first nine days) — 450 by regular quota application.~~

18. ~~Big Bend, Tide Swamp Unit, muzzleloading gun — 300 by special hunt application.~~

19. ~~Big Bend, Spring Creek Unit, general gun (first nine days) — 150 by regular quota application.~~

20. ~~Big Bend, Hickory Mound Unit, general gun (first nine days and the 10th through 16th days) (each hunt) — 175 by regular quota application (this permit is not needed to hunt ducks and coots on the Hickory Mound Impoundment).~~

21. ~~Big Bend, Hickory Mound Unit, general gun (after first 16 days) — 175 at check station (this permit is not needed to hunt ducks and coots on the Hickory Mound Impoundment).~~

22. ~~Hickory Mound Impoundment, waterfowl — 50 per day at check station (a Big Bend Hickory Mound Unit regular or daily quota permit is not needed in addition to this permit to hunt ducks and coots on the Hickory Mound Impoundment).~~

23. ~~Big Bend, Jena Unit, general gun (first nine days) — 135 by regular quota application.~~

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. ~~Aucilla, general gun dog hunt (first nine days) — 550 by regular quota application.~~

27. ~~Cedar Key Scrub, general gun (each hunt) — 25 by special hunt application, 25 at check station.~~

28. ~~Cary, archery (each hunt) — 55 by special hunt application.~~

29. ~~Cary, muzzleloading gun (each hunt) — 55 by special hunt application.~~

30. Andrews, archery (each hunt) — 60 by special hunt application (no exemptions).

31. Andrews, muzzleloading gun (each hunt) — 40 by special hunt application (no exemptions).

32. Andrews, general gun — 40 by regular quota application (no exemptions).

33. Andrews, spring turkey (each hunt) — 30 by spring turkey application (no exemptions).

34. Andrews, small game (each hunt) — 40 at check station (no exemptions).

35. Andrews, supervised deer hog youth hunt (each hunt) — 40 by youth hunt application (no exemptions).

36. Big Shoals, archery (each hunt) — 50 by special hunt application (no exemptions).

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

38. Big Shoals, spring turkey (each hunt) — 30 by spring turkey application (no exemptions).

39. Big Shoals, small game (each hunt) — 30 at check station (no exemptions).

40. Twin Rivers, archery — 30 by special hunt application and 30 at check station (no exemptions).

41. Twin Rivers, muzzleloading gun — 30 by special hunt application and 30 at check station (no exemptions).

42. Twin Rivers, general gun — 30 by regular quota application and 30 at check station (no exemptions).

43. Twin Rivers, spring turkey (each hunt) — 12 by spring turkey application and 12 at check station (no exemptions).

44. Twin Rivers, Blue Springs Unit, special opportunity quail (each hunt) — one group of two hunters by special opportunity hunt application (no exemptions). Permits shall be transferable except on the date of the hunt for which the permit is valid.

45. Twin Rivers, Blue Springs Unit, special opportunity bird dog training (each day) — three groups of four hunters by special opportunity hunt application (no exemptions).

46. Jennings Forest, archery — 80 by special hunt application (no exemptions).

47. Jennings Forest, muzzleloading gun — 60 by special hunt application (no exemptions).

48. Jennings Forest, general gun (first nine days and 10th through 16th days) (each hunt) — 60 by regular quota application (no exemptions).

49. Jennings Forest, spring turkey (first through fourth days and fifth through ninth days) (each hunt) — 30 by spring turkey application (no exemptions).

50. Holton Creek, general gun for mobility impaired (each hunt) — 40 by mobility impaired application (non-transferable, except to persons who have been issued a mobility impaired certificate by the Commission) (no exemptions).

51. Holton Creek, mobility impaired spring turkey (each hunt) — 10 by spring turkey application (no exemptions).

52. Steinhatchee Falls, general gun — 20 by regular quota application.

53. Goethe, muzzleloading gun — 250 by special hunt application.

54. Goethe, general gun still hunt — 250 by regular quota application.

55. Goethe, general gun dog hunt — 7 groups of from 5 to 15 hunters by Goethe dog hunt application.

56. Goethe, spring turkey (each hunt) — 100 by spring turkey application.

57. Raiford, muzzleloading gun — 50 by special hunt application.

58. Raiford, archery/muzzleloading gun — 75 by special quota hunt application.

59. Raiford, spring turkey — 25 by spring turkey application.

(e) Northwest Region

1. Apalachee excluding zone C, general gun (first 13 days) — 300 by regular quota application.

2. Apalachee excluding zone C, quail — 10 (each day) at check station (no exemptions).

3. Apalachicola, Bradwell Unit, archery (first through seventh days and eighth through sixteenth days) (each hunt) — 10 by special hunt application (no exemptions).

4. Apalachicola, Bradwell Unit, muzzleloading gun — 10 by special hunt application (no exemptions).

5. Apalachicola, Bradwell Unit, general gun (first through fourth days and fifth through ninth days) (each hunt) — 10 by regular quota application (no exemptions).

6. Apalachicola, Bradwell Unit, spring turkey (first through second days and third through fifth days) (each hunt) — 5 by spring turkey application (no exemptions).

7. Blackwater, general gun still hunt (first 13 days and last 17 days) — 1,425 by regular quota application.

8. Blackwater, general gun dog hunt (first 13 days and last 17 days) — 775 by regular quota application.

9. Blackwater Field Trial Area, archery/muzzleloading gun — 75 by special hunt application.

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).

15. Robert Brent, general gun (first 13 days)—1,200 by regular quota application.

16. Champion International, general gun (first 13 days)—500 by regular quota application.

17. Champion International, general gun (after the first 13 days)—200 at check station.

18. Champion International, archery/muzzleloading gun—200 at check station.

19. Champion International, spring turkey (each hunt)—25 by spring turkey application.

20. Point Washington, general gun still hunt (first 13 days)—300 by regular quota application.

21. Point Washington, general gun dog hunt (first 13 days)—750 by regular quota application.

22. Joe Budd, archery/muzzleloading gun (each hunt)—50 by special hunt application, 140 by random drawing on area.

23. Joe Budd, archery (each hunt)—50 by special hunt application, 140 by random drawing on area.

24. Joe Budd, small game—110 at check station.

25. Joe Budd, spring turkey—20 at check station.

26. Talquin, general gun (first through third days and fourth through fifth days) (each hunt)—70 by regular quota application.

27. Talquin, general gun (last Saturday)—70 at the check station.

28. Oehlockonee, archery/muzzleloading gun (first through third days and fourth through fifth days) (each hunt)—70 by special hunt application.

29. Tate's Hell, general gun dog hunt (first 13 days)—1,000 by regular quota application.

30. Tate's Hell, general gun still hunt (first 13 days)—100 by regular quota application.

31. Tate's Hell, spring turkey (each hunt)—25 by spring turkey application.

32. Tate's Hell, Womaek Creek Unit, general gun dog hunt (first 13 days)—70 by regular quota application.

33. Tate's Hell, Womaek Creek Unit, general gun still hunt—70 by regular quota hunt application.

34. Tate's Hell, Womaek Creek Unit, spring turkey—15 by spring turkey application (no exemptions).

35. Apalachicola River Wildlife and Environmental Area, special opportunity dove hunt (each hunt)—75 (no exemptions).

36. Edward Ball, special opportunity dove hunt (each hunt)—40 (no exemptions).

(d) Everglades Region

1. Browns Farm, general gun (first nine days)—to be established by order of the Executive Director.

2. Big Cypress, Bear Island Unit, general gun (first nine days, 10th through 16th days and December 22 through the last day of the general gun season) (each hunt)—200 by regular quota application.

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

4. Big Cypress, Bear Island Unit, muzzleloading gun (10th through 16th days)—200 at check station.

5. Big Cypress, Bear Island Unit, muzzleloading gun (first nine days)—200 by special hunt application.

6. Big Cypress, Corn Dance Unit, general gun (first nine days, 10th through 16th days and December 22 through the last day of the general gun season) (each hunt)—300 by regular quota application.

7. Big Cypress, Deep Lake Unit, second archery (first nine days, 10th through 16th days and last nine days) (each hunt)—200 by special hunt application.

8. Big Cypress, Loop Unit, general gun (first nine days, 10th through 16th days and December 22 through the last day of the general gun season) (each hunt)—250 by regular quota application.

9. Big Cypress, Stairsteps Unit, general gun (first nine days, 10th through 16th days and December 22 through the last day of the general gun season) (each hunt)—1000 by regular quota application.

10. Big Cypress, Turner River Unit, general gun (first nine days, 10th through 16th days and December 22 through the last day of the general gun season) (each hunt)—500 by regular quota application.

11. Corbett, general gun (first nine days)—1,500 by regular quota application.

12. John G. and Susan H. Dupuis Wildlife and Environmental Area, archery (each hunt)—75 by special hunt application (no exemptions).

13. John G. and Susan H. Dupuis Wildlife and Environmental Area, muzzleloading gun (each hunt)—75 by special hunt application (no exemptions).

14. John G. and Susan H. Dupuis Wildlife and Environmental Area, general gun (each hunt)—75 by regular quota application (no exemptions).

15. John G. and Susan H. Dupuis Wildlife and Environmental Area, general gun hog hunt (each hunt)—100 by regular quota application (no exemptions).

16. John G. and Susan H. Dupuis Wildlife and Environmental Area, spring turkey (each hunt)—35 by spring turkey application (no exemptions).

17. John G. and Susan H. Dupuis Wildlife and Environmental Area, general gun for mobility-impaired—25 by mobility-impaired application (non-transferable except to persons who have been issued a mobility-impaired certificate by the Commission) (no exemptions).

18. Frog Pond, special opportunity dove hunt (each hunt)—75 (no exemptions).

19. Fort Drum, special opportunity deer (each hunt)—20 by special opportunity hunt application (no exemptions).

20. Fort Drum, special opportunity spring turkey hunt (each hunt) — 5 by special opportunity hunt application (no exemptions).

21. Fort Drum, special opportunity hog (each hunt) — 20 by special opportunity hunt application (no exemptions).

22. CREW, Wildlife and Environmental Area, archery hog hunt — 25 by special hunt application.

23. CREW, Wildlife and Environmental Area, muzzleloading gun hog hunt — 25 by special hunt application.

24. Holey 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).

27. Okaloacoochee Slough, spring turkey (each hunt) — 50 by spring turkey application (no exemptions).

(e) Central Region

1. Bull Creek, general gun (first and second days, third through fifth days, and sixth through ninth days) (each hunt) — 300 by regular quota application.

2. Bull Creek, general gun (after first nine days) — 300 at check station.

3. Bull Creek, archery (first two days) — 300 by special hunt application.

4. Bull Creek, archery (after the first two days) — 300 at check station.

5. Bull Creek, muzzleloading gun — 300 by special hunt application.

6. Citrus, muzzleloading gun (each hunt) — 850 by special hunt application.

7. Citrus, modern gun (each hunt) — 850 by regular quota application.

8. Citrus, archery (first through fourth days, and fifth through ninth days) (each hunt) — 1,000 by special hunt application.

9. Fort McCoy, general gun (first nine days) — 250 by regular quota application.

10. Georgia-Pacific, general gun (first nine days) — 200 by regular quota application.

11. Ocala, Hopkins Prairie Unit, general gun (first nine days) — 810 by regular quota application.

12. Ocala, Hopkins Prairie Unit, muzzleloading gun — 810 by special hunt application.

13. Ocala, Lake Delaney Unit, general gun (first nine days) — 1,715 by regular quota application.

14. Ocala, Lake Delaney Unit, muzzleloading gun — 1,715 by special hunt application.

15. Ocala, Lake Delaney Unit, spring turkey (each hunt) — 100 by spring turkey application (no exemptions).

16. Ocala, Pipeline Unit, general gun (first nine days) — 3,775 by regular quota application.

17. Ocala, Church Lake Unit, general gun (first nine days) — 225 by regular quota application.

18. Ocala, Church Lake Unit, muzzleloading gun — 225 by special hunt application.

19. Ocala, special opportunity alligator hunt — three for the first hunt period, two for the second hunt period, by special opportunity hunt application (no exemptions) (non-transferable).

20. Ocala, Hopkins Prairie Unit, spring turkey (each hunt) — 30 by spring turkey application (no exemptions).

21. Ocala, Pipeline Unit, spring turkey (each hunt) — 220 by spring turkey application (no exemptions).

22. Ocala, Church Lake Unit, spring turkey (each hunt) — 15 by spring turkey application (no exemptions).

23. Richloam, general gun (first nine days) — 900 by regular quota application.

24. Richloam, spring turkey (first nine days) — 250 by spring turkey application.

25. Richloam, Baird Unit, archery (first through fourth days and fifth through ninth days) (each hunt) — 50 by special hunt application (no exemptions).

26. Richloam, Baird Unit, muzzleloading gun — 50 by special hunt application (no exemptions).

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

28. Richloam, Baird Unit, spring turkey (each hunt) — 30 by spring turkey application (no exemptions).

29. Three Lakes, general gun (first and second days, third through fifth days, and sixth through ninth days) (each hunt) — 625 by regular quota application.

30. Three Lakes, general gun (after the first nine days) — 625 at check station.

31. Three Lakes, general gun dog (each hunt) — 100 by regular quota application (no exemptions).

32. Three Lakes, archery (first two days) — 625 by special hunt application.

33. Three Lakes, archery (after the first two days) — 625 at check stations.

34. Three Lakes, muzzleloading gun — 625 by special hunt application.

35. Three Lakes, general gun for mobility impaired — 150 by mobility impaired application (non-transferable except to persons who have been issued a mobility impaired certificate by the Commission) (no exemptions).

36. Three Lakes, special opportunity alligator hunt—three for the first harvest period, two for the second harvest period, by special opportunity hunt application (no exemptions) (non-transferable).

37. Three Lakes, Prairie Lakes Unit, archery (each hunt)—80 by special hunt application (no exemptions):

38. Three Lakes, Prairie Lakes Unit, muzzleloading gun (each hunt)—80 by special hunt application (no exemptions):

39. Three Lakes, Prairie Lakes Unit, general gun (each hunt)—80 by regular quota application (no exemptions):

40. Three Lakes, Prairie Lakes Unit, spring turkey (each hunt)—25 by spring turkey application (no exemptions):

41. Three Lakes, Prairie Lakes Unit, general gun hog (each hunt)—80 by regular quota application (no exemptions):

42. Tiger Bay, general gun (first nine days)—150 by regular quota application:

43. Tiger Bay, spring turkey (each hunt)—20 by spring turkey application (no exemptions):

44. Tiger Bay, Rima Ridge Unit, spring turkey (each hunt)—20 by spring turkey application (no exemptions):

45. Relay, general gun (first nine days)—500 by regular quota application:

46. Relay, archery—500 at check station:

47. Relay, muzzleloading gun—500 at check station:

48. Tosohatchee, archery (each hunt)—150 by special hunt application (no exemptions):

49. Tosohatchee, muzzleloading gun (each hunt)—150 by special hunt application (no exemptions):

50. Tosohatchee, modern gun (each hunt)—150 by regular quota application (no exemptions):

51. Tosohatchee, spring turkey (each hunt)—35 by spring turkey application (no exemptions):

52. Tosohatchee, general gun hog (each hunt)—150 by regular quota application (no exemptions):

53. Seminole Ranch, archery (each hunt)—50 by special hunt application:

54. Seminole Ranch, muzzleloading gun (each hunt)—50 by special hunt application:

55. Seminole Ranch, modern gun—50 by regular quota application:

56. Seminole Ranch, spring turkey (each hunt)—25 by spring turkey application:

57. Seminole Ranch, small game (each hunt)—25 at check station:

58. Jumper Creek, muzzleloading gun—100 by special hunt application:

59. Jumper Creek, general gun (first nine days)—100 by regular quota application:

60. Rock Springs Run, archery (each hunt)—125 by special hunt application (no exemptions):

61. Rock Springs Run, muzzleloading gun (each hunt)—125 by special hunt application (no exemptions):

62. Rock Springs Run, modern gun (each hunt)—125 by regular quota application (no exemptions):

63. Rock Springs Run, small game (each day)—50 at check station (no exemptions):

64. Guana River, archery (each hunt)—100 by special hunt application:

65. Guana River, muzzleloading gun (each hunt)—100 by special hunt application:

66. Guana River, general gun (each hunt)—100 by regular quota application:

67. Guana River, small game (each hunt)—75 at check station:

68. Guana River, waterfowl (each hunt)—100 at check station:

69. Guana River, special opportunity alligator hunt—seven by special opportunity hunt application (no exemptions) (non-transferable):

70. Half Moon, archery (each hunt)—75 by special hunt application (no exemptions):

71. Half Moon, muzzleloading gun—75 by special hunt application (no exemptions):

72. Half Moon, general gun (each hunt)—75 by regular quota application (no exemptions):

73. Half Moon, small game (each hunt)—50 at check station (no exemptions):

74. Half Moon, spring turkey (each hunt)—30 by spring turkey application (no exemptions):

75. Caravelle Ranch, archery—125 by special hunt application:

76. Caravelle Ranch, muzzleloading gun—125 by special hunt application:

77. Caravelle Ranch, general gun (first through fourth days and fifth through ninth days) (each hunt)—125 by regular application:

78. Caravelle Ranch, spring turkey (each hunt)—20 by spring turkey application:

79. Caravelle Ranch, special opportunity dove hunt (each hunt)—50 (no exemptions):

80. Lake George, muzzleloading gun—250 by special hunt application:

81. Lake George, general gun (first through fourth days and fifth through ninth days) (each hunt)—250 by regular quota application:

82. Lake George, spring turkey (each hunt)—50 by spring turkey application (no exemptions):

83. Lake George, Dexter/Mary Farms Unit, special opportunity turkey hunt, Zone A (each hunt)—four by special opportunity hunt application (no exemptions):

84. Lake George, Dexter/Mary Farms Unit, special opportunity turkey hunt, Zone B (each hunt)—four by special opportunity hunt application (no exemptions):

85. Lake George, Dexter/Mary Farms Unit, special opportunity turkey hunt, Zone C (each hunt) — four by special opportunity hunt application (no exemptions).

86. Lake George, Dexter/Mary Farms Unit, general gun hog (each hunt) — 120 by regular quota application.

87. Lake George, Dexter/Mary Farms Unit, special opportunity dove (daily) — 25.

88. Flying Eagle, early duck — 75 at check station.

89. Flying Eagle, archery (first through fourth days and fifth through ninth days) (each hunt) — 75 by special hunt application.

90. Flying Eagle, muzzleloading gun — 75 by special hunt application.

91. Flying Eagle, general gun (first through fourth days and fifth through ninth days) (each hunt) — 75 by regular quota application.

92. Flying Eagle, small game (each hunt) — 75 at check station.

93. Flying Eagle, spring turkey (each hunt) — 30 by spring turkey application.

94. Seminole Forest, archery (each hunt) — 60 by special hunt application (no exemptions).

95. Seminole Forest, muzzleloading gun — 60 by special hunt application (no exemptions).

96. Seminole Forest, general gun (each hunt) — 60 by regular quota application (no exemptions).

97. Seminole Forest, general gun for mobility-impaired — 60 by mobility-impaired application (non-transferable except to persons who have been issued a mobility-impaired certificate by the Commission) (no exemptions).

98. Seminole Forest, spring turkey (each hunt) — 30 by spring turkey application (no exemptions).

99. Seminole Forest, small game (each day) — 50 at check station.

100. Triple N Ranch, small game (first nine days) — 100 by regular quota hunt application.

101. Triple N Ranch, special opportunity hog hunt (each hunt) — 15 by special opportunity hunt application (no exemptions).

102. Triple N Ranch, special opportunity turkey hunt (each hunt) — five by special opportunity hunt application (no exemptions).

103. Little Big Eeonloekhatchee, Kilbee Unit, archery (each hunt) — 10 by special hunt applications (no exemptions).

104. Little Big Eeonloekhatchee, Kilbee Unit, muzzleloading gun — 10 by special hunt applications (no exemptions).

105. Little Big Eeonloekhatchee, Kilbee Unit, general gun — 10 by regular hunt applications (no exemptions).

106. Little Big Eeonloekhatchee, Kilbee Unit, small game (each day) — 10 at check station.

107. Homosassa, general gun hog (each hunt) — 25 by regular quota hunt application (no exemptions).

108. Homosassa, special opportunity spring turkey hunt (each hunt) — 5 by special opportunity hunt application (no exemptions).

109. Etoniah Creek, archery — 50 by special hunt application (no exemptions).

110. Etoniah Creek, muzzleloading gun — 50 by special hunt application (no exemptions).

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

112. Etoniah Creek, spring turkey (each hunt) — 10 by spring turkey application (no exemptions).

113. Lake Panasoffkee, special opportunity turkey hunt (each hunt) — 10 by special opportunity turkey hunt application (no exemptions).

114. Lake Panasoffkee, special opportunity archery (each hunt) — 20 by special opportunity hunt application (no exemptions).

115. Lake Panasoffkee, special opportunity hog still (each hunt) — 30 by special opportunity hunt application (no exemptions).

116. Lake Panasoffkee, special opportunity hog dog (each hunt) — 30 by special opportunity hunt application (no exemptions).

117. Lake Panasoffkee, small game (each hunt) — 30 at the check station.

118. Potts, spring turkey (each hunt) — 20 by spring turkey application (no exemptions).

119. Potts, archery (each hunt) — 30 by special hunt application (no exemptions).

120. Potts, muzzleloading gun (each hunt) — 30 by special hunt application (no exemptions).

121. Potts, general gun hog dog — 30 by regular hunt application (no exemptions).

122. Potts, small game (each hunt) — 20 at the check station.

123. Buck Lake, spring turkey (each hunt) — 20 by spring turkey application.

(3)(2) Antlerless deer permits will be issued on specified wildlife management areas or wildlife and environmental areas during such hunting seasons or portions thereof as may be ordered by the Executive Director Commission. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued. Antlerless deer permits shall be transferable. No person shall take any antlerless deer on a management area unless authorized by permit or by area regulations.

(4)(3) No person shall sell, purchase or offer to purchase any quota permit or any antlerless deer permit.

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, 5-13-99, Formerly 39-15.005, Amended 12-9-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region
RULE NO.: 68A-15.061

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all South Region Wildlife Management Areas (WMAs) to conform with proposed 2000-2001 hunting season dates for the appropriate hunting zones 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 would adjust all applicable hunting season dates and other references to such dates on WMAs in the South Region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Croom WMA – The possession of guns would be prohibited on the Withlacoochee State Trail and hunters would be required to use designated crossings to transport guns across the Trail.

Green Swamp WMA, West Unit – Only hogs would be legal to take during special-opportunity hog-still and special-opportunity hog-dog seasons. No more than 3 dogs would be allowed per quota hunt permit during the special-opportunity hog-dog season. During the special-opportunity hog-dog season, a permit would be required for each group of two hunters and only one gun would be allowed per permit. The bag limit for hogs would be removed.

Fred C. Babcock/Cecil M. Webb WMA – Archery season would be shifted from February 5-6 to September 9-10. A forked antler restriction (at least one forked antler with two points one inch or greater in length) would be established for antlered deer.

Upper Hillsborough WMA – Rule language addressing pedestrian, bicycle, horseback and motorized vehicle use and access would be clarified.

Hickory Hammock WMA – New seasons would be established for muzzleloading gun (October 28-29) and general gun (November 11-12) and one additional hunt would be established for special-opportunity hog (January 13-14). A forked antler restriction (at least one forked antler with two points one inch or greater in length) would be established for antlered deer and the bag limit for antlered deer would be one per quota hunt permit. Rule language regarding use of dogs for hunting during the small game season would be clarified. Operation of vehicles on named or numbered roads would be permitted during muzzleloading gun, general gun and spring turkey hunts. Checking of deer and wild hog at the check station would be required.

Hilochee WMA – New open seasons would be established for muzzleloading gun (November 3-5), general gun hog (December 8-10, January 5-7 and 19-21) and small game (February 16-18). Open seasons for special-opportunity dove hunts would be limited to the first, second and fourth Saturdays of the first phase of the dove season; the first and third Saturdays of the second phase; and the first, third and fifth Saturdays of the third phase. All legal game and furbearers would be established as legal to take. A forked antler restriction (at least one forked antler with two points one inch or greater in length) would be established for antlered deer. There would be no size or bag limit restrictions on wild hogs. During the general gun hog season, only wild hogs would be legal to take and during the special-opportunity dove hunts, only mourning and white-winged doves would be legal to take. During hunting seasons, entry or exit at locations other than designated entrances would be prohibited. The prohibition on possession of firearms other than shotguns during special-opportunity dove hunts would be deleted. Use of dogs with a shoulder height of 15 inches or less would be permitted during small game season. Vehicular access would be permitted one day prior to muzzleloading gun and general gun hog seasons. Checking of deer or wild hog at a check station would be required.

Lake Marion Creek WMA – New open seasons would be established for archery (September 23-25 and September 29 – October 1), muzzleloading gun (October 28-30), general gun (November 11-13 and 17-19) and small game (December 8-10 and 15-17). All legal game and furbearers would be established as legal to take. The bag limit for antlerless deer would be no more than one per archery quota permit and taking of antlerless deer would be by permit only during the muzzleloading and general gun seasons. There would be no size or bag limit restrictions on wild hogs. Checking of deer or wild hogs at a check station would be required.

Entry or exit at locations other than designated entrances would be prohibited. Hunting with dogs other than bird dogs and retrievers would be prohibited, except that during small game seasons, dogs with a shoulder height of 15 inches or less could be used.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$480 for administrative preparation and \$235 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.

(1) Croom Wildlife Management Area

(a) Open season:

1. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

2. General gun – November ~~11~~ ~~13~~ through December ~~3~~ ~~5~~.

3. Small game – December ~~4~~ ~~6~~ through March ~~4~~ ~~5~~.

4. Spring turkey – March ~~20-22~~ ~~21-23~~, April ~~3-5~~ ~~4-6~~ and April ~~17-19~~ ~~18-20~~.

5. No change.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited November ~~11~~ ~~13~~ – December ~~3~~ ~~5~~. Hunting with dogs other than bird dogs is prohibited December ~~4~~ ~~6~~ – December ~~13~~ ~~15~~, 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. through 6. No change.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(2) Green Swamp Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~, Fridays, Saturdays and Sundays only.

3. Small game – January ~~13~~ ~~15~~ through February ~~11~~ ~~13~~, Saturdays and Sundays only.

4. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May ~~5~~ ~~7~~ to June ~~17~~ ~~18~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (c) No change.

(d) General regulations:

1. through 7. No change.

8. Camps shall be removed by 9 p.m. October ~~22~~ ~~24~~, and by 8 p.m. January ~~7~~ ~~9~~, February ~~11~~ ~~13~~, April ~~22~~ ~~23~~ and June 18.

9. No change.

(3) Green Swamp Wildlife Management Area – West Unit

(a) Open season:

1. Special-opportunity turkey – March ~~17-20~~ ~~18-21~~ and ~~27-30~~ ~~28-31~~, March 31 – April 3 ~~April 1-4~~, ~~10-13~~ ~~11-14~~, and ~~14-17~~ ~~15-18~~.

2. Special-opportunity archery – September ~~23-26~~ ~~25-28~~ and October ~~3-6~~ ~~5-8~~.

3. Special-opportunity general gun – November ~~11-14~~ ~~13-16~~ and ~~18-21~~ ~~20-23~~, and December ~~12-15~~ ~~14-17~~.

4. Special-opportunity hog-still – February ~~9-11~~ ~~11-13~~.

5. Special-opportunity hog-dog – February ~~21-23~~ ~~23-25~~.

6. Small game – January ~~5-7~~ ~~7-9~~ and ~~12-14~~ ~~14-16~~.

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. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag Bag-limit on wild hogs, two per permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

1. through 6. No change.

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 no more than three dogs per quota hunt permit may be used during the special-opportunity hog-dog season.

8. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

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

(a) Open season:

1. General gun – October ~~28 30~~ through November ~~5 7~~.

2. Small game –

a. November ~~11-19 13-21~~ and

b. November ~~22 24~~ through January ~~14 16~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~24 26~~.

3. No change.

4. Archery – ~~September 9-10 February 5-6~~.

(b) Legal to take:

1. through 3. No change.

4. 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.

(c) No change.

(d) General regulations:

1. through 3. No change.

a. October ~~28 30~~ through November ~~5 7~~, by walking hunters.

b. No change.

c. January ~~27-28 29-30~~.

d. No change.

4. No change.

5. Hunting camps may be set up after 5 p.m. October ~~20 22~~ 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 ~~16 18~~ through February ~~11 13~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited.

7. through 10. No change.

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

(a) Open season:

1. General gun – October ~~28 30~~ through November ~~5 7~~.

2. Small game – November ~~11 13~~ through January ~~14 16~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~24 26~~.

3. Fishing and ~~f~~Frogging – Throughout the year.

(b) through (d) No change.

(6) Upper Hillsborough Wildlife Management Area

(a) Open season:

1. Archery – December ~~9-17 11-19~~ and January ~~6-14 1-9~~, Saturdays and Sundays only.

2. Muzzleloading gun – November ~~11 13~~ through December ~~3 5~~, Saturdays and Sundays only.

3. Small game – January ~~13 15~~ through February ~~4 6~~, Saturdays and Sundays only.

4. Spring turkey – March ~~21-22 22-23, 28-29 29-30~~, April ~~4-5 5-6, 11-12 12-13~~ and ~~18-19 19-20~~.

5. Fishing and frogging – Permitted year-round. During periods other than when hunting is allowed, access to the area is limited to pedestrians only.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. Tracked vehicles, airboats, motorcycles and all-terrain vehicles are prohibited. Motorized vehicles may be operated only on roads designated as open to vehicular traffic. Bicycles may be operated only on named or numbered roads and designated bicycle trails. Tracked vehicles, airboats, motorcycles or all-terrain vehicles are prohibited. Motorized vehicles are prohibited during closed season. Horses are prohibited during periods when hunting is allowed but permitted at other times with written permission from the Southwest Florida Water Management District.

4. Horses are prohibited during periods when hunting is allowed, but are permitted at other times with written permission from the Southwest Florida Water Management District.

5. Motorized vehicles may be operated only on roads designated as open to vehicular traffic.

6. Bicycles may be operated only on named or numbered roads or designated bicycle trails.

7. During periods not open for hunting, access to the area is limited to pedestrians.

4. through 7. renumbered 8. through 11. No change.

(7) Arbutle Wildlife Management Area

(a) Open season:

1. Archery – October ~~14 16~~ through November ~~3 5~~.

2. Muzzleloading gun – November ~~4-12 6-14~~.

3. General gun hog – November ~~18-26 20-28~~, Saturdays and Sundays only.

4. Spring turkey – March ~~20-22 24-23~~, April ~~3-5 4-6~~ and April ~~17-19 18-20~~.

5. No change.

(b) through (d) No change.

(8) Chassahowitzka Wildlife Management Area

(a) Open season:

1. Archery – September ~~23 25~~ through October ~~22 24~~.
2. Muzzleloading gun – October ~~27-29 29-31~~.
3. General gun – November ~~11 13~~ through January ~~7 9~~.
4. through 5. No change.
- (b) through (d) No change.
- (9) Kicco Wildlife Management Area
 - (a) Open season:
 1. Archery – September ~~23 25~~ through October ~~22 24~~, Saturdays and Sundays only.
 2. Muzzleloading gun – October ~~28 30~~ through November ~~5 7~~, Saturdays and Sundays only.
 3. General gun hog – November ~~11 13~~ through December ~~10 12~~, Saturdays and Sundays only.
 4. Small game – December ~~16 18~~ through January ~~7 9~~.
 5. Spring turkey – March ~~17 18~~ through April ~~22 23~~, Saturdays and Sundays only.
 6. No change.
 - (b) through (d) No change.
- (10) Hickory Hammock Wildlife Management Area
 - (a) Open season:
 1. Special-opportunity wild hog – September ~~16-17 18-19~~ and ~~23-24 25-26~~ and January ~~13-14~~.
 2. Muzzleloading gun – October ~~28-29~~.
 3. General gun – November ~~11-12~~.
 4. Small game – November 13 through January ~~7 9~~.
 3. through 5. renumbered 5. through 7 No change.
 8. Spring turkey – March ~~22-24 23-25~~ and April ~~12-14 13-15~~.
 7. renumbered 9. No change.
 - (b) Legal to take: All legal ~~small~~ game, fish, frogs and furbearers: except wild hogs may be taken only during the special-opportunity wild hog hunts. Taking of antlered deer not having at least one forked antler and having one or more antlers at least five 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. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.
 - (c) No change.
 - (d) General regulations:
 1. No change.
 2. Hunting with dogs is prohibited except retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less may be used during small game season. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited. The use of dogs during the special-opportunity wild hog hunts is prohibited.

3. All vehicles shall be parked in the designated parking area during the small game season. Vehicles may be operated only on named or numbered roads during the special-opportunity wild hog hunts, muzzleloading gun hunts, general gun hunts, and spring turkey hunts.
4. through 6. No change.
7. No ~~deer, wild hog, or~~ turkey shall be dismembered until checked at the check station.
- (11) Walk-in-the-Water Wildlife Management Area
 - (a) Open Season:
 1. Archery – September ~~23 25~~ through October ~~8 10~~.
 2. Muzzleloading gun – October ~~27-29 29-31~~.
 3. General gun hog – November ~~4-12 6-14~~.
 4. Small game – November ~~18 20~~ through December ~~10 12~~ and December ~~23 25~~ through January ~~7 9~~.
 5. No change.
 - (b) through (d) No change.
- (12) Hilochee Wildlife Management Area
 - (a) Open Seasons:
 1. Special-opportunity dove – The first, second, and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.
 2. Spring turkey – March ~~23-25 24-26~~ and April ~~6-8 7-9~~.
 3. Muzzleloading gun – November ~~3-5~~.
 4. General gun hog – December ~~8-10, January 5-7, 19-21~~.
 5. Small game – February ~~16-18~~.
 - (b) Legal to take: Mourning doves, white-winged doves, and turkeys. All legal game and furbearers. Taking of antlered deer not having 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. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. During the general gun hog season, only wild hogs may be taken. During the special-opportunity dove hunts, only mourning and white-winged doves may be taken.
 - (c) No change.
 - (d) General Regulations:
 1. through 2. No change.
 3. During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited. The possession of firearms other than shotguns is prohibited during special-opportunity dove hunts.
 4. Hunting with dogs other than bird dogs and retrievers is prohibited, except that during small game season dogs with a shoulder height of 15 inches or less may be used.
 5. through 8. No change.

9. During periods when the area is closed to hunting, public access other than by foot or bicycle is prohibited, except that motorized vehicles shall be permitted one day prior to the muzzleloading gun, general gun hog, and spring turkey hunts.

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

(13) Lake Marion Creek Wildlife Management Area

(a) Open Seasons:

1. Archery – September 23-25 and September 29 – October 1.

2. Muzzleloading gun – October 28-30.

3. General gun – November 11-13 and 17-19.

4. Small game – December 8-10 and 15-17.

~~5. Spring turkey – March 17-19 18-20, March 30 31 through April 1 2, and April 13-15 14-16.~~

~~6. Fishing and Frogging – Permitted throughout the year.~~

(b) Legal to take: All legal game, fish and furbearers. Turkeys, fish and frogs. One antlered deer may be taken per quota hunt permit. No more than one antlerless deer may be taken per archery quota permit. Antlerless deer may be taken by permit only during the muzzleloading and general gun seasons. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit for turkeys shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) No change.

(d) General regulations:

1. through 3. No change.

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

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

6. Hunting with dogs other than bird dogs and retrievers is prohibited, except that during small game season dogs with a shoulder height of 15 inches or less may be used.

(14) Fisheating Creek Wildlife Management Area

(a) through (b) No change.

(c) Camping: Permitted at the Fisheating Creek campground throughout the year at designated campsites only. Primitive camping is permitted throughout the area during periods closed to hunting, and, during periods open to hunting, at designated sites only.

(d) No change.

(15) This rule shall take effect on July 1, 2000.

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, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – Northeast Region 68A-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 2000-2001 hunting season dates for the appropriate hunting zones 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: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the Northeast Region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Camp Blanding WMA – Rule language specifying that antler restrictions do not apply during supervised youth hunts would be clarified and wild hogs would be established as legal game with no bag limit during supervised youth hunts.

Cypress Creek WMA – Camping would be prohibited during periods open for hunting and allowed by permit from the Suwannee River Water Management District during periods closed to hunting.

Osceola WMA – Changes to the configuration and size of dog hunt areas would be established as follows: The western dog hunt area would include that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area would include that portion of the area bounded on the north by the National Forest Service boundary; on the west by Forest Service Road 235 and eastward on Forest Service Road 232 and County Roads 250 and 229; and on the south and east by the National Forest Service property line to the intersection with County Road 125 and then along County Road 125 to the beginning point on the National Forest Service boundary. Vehicles would be restricted to numbered roads appearing on the hunt map during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Road 236 and August 1 through January 15 in that portion of the western dog hunt area north of Forest Road 262. Transportation of dogs (other than bird dogs or

retrievers) through the still hunt area would be permitted only on Forest Road 263; on Forest Road 262 east from US 441; on Forest Road 233 north from County Road 250; and on Forest Road 233 east from US 441 to its juncture with Forest Road 237 and then north on Forest Road 237 to the boundary of the dog hunt area..

Big Bend WMA, Spring Creek and Hickory Mound Units – Raccoon and opossum hunting would be permitted during small game season.

Big Bend WMA, Jena Unit – The entire WMA would be opened for small game hunting during the area's small game season.

Aucilla WMA – References to portions of the WMA lying south of U.S. 98 would be deleted to accommodate establishment of the proposed Flint Rock WMA. Hunting on the small remaining portion (680 acres) of the WMA south of U.S. 98 would be restricted to small game only.

PCS Phosphate WMA – Requirements for checking in and out would be clarified.

Raiford WMA – Public access for scouting would be allowed the weekend prior to each hunting period.

Big Shoals WMA – Operation of vehicles and horseback riding on named or numbered roads would no longer be restricted to daylight hours.

Twin Rivers WMA, Blue Springs Unit – The special-opportunity quail season and associated rules would be deleted and the bird dog training season would no longer be established as special-opportunity. Permits for bird dog training would be issued at the Olustee Field Office on a first-come, first-served basis. Hiking, bicycling and horseback riding would be permitted year-round.

Jennings Forest WMA – Primitive camping would be allowed year-round by permit from the Division of Forestry. Public access would not be restricted to quota hunt permittees during small game and supervised small game hunts. During periods closed to hunting, public access would be permitted during daylight hours only. Horses would be permitted on roads, firelines and designated trails during periods closed to hunting and during all small game seasons. Possession of guns on permanent wildlife viewing structures would be prohibited and bicycles would be permitted on roads and firelines throughout the year.

Holton Creek WMA – A landowner permit would not be required to use horses on the area.

Steinhatchee Falls WMA – The bag limits of one deer and one turkey per quota hunt permit would be removed.

Goethe WMA – Specifies that feral hogs may be taken during any period possession of a gun is otherwise authorized.

San Pedro Bay WMA – The prohibition on taking of hogs by the use of dogs would be removed.

Flint Rock WMA – Open seasons would be established for general gun (November 11 – January 7); small game (January 8 – March 4); spring turkey (March 17 – April 22); archery

(September 23 – October 22); early duck, duck and coot (in accordance with Rule 68A-13.003, FAC.); fishing and frogging (when open for access); and trapping (January 8 – March 1). All legal game, fish, frogs and furbearers would be established as legal to take and wild hogs would be legal to take only during archery season and the first 23 days of general gun season. Camping would be prohibited. Hunting with dogs other than waterfowl retrievers and bird dogs would be prohibited. Hunters would be required to check in and out at a check station. Access would be restricted to individuals possessing a valid recreational user permit only except as provided by Florida Statute 372.57 and only during periods open to hunting and 7 days before each open hunting season. Operation of vehicles would be permitted only on designated roads and vehicular access would be restricted to designated entrances. Taking of wildlife by use of a gun on or from the right-of-way of State Road 59 would be prohibited. Fires would be prohibited and the use of all-terrain vehicles would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$530 for administrative preparation and \$243 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-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 ~~11~~ ¹¹ through January ~~7~~ ⁹.

2. Spring turkey – March ~~19-23~~ ¹⁹⁻²³ ~~20-24~~ and April ~~16-20~~ ¹⁶⁻²⁰ ~~17-21~~ in Zones A, B, C, D and E.

3. Archery – September ~~27-29~~ ~~September 29~~ through ~~October 1~~, and October ~~4-6~~ ~~6-8~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – October ~~14-15~~ ~~16-17~~ and October ~~28-29~~ ~~30-31~~, south of State Road 16 only.

5. Muzzleloading gun – October ~~11-13~~ ~~13-15~~ and October ~~18-20~~ ~~20-22~~, north of State Road 16 and County Road 215 only.

6. through 7. No change.

(b) Legal to take: All legal game, fish and furbearers. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons and the Monday, Tuesday and Wednesday before Thanksgiving Day. 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. Antler restrictions ~~This prohibition~~ shall not apply during the supervised youth hunt. During the supervised youth hunts, only wild hogs and one antlered or antlerless deer may be taken per youth.

(c) through (d) No change.

(2) Cypress Creek Wildlife Management Area

(a) Open season:

1. Spring turkey – March ~~17-25~~ ~~18-26~~.
2. Archery – September ~~23~~ ~~25~~ through October ~~8~~ ~~10~~.
3. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
4. through 5. No change.

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

(c) Camping: Prohibited during periods when the area is open to hunting. During the periods closed to hunting, camping is by permit only from the Suwanee River Water Management District.

(d) No change.

(3) Gulf Hammock Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
3. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.
4. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after December ~~5~~ ~~7~~.

(c) through (d) No change.

(4) Lake Butler Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~ in still hunt areas only.
3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~ in the still hunt area only.

5. through 6. No change.

7. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. No change.

2. Licensed trappers may possess .22 rimfire rifles or pistols from January ~~8~~ ~~10~~ through March 1.

3. No change.

4. Dogs may be taken into the dog hunting area November ~~11~~ ~~13~~ and shall be removed by January ~~7~~ ~~9~~.

5. through 8. No change.

(5) Lochloosa Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
3. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.
4. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
5. through 6. No change.

7. Trapping – December 1 through January ~~7~~ ~~9~~ in the still hunt portion of the area only.

(b) through (d) No change.

(6) Nassau Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.
3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
4. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.
5. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
6. No change.

7. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after November ~~27~~ ~~29~~.

(c) through (d) No change.

(7) Osceola Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.
3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
4. Archery – September ~~23~~ ~~25~~ through October ~~15~~ ~~17~~.
5. Muzzleloading gun – October ~~20-27~~ ~~22-29~~ in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August ~~5~~ ~~7~~ through September ~~26~~ ~~28~~ in the dog hunt portion of the area only from sunset to sunrise.

7. through 8. No change.

9. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes that portion of the area bounded on the north by the National Forest Service boundary; on the west by Forest Service Road 235 and eastward on Forest Service Road 232 and County Roads 250 and 229; and on the south and east by the National Forest Service property line to the intersection with County Road 125 and then along County Road 125 to the beginning point on the National Forest Service boundary. Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season. In the still hunt area which includes that portion of the area bounded on the west and north by Interstate 10 and Forest Service Roads 236, 233, 234, 272 and 272A; on the north by the National Forest property line and Forest Service Road 232; on the east by County Roads 250 and 229 and the National Forest property line; and on the south by U.S. 90 and Forest Road 730, and that portion of the area north of the town of Taylor and west of the Eddy Grade known as the Pinhook Unit,

2. Deer dogs may be trained from October ~~28~~ ~~30~~ through November ~~6~~ ~~8~~, except in the still hunt area.

3. No change.

4. Taking of wildlife by use of a gun on or from the rights-of-way of Interstate 10, County Roads 250, 250A, 229 and 125 and Forest Service Road 236 (between U.S. 90 and C.R. 250), is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Vehicles shall be restricted to numbered roads appearing on the hunt map during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Road 262. In that portion of the area south of Interstate 10 and east of Forest Road 236 and during the period November 1 through January 15 vehicles may be operated only on those numbered roads appearing on the hunt map.

6. through 8. No change.

9. No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Road 263; on Forest Road 262 east from US 441; on Forest Road 233 north from County Road 250; and on Forest Road 233 east from US 441 to its juncture with Forest Road 237 and then north on Forest Road 237 to the boundary of the dog hunt area.

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

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

3. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

4. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

5. through 7. No change.

8. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

9. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

3. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

4. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

5. Trapping – January ~~8~~ ~~10~~ through March 1.

6. through 8. No change.

(b) through (c) No change.

(d) General regulations:

1. through 8. No change.

9. Hunting raccoon and opossum as specified in Rule 68A-24.002(2)(b), F.A.C., is permitted only during the general gun and small game seasons ~~season~~.

10. No change.

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

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

5. through 7. No change.

8. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. through 8. No change.

9. During the general gun and small game seasons ~~season~~, hunting as specified by Rule 68A-24.002(2)(b), F.A.C., is permitted.

10. through 12. No change.

(11) Big Bend Wildlife Management Area – Jena Unit

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

3. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~ ~~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.~~

4. through 6. No change.

7. Trapping – January ~~8~~ ~~10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. No change.

2. Licensed trappers may possess .22 rimfire rifles or pistols only from January ~~8~~ through March 1.

3. through 8. No change.

(12) Aucilla Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ through January ~~7~~ 9.

2. Small game – January ~~8~~ through March ~~4~~ 5.

3. Spring turkey – March ~~17~~ through April ~~22~~ 23.

4. Archery – September ~~23~~ through October ~~22~~ 24.

5. Early duck – In the September season established by Rule 68A-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 68A-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 68A-13.003 that coincide with open seasons for this area.~~

7. No change.

8. Trapping – January ~~8~~ 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. Antlerless deer may not be taken during the archery season ~~north of U.S. 98.~~

(c) No change.

(d) General regulations:

1. through 2. No change.

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.~~

5. No change.

6. During the general gun and small game seasons, hunting as specified by Rule 68A-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.~~ 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 68A-4.008, F.A.C.

~~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 12. renumbered 8. through 10. No change.

~~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) No change.

(14) Raiford Wildlife Management Area

(a) Open season:

1. Archery – September ~~23~~ through October ~~8~~ 10.

2. Muzzleloading gun – October ~~27-29~~ 29-31.

3. Archery and muzzleloading gun – November ~~11-19~~ 13-21.

4. Spring turkey – March ~~17-25~~ 18-26.

5. No change.

(b) through (c) No change.

(d) General regulations:

1. through 7. No change.

8. Public access is prohibited except during periods open to hunting and the weekend two days prior to each hunting period. No person shall enter the area during the muzzleloading gun, archery/muzzleloading gun and spring turkey seasons except those hunters possessing Raiford quota hunt permits for the appropriate season and those hunters exempt from quota hunt permit requirements pursuant to Rule 68A-15.005, F.A.C.

(15) Cedar Key Scrub Wildlife Management Area

(a) Open season:

1. General gun – November ~~11-19~~ 13-21.

2. Archery – September ~~23~~ through October ~~8~~ 10.

3. Muzzleloading gun – October ~~27-29~~ 29-31.

(b) through (d) No change.

(16) Cary Wildlife Management Area

(a) Open season:

1. Archery – October ~~14-15~~ ~~16-17~~, November ~~4-5~~ ~~6-7~~ and ~~18-19~~ ~~20-21~~, December ~~9-10~~ ~~11-12~~ and ~~23-24~~ ~~25-26~~.

2. Muzzleloading gun – ~~December 30-31~~ ~~January 1-2~~ and January ~~13-14~~ ~~15-16~~.

3. No change.

(b) through (d) No change.

(17) Andrews Wildlife Management Area

(a) Open season:

1. Archery – ~~September 29 through October 1~~ ~~1-3~~ and October ~~6-8~~ ~~8-10~~.

2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~ and November ~~3-5~~ ~~5-7~~.

3. General gun – November ~~17-19-21~~.

4. Small game – January ~~5-7-9~~ and ~~12-14-16~~.

5. Spring turkey – March ~~23-25~~ ~~24-26~~ and April ~~13-15~~ ~~14-16~~.

6. Supervised deer-hog youth hunt – October ~~14-15~~ ~~16-17~~ and ~~21-22~~ ~~23-24~~.

7. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit shall be one deer per quota hunt permit. No size or bag limit on wild hogs.

(c) through (d) No change.

(18) Big Shoals Wildlife Management Area

(a) Open season:

1. Archery – September ~~25-30~~ ~~27 through October 2~~, October ~~2-7~~ ~~4-9~~ and October ~~9-14~~ ~~11-16~~.

2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~ and November ~~3-5~~ ~~5-7~~.

3. Small game – December ~~18-23~~ ~~20-25~~ and December ~~25-30~~ ~~27 through January 1~~.

4. Spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~12-14~~ ~~13-15~~.

5. No change.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

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 permitted ~~during daylight hours~~ on roads open to vehicular use or on designated horse trails.

6. through 7. No change.

(19) Twin Rivers Wildlife Management Area

(a) Open season:

1. Archery – September ~~23~~ ~~25~~ through October ~~8~~ ~~10~~.

2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

3. General gun – November ~~11-21~~ ~~13-23~~.

4. Small game – December ~~2-24~~ ~~4-26~~.

5. Spring turkey – March ~~23-25~~ ~~24-26~~ and April ~~13-15~~ ~~14-16~~.

6. No change.

(b) through (d) No change.

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

(a) Open season:

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

~~2. Special Opportunity Bird Dog Training – October 3-26 5-28, Tuesdays and Thursdays only.~~

~~(b) Legal to take: Quail only. The bag limit for each half day hunt is 12 quail per hunting group. A group for the purpose of quail hunting shall include up to 2 persons.~~

~~(b)(e)~~ No change.

~~(c)(d)~~ General regulations:

~~1. A special opportunity quail hunt permit as provided by Rule 68A-9.007, F.A.C., shall be required of each person entering the area to hunt. Each special opportunity quail hunt permit shall entitle the holder to participate in one special opportunity quail hunt. One special opportunity quail hunt shall include one afternoon hunt beginning at 1:00 p.m. and ending at 5:00 p.m. and the following morning hunt beginning at 8:00 a.m. and ending at 12:00 p.m.~~

~~1.2.~~ No change.

~~2.3.~~ A special opportunity bird dog training permit, as provided by Rule 68A-9.007, F.A.C., shall be required of each group entering the area to train bird dogs. A group for the purpose of bird dog training shall include up to four persons and up to six dogs.

~~3.4.~~ Special opportunity B bird dog training hours shall be from 8:00 a.m. until 5:00 p.m.

~~4.5.~~ No change.

5. Bird dog training permits are available first-come, first-served at the Olustee Field Office.

~~6. Hunters shall check in at a designated check station when entering and exiting the area and record all game taken.~~

~~6.7.~~ No change.

~~7.8.~~ The possession or use of firearms other than shotguns is prohibited during the special opportunity quail season. The possession of firearms other than blank-firing pistols is prohibited during the special opportunity bird dog training season.

8.9. Public access is permitted for hiking, bicycling, and horseback riding ~~is permitted except during special opportunity quail hunts. Special opportunity quail hunt permittees may ride horseback during special opportunity quail hunts.~~

~~9.10.~~ Fires are prohibited.

~~11. Horses are prohibited during special opportunity quail hunts and special opportunity bird dog training.~~

(21) Jennings Forest Wildlife Management Area

(a) Open season:

1. Archery – September ~~23 25~~ through October ~~8 10~~.
2. Supervised small game – October ~~14-22 16-24~~, east of Black Creek only.
3. Muzzleloading gun – October ~~27-29 29-31~~.
4. General gun – November ~~11-26 13-28~~.
5. Small game – January ~~12 14~~ through February ~~11 13~~, Fridays, Saturdays and Sundays only.
6. Spring turkey – March ~~17-20 18-21~~ and ~~21-25 22-26~~.
7. No change.

(b) No change.

(c) Camping: Primitive camping allowed year-round at designated sites, by permit from the Division of Forestry. ~~Prohibited.~~

(d) General regulations:

1. through 3. No change.

4. During all hunting periods, access shall ~~will~~ be restricted to individuals with a valid quota hunt permit, except during the small game and supervised small game seasons.

5. During periods closed to hunting, public access is permitted during daylight hours only. Horses are permitted on roads, firelines and designated trails during periods closed to hunting and during small game and supervised small game seasons. ~~prohibited 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 traffic and on designated trails.~~

6. through 7. No change.

8. The possession of guns is prohibited in or on permanent wildlife viewing structures.

9. Bicycles are permitted throughout the year and shall be restricted to roads and firelines.

(22) Holton Creek Wildlife Management Areas

(a) Open season:

1. Mobility-impaired general gun – ~~September 29 through October 1-3, October 13-15-17, October 27-29-31 and November 3-5-7.~~

2. Mobility-impaired spring turkey – March ~~23-25 24-26~~ and April ~~13-15 14-16~~.

3. No change.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. ~~Horses are prohibited without a landowner permit.~~ Horses are permitted only during daylight hours on designated roads and only during periods closed to hunting.

5. through 9. No change.

(23) Steinhatchee Falls Wildlife Management Area

(a) Open season:

1. Archery – September ~~23 25~~ through October ~~8 10~~.
2. Muzzleloading gun – October ~~27-29 29-31~~.
3. General gun – November ~~11-19 13-21~~.
4. Small game – December ~~2-17 4-19~~.
5. Spring turkey – March ~~17 18~~ through April ~~1 2~~.
6. No change.

(b) Legal to take: Antlered deer, wild hogs, gray squirrel, rabbit and all legal fish. Bearded turkey may be taken only during the archery and spring turkey season. Migratory game birds may be taken only during the small game seasons. ~~The bag limit shall be one deer and one turkey per quota hunt permit.~~ There shall be no bag or size limit on wild hogs.

(c) through (d) No change.

(24) Goethe Wildlife Management Area

(a) Open season:

1. Archery – September ~~23 25~~ through October ~~8 10~~.
2. Muzzleloading gun – October ~~27-29 29-31~~.
3. General gun (still hunt) – November ~~11-14 13-16~~.
4. General gun (dog hunt) – November ~~15-19 17-21~~.
5. Small game – November ~~25 27~~ through December ~~10 12~~.
6. Spring turkey – March ~~17-25 18-26~~.
7. No change.

(b) Legal to take: All legal game and furbearers. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with ~~There shall be no size or bag limit restrictions on wild hogs.~~ All legal fish.

(c) through (d) No change.

(25) San Pedro Bay Wildlife Management Area

(a) Open season:

1. General gun – November ~~11 13~~ through January ~~7 9~~.
2. Small game – January ~~8 10~~ – March ~~4 5~~.
3. Spring turkey – March ~~17 18~~ through April ~~22 23~~.
4. Archery – September ~~23 25~~ through October ~~22 24~~.
5. Muzzleloading gun – October ~~27-29 29~~ ~~through October 31.~~
6. through 7. No change.
8. Trapping – January ~~8 10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

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

1. through 8. renumbered 2. through 9. No change.

(26) Flint Rock Wildlife Management Area

(a) Open season:

1. General gun – November 11 through January 7.
2. Small game – January 8 through March 4.
3. Spring turkey – March 17 through April 22.
4. Archery – September 23 through October 22.

- 5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
- 6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
- 7. Fishing and frogging – Permitted during periods the area is open for access.
- 8. Trapping – January 8 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 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 right-of-way of State Road 59 is prohibited as provided by Rule 68A-4.008(4), F.A.C.
 - 6. Fires are prohibited.
 - 7. The use of all-terrain vehicles (ATVs) is prohibited.

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, Formerly 39-15.062, Amended 12-9-99, 7-1-00.

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 6, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 3, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northwest Region
RULE NO.: 68A-15.063

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Northwest Region Wildlife Management Areas (WMAs) to conform with proposed 2000-2001 hunting season dates for the appropriate

hunting zones 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 would adjust all applicable hunting season dates and other references to such dates on WMAs in the Northwest Region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Apalachee WMA – The open season for quail hunting would be limited to Zone A and shifted from November 29 through December 10 to December 19 through January 7, with Mondays, Wednesdays and Fridays closed to hunting. A quota permit would be required to take quail in Zone A during the quail season. The use of bird dogs and retrievers would be permitted during muzzleloading gun season. Hunters would be required to check in and out at a check station only when entering and exiting Zone A. Zone tags would no longer be required for hunting in Zone B.

Blackwater WMA – Specifies that feral hogs may be taken during any period when possession of a gun is otherwise authorized with no bag or size limit.

Blackwater WMA, Hutton Unit – Size and bag limits for wild hog would be removed.

Blackwater WMA, Carr Unit – New open seasons for special-opportunity released bird quail hunting would be established (November 11-14, 16-19, 23-26, November 30 – December 3, December 7-10, 14-17, 21-24, 28-31, January 4-7, 11-14, 18-21, 25-28; February 1-4, 8-11, 15-18 and 22-25). Groups of up to 4 hunters would be permitted to release pen-raised quail and take up to 12 quail per person, per day. Camping would be prohibited. A special-opportunity permit (no exemptions) would be required. Release of quail would be permitted only within designated boundaries as indicated on the hunt map and release of quail would be permitted only on the day of the hunt and the day before the first day of each hunt. Rules would require purchase of released quail from a licensed game farm and transportation in accordance with rule 68A-12.006(3), FAC. Operation of vehicles would be permitted only on named or numbered roads and access would be restricted to designated entrances only. Hunters would be required to sign in when entering the area and sign out and record all game taken when exiting the area. Hunting with dogs other than bird dogs and retrievers, possession or use of all-terrain vehicles, possession or use of firearms other than shotguns and fires would be prohibited.

Edward Ball WMA – Operation of vehicles would be prohibited from March 15 – September 15.

Joe Budd WMA – Weekend small game hunting opportunities would be expanded (October 7 – December 3, Saturdays and Sundays) and small game hunts on Wednesdays would be eliminated. Taking of doves would be permitted on Saturdays only during the established dove season.

Champion International WMA – A new open season would be established for muzzleloading gun season (November 17-19). Access would be limited to persons with a recreational user permit except as provided in Florida Statute 372.57 and pre-hunt scouting would be allowed only one day prior to the muzzleloading gun, general gun and spring turkey seasons. Display or use of guns would be prohibited within 300 yards of an active timber harvest or tree planting operation.

Moore’s Pasture WMA – A forked antler restriction would be implemented where 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 is prohibited. The forked antler would be required to have at least two points one inch or greater in length.

Point Washington WMA – Size and bag limits for wild hog would be removed.

Talquin WMA – Size and bag limits for wild hog would be removed.

Ochlockonee River WMA – Size and bag limits for wild hog would be removed.

Tate’s Hell WMA – Size and bag limits for wild hog would be removed. A camping permit from the Division of Forestry would be required for camping during hunting seasons.

Tate’s Hell WMA, Womack Creek Unit – The order of the open seasons established for general gun-dog and general gun-still would be reversed. Size and bag limits for wild hog would be removed. A camping permit from the Division of Forestry would be required for camping during hunting seasons. The requirement for vehicle entry only at designated entrances would be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$430 for administrative preparation and \$255 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area

(a) Open season:

1. General gun – November ~~23-26~~ ~~25-28~~ and December ~~9~~ ~~11~~ ~~13~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B.).

2. Archery – October ~~14~~ ~~16~~ through November ~~12~~ ~~14~~.

3. Fishing and frogging – Throughout year.

4. Muzzleloading Gun – November ~~17-19~~ ~~19-21~~.

5. through 7. No change.

8. Quail (Zone A) – December 19 through January 7 ~~November 29 through December 10~~.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken during the general gun season by permit only. Quail may be taken in Zone A only during the archery, and muzzleloading gun, and during the quail season by permit only quail seasons.

(c) No change.

(d) General regulations:

1. Hunting with dogs in Zones A and B is prohibited except that bird dogs and retrievers are permitted during the general gun, muzzleloading gun, early duck, duck and coot, dove, and quail seasons.

2. through 4. No change.

5. Hunters shall check in and out at a check station when entering and exiting Zone A ~~the area~~ and shall check all game taken when hunting in Zones A ~~and B~~.

6. through 7. No change.

8. Two hundred zone tags will be issued for Zone A ~~and 100 zone tags will be issued for Zone B,~~ on a first-come, first-served basis at the check station. A zone tag is not required in Zones B or C.

9. No change.

(2) Apalachicola Wildlife Management Area

(a) Open season:

1. General gun – November ~~23-26~~ ~~25-28~~ and December ~~9~~ ~~11~~ ~~13~~ through January 31 ~~February 2~~.

2. Small game – November ~~11-22~~ ~~13-24~~, November ~~27~~ ~~29~~ through December ~~8~~ ~~10~~ and February ~~1~~ ~~3~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – October ~~14~~ ~~16~~ through November ~~12~~ ~~14~~.

5. Muzzleloading Gun – November ~~17-19~~ ~~19-21~~.

6. Muzzleloading gun and archery – February ~~15-25~~ ~~17-27~~.

7. No change.

8. Fox, raccoon, opossum and bobcat – October 1 through March ~~4~~ ~~5~~ 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 ~~23~~ 25.

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

10. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~23-26~~ 25-28 and from December ~~9-20~~ 11-22. 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.

(c) No change.

(d) General regulations:

1. Camping is permitted only on designated campsites during general gun season.

2. Bird dogs may be trained from June 1 through March ~~4~~ 5. Deer dogs may be trained from October ~~28~~ 30 through November ~~16~~ 18 in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. No change.

4. During the November ~~11~~ 13 through March ~~4~~ 5 period, hunting as specified by Rule 68A-24.002(2)(b), F.A.C. is permitted.

5. through 7. No change.

(3) Apalachicola Wildlife Management Area – Bradwell Unit

(a) Open season:

1. General gun – November ~~23-26~~ 25-28 and December ~~9-13~~ 11-15.

2. Archery – October ~~14-29~~ 16-31.

3. Muzzleloading gun – November ~~17-19~~ 19-21.

4. Small game – November ~~11-16~~ 13-18 and ~~20-22~~ 22-24.

5. Spring turkey – March ~~17-18~~ 18-19 and March ~~30~~ 31 through April ~~1~~ 2.

6. through 7. No change.

(b) through (d) No change.

(4) Blackwater Wildlife Management Area

(a) Open season:

1. General gun – November ~~23-26~~ 25-28 and December ~~9~~ 11 through ~~January 31~~ February 2.

2. Small game – November ~~11-22~~ 13-24, November ~~27~~ 29 through December ~~8~~ 10 and February ~~1~~ 3 through March ~~4~~ 5.

3. Spring turkey – March ~~17~~ 18 through April ~~22~~ 23.

4. Archery – October ~~14~~ 16 through November ~~12~~ 14.

5. Muzzleloading gun – November ~~17-19~~ 19-21, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February ~~15-25~~ 17-27, in the still hunt area only (except in the field trial area). January ~~19-21~~ 21-23 in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March ~~11~~ 12, north of State Road 4 (except in the still hunt area).

8. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the January ~~19-21~~ 21-23 archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs.

(c) No change.

(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 ~~19-21~~ 21-23 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.

2. through 9. No change.

(5) Blackwater Wildlife Management Area – Hutton Unit

(a) Open Season:

1. Archery – October ~~14-22~~ 16-24.

2. Muzzleloading gun – November ~~17-19~~ 19-21.

3. Quail – November ~~11-12~~ 13-14 and ~~22-23~~ 24-25; December ~~2-3~~ 4-5, ~~11-12~~ 13-14, ~~16-17~~ 18-19, and ~~25-26~~ 27-28; and ~~30-31~~ January 1-2.

4. General Gun – January ~~13-21~~ 15-23.

5. Spring turkey – March ~~17-19~~ 18-20, March ~~30~~ 31 through April ~~1~~ 2, and April ~~13-15~~ 14-16.

6. No change.

(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. No size or bag limit on wild hogs.

(c) through (d) No change.

(6) Blackwater Wildlife Management Area – Carr Unit

(a) Open season:

1. Quail: November 11-14, 16-19, 23-26, November 30 through December 3, December 7-10, 14-17, 21-24, 28-31, January 4-7, 11-14, 18-21, 25-28, February 1-4, 8-11, 15-18 and 22-25.

(b) Legal to take: Quail. The daily bag limit is 12 quail per person. For each hunt, one group consisting of no more than four members may release and take quail.

(c) Camping: Prohibited.

(d) General regulations:

1. A special opportunity quail hunt permit (no exemptions) as provided in rule 68A-9.007, F.A.C. shall be required for each group entering the area to release or take quail.

2. Each group may release pen-raised quail within the designated boundaries, as indicated on the hunt map. Release of quail is prohibited, except during each day of the hunt and the day before the first day of each hunt. Released quail shall be purchased from a licensed game farm and transported as provided in rule 68A-12.006(3), F.A.C.

3. Vehicles may be operated only on named or numbered roads, and shall enter and exit only at the designated entrance.

4. Hunters shall sign in and out of the special-opportunity released-quail area when entering and exiting the area, and shall record all game taken.

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

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

7. The possession or use of firearms other than shotguns is prohibited.

8. Fires are prohibited.

(7)(6) Edward Ball Wildlife Management Area

(a) Open season:

1. General gun – November 23-26 25-28 and December 9 11 through January 31 February 2 (Mondays, Tuesdays and Wednesdays closed to hunting after December 17 19 in the dog-hunt area only).

2. Archery – October 14 16 through November 12 14.

3. Muzzleloading gun and archery – February 15-25 17-27 (Mondays, Tuesdays and Wednesdays closed to hunting).

4. through 8. No change.

(b) through (c) No change.

(d) General regulations:

1. through 6. No change.

7. No person shall operate a vehicle on the area from March 15 through September 15.

7. through 11. renumbered 8. through 12. No change.

(8)(7) Joe Budd Wildlife Management Area

(a) Open season:

1. Archery – December 8 10 through January 7 9 (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 12-28 14-30 (Fridays, Saturdays and Sundays only).

3. Small game – October 7 6 through December 3 29, Saturdays and Sundays only. Wednesdays only, and Saturdays from October 7 9 through December 2 4.

4. Spring turkey – March 17 18 through April 22 23 (Saturdays and Sundays only).

5. No change.

(b) Legal to take: All legal game including turkey of either sex, fish, frogs and furbearers. During the small game hunts, doves (Saturdays only, during phases established by rule 68A-13.008, F.A.C.), quail and squirrel may be taken. Antlerless deer may be taken during the archery and muzzleloading gun season by permit only. No size or bag limit on wild hogs.

(c) through (d) No change.

(9)(8) Robert Brent Wildlife Management Area

(a) Open season:

1. General gun – November 23-26 25-28 and December 9 11 through January 31 February 2.

2. Small game – November 11-22 13-24, November 27 29 through December 8 10 and February 1 3 through March 4 5.

3. Spring turkey – March 17 18 through April 22 23.

4. Archery – October 14 16 through November 12 14.

5. Muzzleloading gun – November 17-19 19-21.

6. Archery and muzzleloading gun – February 15-25 17-27.

7. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 23-26 25-28 and from December 9-20 11-22.

(c) through (d) No change.

(10)(9) Champion International Wildlife Management Area

(a) Open season:

1. General gun – November 23-26 25-28 and December 9 11 through January 31 19.

2. Small game – February 17 12 through March 4 5, Saturdays and Sundays only.

3. Archery – October 14 16 through November 12 14.

4. Spring turkey – March 17 18-21, 23-26, March 30 through April 22 2, April 6-9, 13-16, and 20-23.

5. Archery and muzzleloading gun – February 1-14 January 22-23 and January 29-30.

6. Muzzleloading gun – November 17-19.

6.7. No change.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. Access to the area is permitted only by individuals possessing a valid recreational user permit except as provided by 372.57, F.S. and shall ~~Entry onto the area will~~ be limited to designated hunting days and for a period of one week prior to the archery season and one day prior to the muzzleloading gun, general gun, and spring turkey seasons for pre-hunt scouting.

5. through 6. No change.

7. The display or use of a gun on or upon Firebreak 1 or within 300 yards of an active timber harvest or tree planting operation, in a manner capable of taking wildlife is prohibited.

~~(11)(10)~~ Point Washington Wildlife Management Area

(a) Open season:

1. General gun – November 23-26 ~~25-28~~ and December 9 ~~11~~ through January 31 ~~February 2~~.

2. Small game – November 11-22 ~~13-24~~, November 27 ~~29~~ through December 8 ~~10~~ and February 1 ~~3~~ through March 4 ~~5~~.

3. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

4. Archery – October 14 ~~16~~ through November 12 ~~14~~.

5. Muzzleloading gun – November 17-19 ~~19-21~~ in still hunt areas only.

6. Archery and muzzleloading gun – February 15-25 ~~17-27~~.

7. through 8. No change.

9. Fox, raccoon, opossum and bobcat – November 11 ~~13~~ through March 4 ~~5~~ in that portion of the dog hunt area west of S.R. 79, and March 5 ~~6~~ through March 16 ~~17~~ and April 23 ~~24~~ through July 15 in that portion of the dog hunt area east of S.R. 79.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) No change.

(d) General regulations:

1. through 5. No change.

6. During the November 11 ~~13~~ through March 4 ~~5~~ period in all areas where hunting with the use of deer dogs is permitted, hunting as specified by Rule 68A-24.002(2)(b), F.A.C., is permitted.

7. through 9. No change.

~~(12)(11)~~ Moore's Pasture Wildlife Management Area

(a) Open season:

1. Archery – October 14 ~~16~~ through November 12 ~~14~~.

2. Muzzleloading gun – November 17-19 ~~19-21~~.

3. General gun – November 23-26 ~~25-28~~ and December 9 ~~11~~ through January 21 ~~23~~.

4. Archery and muzzleloading gun – February 10-11 ~~12-13~~, 16-18 ~~18-20~~ and February 23-25 ~~25-27~~.

5. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

6. through 7. No change.

(b) Legal to take: All legal game and furbearers. Antlerless deer may be taken during the general gun season by permit only. 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.

(c) through (d) No change.

~~(13)(12)~~ Talquin Wildlife Management Area

(a) Open season:

1. General gun – November 24-26 ~~26-28~~ and December 9 ~~11~~ through December 31 ~~January 2~~ (Fridays, Saturdays and Sundays only).

2. Small game – January 5 ~~7~~ through March 4 ~~5~~ (Fridays, Saturdays and Sundays only).

3. Archery – October 14 ~~16~~ through November 12 ~~14~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~ (Saturdays and Sundays only).

5. through 6. No change.

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken December 30 ~~January 1~~. No size or bag limit on wild hogs.

(c) No change.

(d) General regulations:

1. through 3. No change.

4. Hunters shall check in and out at the check station on December 30 ~~January 1~~ and check all game taken.

5. No change.

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

(a) Open season:

1. Archery and muzzleloading gun – November 24-26 ~~26-28~~ and December 9 ~~11~~ through December 31 ~~January 2~~ (Fridays, Saturdays and Sundays only).

2. Small game – January 5 ~~7~~ through March 4 ~~5~~ (Fridays, Saturdays and Sundays only).

3. Archery – October 14 ~~16~~ through November 12 ~~14~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~ (Saturdays and Sundays only).

5. No change.

(b) Legal to take: All legal game including gobblers or bearded turkeys, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) through (d) No change.

(15) Tate's Hell Wildlife Management Area

(a) Open Season:

1. General gun – November 23-26 ~~25-28~~ and December 9 ~~11~~ through January 31 ~~February 2~~.

2. Small game – November 11-22 ~~13-24~~, November 27 ~~29~~ through December 8 ~~10~~ and February 1 ~~3~~ through March 4 ~~5~~.

3. Archery – October 14 ~~16~~ through November 12 ~~14~~.

- 4. Muzzleloading gun – November ~~17-19~~ 19-21.
- 5. Muzzleloading gun and archery – February ~~15-25~~ 17-27.
- 6. through 8. No change.
- 9. Spring turkey – March ~~17~~ 18 through April ~~22~~ 23.
- 10. through 11. No change.
- (b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.
- (c) Camping – Prohibited, except at designated sites, During hunting seasons, a ~~or by~~ permit from the Florida Division of Forestry is required.
- (d) General regulations:
 - 1. Deer dogs may be trained from October ~~28~~ 30 through November ~~16~~ 18.
 - 2. through 5. No change.
- (16) Tate's Hell Wildlife Management Area – Womack Creek Unit
 - (a) Open Season:
 - 1. Small game – November ~~11~~ 13 through January 31 ~~February 2~~.
 - 2. General gun still ~~General gun dog~~ – November ~~23-26~~ 25-28 and December ~~9-17~~ 11-19.
 - 3. General gun dog ~~General gun still~~ – December 24 through January 5.
 - 4. No change.
 - 5. Spring turkey – March ~~17-18~~ 18-19, March ~~24-25~~ 25-26, March 31 through April ~~1-2~~ and April ~~7-8~~ 8-9.
 - 6. through 7. No change.
 - (b) Legal to take: All legal game, fish, frogs, and furbearers. No size or bag limit on wild hogs.
 - (c) Camping: Prohibited, except at designated sites, During hunting seasons, a ~~or by~~ permit from the Florida Division of Forestry is required.
 - (d) General regulations:
 - ~~1. Persons operating vehicles shall enter and exit at designated entrances only.~~
 - 2. through 5. renumbered 1. through 4. No change.
- (17) This rule shall take effect July 1, 2000.

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, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 9-2-91, 7-1-92, 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, Formerly 39-15.063, Amended 11-17-99, ~~7-1-00~~.

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 6, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife

RULE NO.:

Management Areas – Everglades Region 68A-15.064
PURPOSE AND EFFECT: The purposes of the proposed rule changes are to make needed changes in regulations to allow the agency to more efficiently manage wildlife resources and public use on WMAs and to provide public hunting opportunities. Additionally, changes are proposed to delete references to special-opportunity alligator hunts to provide consistency with the proposed elimination of Rule 68A-25.047, FAC. and the establishment of special-opportunity hunt areas as alligator harvest management units under Rule 68A-25.042, FAC.

SUMMARY: The proposed rule would adjust all applicable hunting season dates and other references to such dates on WMAs in the Central Region to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Holey Land WMA – Rule language associated with special-opportunity alligator hunts would be deleted to accommodate rule changes proposed to establish special-opportunity alligator hunt areas as alligator management units.

Everglades and Francis S. Taylor WMA – Rule language associated with special-opportunity alligator hunts would be deleted to accommodate rule changes proposed to establish special-opportunity alligator hunt areas as alligator management units.

Big Cypress WMA – During years when January 1 falls on a Thursday, Friday, or Saturday, the archery season in the Deep Lake Unit would close the following Sunday.

Frog Pond – Dade County – Open seasons for special-opportunity dove hunts would be limited to the first, second and fourth Saturdays of the first phase of the dove season; the first and third Saturdays of the second phase; and the first, third and fifth Saturdays of the third phase. Reference to a special-use permit required for dove hunting would be changed to special-opportunity permit.

Okaloacoochee Slough WMA – New seasons would be established for archery (September 9-15 and 16-24); muzzleloading gun (October 14-16); general gun (October 28-31 and November 1-5); general gun hog (November 18-24); dove (Saturdays only during dove season, except during muzzleloading, general gun and gun hog seasons); and fishing and frogging (throughout the year). All legal game, fish, frogs and furbearers would be legal to take. The bag limit for deer and wild hog would be one each per quota permit during the archery, muzzleloading gun, general gun and general gun hog seasons. Only wild hogs would be legal to take during the

general gun hog season. Only hogs with a shoulder height of 20 inches or greater would be legal to take. Taking of antlerless deer would be prohibited during archery season. Camping would be permitted only at designated campsites during archery, muzzleloading gun, general gun and general gun hog seasons by individuals or parties in possession of a quota hunt permit. During other periods, camping would be permitted by Special-Use Permit issued by the Division of Forestry. Hunting with dogs would be prohibited except that bird dogs and retrievers would be permitted on posted dove fields during established dove hunts. Vehicles would be restricted to named or numbered roads and numbered trails during archery, muzzleloading gun, general gun and general gun hog seasons. Checking of deer or hogs at a check station would be required. Shooting hours for doves would be from noon until sunset and hunters would be permitted to enter dove fields one hour before shooting time and exit within one hour after sunset. Dove hunters would be required to hunt from assigned stations and stations would be transferrable. Dove hunting permits would be issued on a first-come, first-served basis at the check station on the day of each dove hunt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$380 for administrative preparation and \$185 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, F.S.

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-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 ~~4~~ 6 through ~~December 31~~ January 2.

2. Small game – January ~~1~~ 3 through February ~~11~~ 13.
 3. Spring turkey – March ~~3~~ 4 through April ~~8~~ 9 (Saturdays and Sundays only).

4. Archery – August ~~26~~ 28 through September ~~17~~ 19.
 5. Muzzleloading gun – ~~September 30 through October 15~~ October 2-17.

6. Raccoon season – January ~~1~~ 3 through February ~~11~~ 13.
 7. No change.

(b) through (d) No change.

(2) Hole Land Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~21-29~~ 23-31.

2. General gun – Vehicle, November ~~4-19~~ 6-21 (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August ~~26~~ 28 through September ~~17~~ 19.

4. Muzzleloading gun – ~~September 30 through October 15~~ October 2-17.

5. through 6. No change.

~~7. Special opportunity alligator – September 1-15.~~

(b) Legal to take: All legal game (except turkeys), fish, ~~alligators as specified in Rule 68A-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) No change.

(d) General regulations:

1. through 3. No change.

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

5. through 18. No change.

(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 68A-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 ~~21-29~~ 23-31, Conservation Areas 3A North and 2 only. December ~~1~~ 2-31 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 ~~4-19~~ ~~6-21~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August ~~26~~ ~~28~~ through September ~~17~~ ~~19~~, Conservation Area 3A North only.

4. Muzzleloading gun – September 30 through October 15 ~~October 2-17~~, in Conservation Area 3A North only.

5. through 6. No change.

~~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 68A-25.047, F.A.C.~~, frogs and furbearers. 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. 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.

(c) through (d) No change.

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

1. No change.

2. ~~May possess and use guns and baits as specified in Rule 68A-25.047, F.A.C., when taking alligators and may transport such guns specified in Rule 68A-15.004, F.A.C., by airboat for the purpose of taking alligators.~~

(4) Rotenberger Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~21-29~~ ~~23-31~~.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~4-19~~ ~~6-21~~ by quota permit only.

3. Archery – August ~~26~~ ~~28~~ through September ~~17~~ ~~19~~.

4. Muzzleloading gun – September 30 through October 15 ~~October 2-17~~.

5. through 6. No change.

(b) through (d) No change.

(5) Big Cypress Wildlife Management Area

(a) Open season:

1. No change.

2. Small game – The day following the close of general gun season through February ~~4~~ ~~6~~.

3. Archery – September ~~2~~ ~~4~~ through October ~~1~~ ~~3~~ in all units, and November ~~11~~ ~~13~~ through January ~~1~~ ~~2~~, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October ~~7-22~~ ~~9-24~~, except in the Deep Lake Unit.

5. Spring turkey – March ~~3~~ ~~4~~ through April ~~8~~ ~~9~~:

6. through 7. No change.

(b) through (d) No change.

(6) Frog Pond – Dade County

(a) Open Season

1. Dove – The first second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

(b) through (c) No change.

(d) General Regulations

1. Persons must possess a special opportunity dove permit special use permit issued by the Florida Game and Fresh Water Fish Commission or its agent to hunt doves.

2. through 6. No change.

(7) Fort Drum Wildlife Management Area

(a) Open Season:

1. Special opportunity deer – November ~~11-17~~ ~~13-19~~.

2. Small game – December ~~9-24~~ ~~11-26~~.

3. Special opportunity turkey – March ~~17-23~~ ~~18-24~~, March 31 through April 6 ~~April 1-7~~ and April ~~14-20~~ ~~15-21~~.

4. Special opportunity wild Hog – September ~~5-7~~ ~~7-9~~, ~~12-14~~ ~~14-16~~, and 19-21 ~~21-23~~.

5. No change.

(b) through (d) No change.

(8) Okaloacoochee Slough Wildlife Management Area

(a) Open season:

1. Archery – September 9-15 and 16-24.

2. Muzzleloading gun – October 14-16.

3. General gun – October 28-31 and November 1-5.

4. General gun hog – November 18-24.

5. Spring turkey – March 3-6 4-7 and 7-11 8-12.

6. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., except during muzzleloading, general gun, and general gun hog seasons.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, general gun and general gun hog seasons, the bag limit for deer and wild hogs shall be one each per quota permit. Only wild hogs with a shoulder height of 20 inches or greater may be taken. Only wild hogs may be taken during the general gun hog season. The taking of antlerless deer is prohibited during archery season. ~~Turkeys.~~ During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Camping is permitted only at designated campsites during archery, muzzleloading gun, general gun, spring turkey and general gun hog seasons by individuals or parties in possession of a quota hunt permit. During the remainder of the year, camping is permitted by Special-Use Permit issued by Division of Forestry. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used on posted dove fields during established dove hunts.

~~2.1.~~ The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

~~3.2.~~ Vehicles may be operated only on named or numbered roads and numbered trails during the archery, muzzleloading gun, general gun, and general gun hog seasons by individuals possessing a quota permit. During the remainder of the year, vehicles may be operated only on named roads.

~~4.3.~~ Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

~~5.4.~~ No deer, hog or turkey shall be dismembered until checked at a check station.

~~6.5.~~ Fires other than campfires are prohibited.

7. Shooting hours for dove hunts shall be from noon until sunset. Hunters may enter the posted field one hour before shooting time and shall exit the field within one hour after sunset.

8. Dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.

9. Dove field permits shall be issued on a first-come, first-served basis at the check station on the day of each dove hunt.

(9) This rule shall take effect on July 1, 2000.

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, Formerly 39-15.064, Amended 11-17-99, ~~7-1-00.~~

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 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife

RULE NO.:

Management Areas – Central Region 68A-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 2000-2001 hunting season dates for the appropriate hunting zones 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. Additionally, changes are proposed to delete references to special-opportunity alligator hunts to provide consistency with the proposed elimination of Rule 68A-25.047, FAC. and the establishment of special-opportunity hunt areas as alligator harvest management units under Rule 68A-25.042, FAC.

SUMMARY: The proposed rule would adjust all applicable hunting season dates and other references to such dates on WMAs in the Central Region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Bull Creek WMA – A special-opportunity dove season would be established (first and third Saturdays of the first and second phases of the dove season and the first and second Saturdays of the third phase. Possession of a special-opportunity dove hunt permit would be required to hunt in posted dove fields. Shooting hours for special-opportunity dove hunts would be from noon until sunset and hunters would be permitted to enter the area one hour before shooting time and required to exit by one hour after sunset. Camping equipment would be permitted on the area after 8 a.m. seven days prior to the opening of archery season until 6 p.m. seven days following the end of the spring turkey season. Camping would be permitted from 8 a.m. one day prior to each hunting season through 6 p.m. the day following each season.

Citrus WMA – There would be no size or bag limit for wild hogs and horses would be restricted to designated horse trails and named or numbered roads.

Miami Corporation WMA – A small game season would be established (January 8-21) and wild hogs would be legal to take during the small game season. Muzzleloading gun hunts would be expanded to include the area north of Maytown Road and access to this area would be via Road B-6 only. The use of airboats or tracked vehicles would be prohibited at all times.

Ocala WMA – Antlerless deer would not be legal game during any season including archery.

Forest Roads 573 and 588 would be added to the list of roads from which hunting is not allowed. Rule language associated with special-opportunity alligator hunts would be deleted to

accommodate rule changes proposed to establish special-opportunity alligator hunt areas as alligator management units.

Richloam WMA – All-terrain vehicles and motorcycles would be prohibited.

Richloam WMA, Baird Unit – A permit from the Division of Forestry would be required for public access other than on foot or bicycle during periods closed to hunting and possession of guns would be prohibited on the James A. Van Fleet Trail except at designated crossing points.

Three Lakes WMA – Rule language associated with special-opportunity alligator hunts would be deleted to accommodate rule changes proposed to establish special-opportunity alligator hunt areas as alligator management units.

Tiger Bay WMA – There would be no size or bag limit for wild hogs.

Tiger Bay WMA, Rima Ridge Unit – Seasons would be established for general gun (November 11-19); archery (September 23 – October 8); muzzleloading gun (October 27-29). Bag limits would be one deer per hunter for archery, muzzleloading and general gun seasons; no size or bag limit for wild hogs; and one gobbler (or bearded turkey) per quota permit during spring turkey season.

Relay WMA – Centerfire rifles other than muzzleloading guns would be prohibited.

Seminole Ranch WMA – A season would be established for general gun-hog (February 10-16). Only wild hogs would be legal to take during general gun hog season. Up to 3 dogs per quota permit would be permitted during the general gun-hog season. During the general gun-hog season, a quota permit would be required for each group of two hunters and only one gun would be allowed per permit.

Guana River WMA – The open season for fishing and other recreational use on a portion of Lake Ponte Vedra and interior freshwater lakes would be extended to begin earlier (February 10 rather than March 1) and end later (November 10 rather than November 1). Redundant language regarding waterfowl scouting and provision for waterfowl scouting after waterfowl hunts would be deleted. Horses and bicycles would be permitted on named or numbered roads, established trails and firelines, except where prohibited; except that horses would be prohibited during archery, muzzleloading gun, general gun and small game seasons. Rule language associated with special-opportunity alligator hunts would be deleted to accommodate rule changes proposed to establish special-opportunity alligator hunt areas as alligator management units.

Caravelle Ranch WMA – Open seasons for special-opportunity dove hunts would be limited to the first and second Saturdays of the first phase of the dove season; the third Saturday of the

second phase; and the first, third and fifth Saturdays of the third phase. An open season for frogging would be established throughout the year and frogs would be added to legal to take.

Lake George WMA – The proposed change would correct an error regarding turkeys of either sex being legal to take during archery season.

Lake George WMA, Dexter/Mary Farms Unit – Open seasons for special-opportunity dove hunts would be limited to the first, second and fourth Saturdays of the first phase of the dove season; the first and third Saturdays of the second phase; and the first, third and fifth Saturdays of the third phase. Dove hunting on posted dove fields would be permitted only on open season dates for special-opportunity dove hunts. During periods closed to hunting, public access would be restricted to the Bluffton Recreation via the St. Johns River Road from sunrise to sunset only and all other access (except during special-opportunity hunts) would be allowed by permit from the Division of Forestry.

Seminole Forest WMA – Fishing in Oaks and Bear Ponds would be restricted to daylight hours only and horses would be allowed during the small game season.

Triple N Ranch WMA – A season for special-opportunity deer (November 11-17) would be established. One antlered deer (at least one antler with 4 or more points) per special-opportunity deer hunt permit and antlerless deer (except spotted fawns) by antlerless deer permit only would be established as legal to take. The current small game season would be shifted two weeks later in the year to accommodate the proposed special-opportunity deer hunt. Checking of deer at the hunt headquarters would be required and public access would be prohibited from 8 p.m. until 5 a.m., unless authorized for camping during hunts. The provision regarding special-opportunity permit requirements would be deleted to eliminate contradictions with changes proposed for rule 15.004, FAC.

Etoniah Creek WMA – The current small game season (December 4-19 and January 22 through February 13) would be shifted to Thanksgiving day through the first weekend in January. Camping would be authorized by permit from the Division of Forestry. Public access by horseback would be permitted during periods closed to hunting. Horses would be prohibited during periods open to hunting, except during the small game season. The rule prohibiting public access from 8:00 p.m. to 5:00 a.m. would be deleted.

Little Big Econlockhatchee WMA, Kilbee Unit – There would be no size or bag limits on wild hogs.

Lake Panasoffkee WMA – Only hogs would be legal to take during special-opportunity hog-still and special-opportunity hog-dog seasons. No more than 3 dogs would be allowed per special-opportunity permit during the special-opportunity hog-dog season. A permit would be required for each group of two hunters and only one gun would be allowed per permit. The bag limit for wild hogs would be removed.

Potts WMA – Only hogs would be legal to take during general gun hog-dog season. No more than three dogs would be allowed per quota permit. A permit would be required for each group of two hunters and only one gun would be allowed per permit.

Buck Lake WMA – New seasons would be established for archery (September 23 – October 1 and October 2-8); muzzleloading gun (October 27-29); general gun (November 11-14 and 15-19); small game (December 2-17) and fishing and frogging (throughout the year). All legal game, fish, frogs, and furbearers (except bobcat, mink and otter) would be established as legal to take. The bag limit for deer would be one antlerless and one antlered deer per person per hunt provided antlerless deer shall be taken by permit only during muzzleloading gun and general gun season. There would be no size or bag limit on wild hogs. Use of bird dogs during small game season would be permitted. Checking of deer and wild hog at a check station would be required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$525 for administrative preparation and \$285 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m. March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-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 ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.
2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.
3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~. A special quota permit will be required for the September ~~23-24~~ ~~25-26~~ hunt.

5. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

6. Special-opportunity dove – The first and third Saturdays only during the first and second phase of the mourning dove and white-winged dove season as established in Rule 68A-13.008, F.A.C., and the first and second Saturdays only during the third phase of the mourning dove and white-winged dove season established in Rule 68A-13.008, F.A.C. No dove hunting is allowed on posted dove fields other than on these dates.

7.6. Fishing and frogging – Throughout year.

(b) No change.

(c) Camping: Permitted only at designated campgrounds during periods in which hunting is allowed and throughout the year at designated campsites on the Florida National Scenic Trail provided that access to area is via the Trail. Camping equipment may be taken onto the area after 8 a.m. seven days prior to the opening of archery season and shall be removed from the area before 6 p.m. seven days following the end of the spring turkey season. Camping shall be allowed from 8 a.m. one day prior to each season through 6 p.m. one day following each season. Only tents, trailers or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. through 8. No change.

9. All persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.

10. Shooting hours for special-opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time, and shall exit by one hour after sunset.

(2) Citrus Wildlife Management Area

(a) Open season:

1. Modern gun – December ~~16-17~~ ~~18-19~~ and January ~~6-7~~ ~~8-9~~.

2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

3. Muzzleloading gun – December ~~9-10~~ ~~11-12~~ and December 30-31 ~~January 1-2~~.

4. Archery – November 11 ~~13~~ through December ~~3~~ ~~5~~.

5. No change.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the muzzleloading gun and modern gun seasons, antlerless deer may be taken by permit only. Antlerless deer may be taken during the first 9 days of the archery season, but only one antlerless deer may be harvested per quota permit or per person exempted from license and stamp requirements by s. 372.57(1) and (6), F.S. No size or bag limit for wild hogs.

(c) No change.

(d) General regulations:

1. through 13. No change.

14. Horses are restricted to named or numbered roads and designated horse trails.

(3) Miami Corporation Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~. 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 ~~11~~ ~~13~~ through January ~~7~~ ~~9~~ or as authorized by permit from the landowner.

3. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~, in the still hunt area, Saturdays and Sundays only.

4. Muzzleloading gun – October ~~27-29~~ ~~29-31~~, only in the still hunt area and north of Maytown Road.

5. Small game – January 8-21.

(b) Legal to take: All legal game, fish, frogs and furbearers. Gobblers or bearded turkeys may be taken throughout the general gun season. No size or bag limit on wild hogs. Wild hogs may be taken during small game hunts.

(c) No change.

(d) General regulations:

1. through 4. No change.

5. The use of airboats or tracked vehicles is prohibited ~~for taking fish or wildlife.~~

6. through 9. No change.

10. During the muzzleloading gun hunt, access to the area north of Maytown Road will be via Road B-6 only.

(4) Ft. McCoy Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Small game – January ~~8-28~~ ~~10-30~~.

3. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

4. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

5. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

6. No change.

(b) through (d) No change.

(5) Georgia-Pacific Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

5. No change.

(b) through (d) No change.

(6) Ocala Wildlife Management Area

(a) Open season:

1. General gun – November ~~11~~ ~~13~~ through January ~~7~~ ~~9~~.

2. Small game – January ~~8~~ ~~10~~ through March ~~4~~ ~~5~~.

3. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

4. Muzzleloading gun – October ~~27-29~~ ~~29-31~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~11~~ ~~13~~ through April ~~15~~ ~~16~~.

6. No change.

7. Spring turkey – March ~~24-25~~ ~~25-26~~, March 31 – April 1 ~~April 1-2~~, ~~7-8~~ ~~8-9~~ and ~~14-15~~ ~~15-16~~, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

8. through 9. No change.

~~10. Special opportunity alligator – September 1-15 and 16-30, only on the waters of Wildcat Lake, Half Moon Lake, and Salt Springs Run beginning at a point 50 yards west of the mouth at Lake George to the Salt Springs boat ramp.~~

(b) Legal to take:

1. All legal game (except antlerless deer), fish, ~~alligators as specified in Rule 68A-25.047, F.A.C.~~, frogs and furbearers. During the spring turkey season the bag limit shall be one gobbler or bearded turkey per quota hunt permit. ~~Antlerless deer may be taken only on the Hopkins Prairie and Lake Delancy Management Units and only during the archery season and by special permit during the muzzleloading gun season and the last three days of the general gun season.~~ Deer may only be taken in the Church Lake Unit during the archery season, muzzleloading gun season and the first 9 days of the general gun season. Deer daily bag one, no season bag.

2. Furbearing animals – During the November ~~11~~ ~~13~~ through March 1 period, hunting as specified in Rule 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March ~~5~~ ~~7~~ through April ~~15~~ ~~16~~ 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 ~~8~~ ~~10~~ through April ~~15~~ ~~16~~, 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.

(c) No change.

(d) General regulations:

1. through 4. No change.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. through 7. No change.

8. Dogs may be used to pursue rabbits from January ~~8~~ ~~10~~ through April ~~15~~ ~~16~~ 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.

9. The possession of center-fire rifles is prohibited during the spring turkey season.

~~(e) Notwithstanding any other provisions of this subsection, special opportunity alligator hunt participants may possess and use guns and baits as specified in Rule 68A-25.047, F.A.C., when taking alligators.~~

~~(e)(f)~~ No change.

(7) Richloam Wildlife Management Area

(a) Open season:

1. General gun – November ~~11-13~~ through January ~~7-9~~.

2. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

3. Archery – September ~~23-25~~ through October ~~22-24~~.

4. No change.

5. Trapping – January ~~8-10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

5. Airboats, all-terrain vehicles, motorcycles and tracked vehicles are prohibited.

6. through 11. No change.

(8) Richloam Wildlife Management Area – Baird Unit

(a) Open season:

1. Archery – September ~~23-25~~ through October ~~8-10~~.

2. Muzzleloading gun – October ~~27-29-29-31~~.

3. General gun – November ~~11-19-13-21~~.

4. Spring turkey – March ~~17-19-18-20~~, March ~~23-25-24-26~~, and March ~~30-31~~ through April ~~1-2~~.

5. Small game – December ~~2-17-4-19~~ and January ~~20-22~~ through February ~~11-13~~.

6. No change.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. During periods when the area is closed to hunting, public access other than on foot (pedestrian) or bicycle is prohibited except by permit from the Division of Forestry ~~prohibited~~.

5. through 8. No change.

9. Possession of guns is prohibited on the James A. Van Fleet State Trail except at designated crossings. Hunters shall transport guns across the State Trail only at designated crossings.

(9) Three Lakes Wildlife Management Area

(a) Open season:

1. General gun – November ~~11-13~~ through January ~~7-9~~.

2. Small game – January ~~8-10~~ through March ~~4-5~~.

3. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

4. Archery – September ~~23-25~~ through October ~~22-24~~.

5. No change.

6. Muzzleloading gun – October ~~27-29-29-31~~.

7. General gun for mobility-impaired – November ~~3-5-5-7~~.

8. General gun-dog – December ~~7-10-9-12~~, ~~21-24-23-26~~ and December ~~28-31-30~~ through January ~~2~~ in that area between the Florida Turnpike and U.S. 441 only.

9. No change.

~~10. Special opportunity alligator – September 1-15 and 16-30.~~

(b) through (c) No change.

(d) General regulations:

1. through 7. No change.

8. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters, ~~except special opportunity alligator hunt participants when taking alligators~~, shall check in and out at a check station when entering and exiting the area and shall check all game taken.

9. through 13. No change.

~~(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 68A-25.047, F.A.C., when taking alligators, and~~

~~2. may May operate airboats throughout the area when taking alligators except that airboats are not allowed in those portions of the area posted as restricted to airboat access for the protection of environmentally sensitive areas as specified above.~~

(10) Prairie Lakes Unit, Three Lakes Wildlife Management Area

(a) Open season:

1. Archery – ~~September 29 through October 1~~ ~~October 1-3~~ and ~~6-8-8-10~~.

2. Muzzleloading gun – October ~~27-29-29-31~~.

3. General gun – November ~~17-19-19-21~~ and ~~24-26-26-28~~.

4. Small game – December ~~9-24-11-26~~.

5. Spring turkey – March ~~17-19-18-20~~, March ~~30-31~~ through April ~~1-2~~ and ~~13-15-14-16~~.

6. No change.

7. General gun hog – December ~~1-3-3-5~~ and January ~~5-7-7-9~~.

(b) through (d) No change.

(11) Tiger Bay Wildlife Management Area

(a) Open season:

1. General gun – November ~~11-13~~ through January ~~7-9~~.

2. Archery – September ~~23-25~~ through October ~~22-24~~.

3. Muzzleloading gun – October ~~27-29-29-31~~.

4. Small game – January ~~8-10~~ through March ~~4-5~~.

5. Spring turkey – March ~~17-19-18-20~~, March ~~30-31~~ through April ~~1-2~~ and ~~13-15-14-16~~.

6. No change.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers. No size or bag limit on wild hogs.

1. through 2. No change.

(c) through (d) No change.

(12) Tiger Bay Wildlife Management Area – Rima Ridge Unit

(a) Open Season:

1. General gun – November 11-19.

2. Archery – September 23 through October 8.

3. Muzzleloading gun – October 27-29.

4. ~~4.~~ Small game – November 23 ~~44~~ through December 31 ~~3~~ and December 23 through January 7.

5. ~~2.~~ Spring turkey – March 17-19 ~~18-20~~, March 30 ~~31~~ through April 1 ~~2~~ and 13-15 ~~14-16~~.

3. through 4. renumbered 6. through 7. No change.

(b) Legal to take: All legal ~~small~~ game, turkeys, fish, frogs and furbearers. During the archery, muzzleloading gun and general gun seasons, the bag limit for deer shall be one per hunter. No size or bag limit on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota permit.

(c) through (d) No change.

(13) Relay Wildlife Management Area

(a) Open season:

1. General gun – November 11 ~~13~~ through January 7 ~~9~~.

2. Archery – September 23 ~~25~~ through October 22 ~~24~~

(Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October 27-29 ~~29-31~~.

4. Small game – January 8 ~~10~~ through March 4 ~~5~~.

5. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

6. No change.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. Possession of centerfire rifles (other than muzzleloading) or pistols is prohibited.

5. No change.

(14) Tosohatchee Wildlife Management Area

(a) Open season:

1. Archery – September 28 ~~30~~ through October 1 ~~3~~ and October 5-8 ~~7-10~~.

2. Muzzleloading gun – October 12-15 ~~14-17~~ and 19-22 ~~21-24~~.

3. Modern gun – November 16-19 ~~18-21~~ and 24-26 ~~26-28~~.

4. Spring turkey – March 17-19 ~~18-20~~, March 30 ~~31~~ through April 1 ~~2~~, and 13-15 ~~14-16~~.

5. General gun-hog – January 12-18 ~~14-20~~ and January 26 ~~28~~ through February 1 ~~3~~.

(b) through (d) No change.

(15) Seminole Ranch Wildlife Management Area

(a) Open season:

1. Archery – October 6-8 ~~8-10~~ and 13-15 ~~15-17~~.

2. Muzzleloading gun – October 28-29 ~~30-31~~ and November 4-5 ~~6-7~~.

3. Modern gun – November 17-19 ~~19-21~~.

4. Small game – November 25-26 ~~27-28~~, December 2-3 ~~4-5~~ and 9-10 ~~11-12~~.

5. Spring turkey – March 17-19 ~~18-20~~, 23-25 ~~24-26~~ and March 30 ~~31~~ through April 1 ~~2~~.

6. General gun hog – February 10-16.

~~7.6.~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers (except bobcat, mink and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Any deer (except spotted fawn) may be taken during the archery season. Antlerless deer may be taken by permit only during the muzzleloading and modern gun seasons. There shall be no size limit or bag limit restrictions on wild hogs. Only wild hogs may be taken during the general gun-hog season.

(c) No change.

(d) General regulations:

1. through 4. No change.

5. Hunting with dogs is prohibited, except that dogs may be used during the general gun-hog season, and other than bird dogs may be used during small game season. During the general gun-hog season, no more than 3 dogs per quota hunt permit shall be allowed.

6. through 9. No change.

10. During the general gun-hog season, a quota permit shall be required for each group of two hunters and only one gun may be possessed per permit.

(16) Jumper Creek Wildlife Management Area

(a) Open season:

1. Archery – September 23 ~~25~~ through October 22 ~~24~~.

2. Muzzleloading gun – October 27-29 ~~29-31~~.

3. General gun – November 11 ~~13~~ through January 7 ~~9~~.

4. Small game – January 8-28 ~~10-30~~.

5. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

6. No change.

(b) through (d) No change.

(17) Rock Springs Run Wildlife Management Area

(a) Open season:

1. Archery – September 29 – October 1 ~~October 1-3~~ and 6-8 ~~8-10~~.

2. Muzzleloading gun – October 13-15 ~~15-17~~ and 20-22 ~~22-24~~.

3. Modern gun – November 10-12 ~~12-14~~ and 17-19 ~~19-21~~.

4. Small game – December 2-3 ~~4-5~~, 9-10 ~~11-12~~ and January 6-7 ~~8-9~~.

(b) through (d) No change.

(18) Guana River Wildlife Management Area

(a) Open season:

1. Duck and coot – Lake Ponte Vedra shall be open in the September season established pursuant to Rule 68A-13.003, F.A.C., and the first day of each phase and on Wednesday and Saturday of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.

2. General gun – November ~~17-19~~ ~~19-21~~ and ~~24-26~~ ~~26-28~~.

3. Muzzleloading gun – October ~~27-29~~ ~~29-31~~ and November ~~3-5~~ ~~5-7~~.

4. Archery – October ~~13-15~~ ~~15-17~~ and ~~20-22~~ ~~22-24~~.

5. Small game – December ~~1-3~~ ~~3-5~~, ~~8-10~~ ~~10-12~~ January ~~5-7~~ ~~7-9~~, ~~12-14~~ ~~14-16~~, ~~19-21~~ ~~21-23~~ and ~~26-28~~ ~~28-30~~.

6. Fishing – Permitted at all times on Lake Ponte Vedra from Guana Dam to a line two miles north of the dam, and on the remainder of Lake Ponte Vedra and the interior freshwater lakes only from ~~February 10~~ ~~March 1~~ through November ~~10~~ ~~1~~.

7. Rails and moorhens – In the rail and moorhen season established by Rule 68A-13.008, F.A.C., and only in the marsh adjacent to the intercoastal waterway.

8. ~~Special opportunity alligator – September 1-15, on Lake Ponte Vedra only.~~

(b) Legal to take: All legal game (except turkeys), fish, ~~alligators as specified in Rule 68A-25.047, F.A.C.~~, frogs and furbearers. Taking of wild hogs during the last two weekends of the small game season is prohibited. Legal shooting hours for ducks and coots: From the beginning of legal shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.

(c) Camping: Prohibited.

(d) General regulations:

1. through 7. No change.

8. ~~Hunters, except special opportunity alligator hunt participants when taking alligators,~~ shall check in and out at the check station when entering or exiting the area and shall check all game taken. Hunters shall check out at the check station by 9 p.m. during Daylight Saving Time and 8 p.m. during Eastern Standard Time.

9. That portion of Lake Ponte Vedra from the Guana Dam to a point one-half mile north is closed to hunting except for ~~special opportunity alligator hunting pursuant to Rule 68A-25.042, F.A.C.~~

10. through 18. No change.

19. Lake Ponte Vedra ~~shall will~~ be open for recreational use from Guana Dam to a line two miles north of the dam at all times, and on the remainder of Lake Ponte Vedra and the interior lakes only from ~~February 10~~ ~~March 1~~ through November ~~10~~ ~~1~~. ~~Waterfowl scouting will be allowed on the remainder of Lake Ponte Vedra on the day one week prior to the opening of each phase, of the duck and coot season established in Rule 68A-13.003, F.A.C., and after 12 noon on Saturdays during the duck and coot season.~~

~~20. Horses and bicycles may be used only on named or numbered roads, established trails and firelines, except where prohibited for public safety. Horses shall be prohibited during the archery, muzzleloading gun, general gun and small game seasons.~~

(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 68A-25.047, F.A.C., when taking alligators, and~~

~~2. may May~~ use airboats and outboard motors larger than 10 h.p. on Lake Ponte Vedra when taking alligators.

(19) Half Moon Wildlife Management Area

(a) Open season:

1. Archery – September ~~23-25~~ ~~25-27~~ and ~~September 29 – October 1~~ ~~October 1-3~~.

2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

3. General gun – November ~~11-13~~ ~~13-15~~ and ~~17-19~~ ~~19-21~~.

4. Small game – December ~~1-3~~ ~~3-5~~, ~~8-10~~ ~~10-12~~, and ~~15-17~~ ~~17-19~~.

5. Spring turkey – March ~~23-25~~ ~~24-26~~, March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~ and ~~6-8~~ ~~7-9~~.

6. No change.

(b) through (d) No change.

(20) Caravelle Ranch Wildlife Management Area

(a) Open season:

1. Archery – September ~~23~~ ~~25~~ through October ~~1~~ ~~3~~.

2. Supervised small game – October ~~8-16~~ ~~10-18~~.

3. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

4. General gun – November ~~11-19~~ ~~13-21~~.

5. Special opportunity dove – ~~The first and second Saturdays only during the first phase; the third Saturday only during the second phase; and the first, third and fifth Saturdays only during the third phase of Saturdays only during~~ the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., ~~except during muzzleloading and general gun seasons.~~

6. Small game – November ~~23~~ ~~25~~ through January ~~7~~ ~~9~~, Thursdays, Fridays, Saturdays and Sundays only.

7. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

8. Fishing ~~and frogging~~ – Permitted throughout the year.

9. No change.

(b) Legal to take: All legal game, wild hogs, fish, ~~frogs~~ and furbearers, except bobcat, mink and otter. During the archery, muzzleloading gun and general gun seasons the bag limit for deer shall be one per hunter. There shall be no bag or size limit restrictions on wild hogs. During the spring turkey season the bag limit for turkey shall be one gobbler (or bearded turkey) per hunter.

(c) through (d) No change.

(21) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23-25~~ through October ~~22-24~~.
2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
3. General gun – November ~~11-26~~ ~~13-28~~.
4. Small game – November ~~27-29~~ through March ~~4-5~~.
5. Spring turkey – March ~~17-19~~ ~~18-20~~, March ~~30-31~~ through April ~~1-2~~, and ~~13-15~~ ~~14-16~~.

6. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers, except bobcat, mink and otter. No bag or size limit restrictions on wild hogs. ~~During the archery season turkeys of either sex may be taken.~~

(c) through (d) No change.

(22) Lake George Wildlife Management Area – Dexter/Mary’s Farms Unit

(a) Open season:

1. Small game – November ~~11-13~~ through December ~~3-5~~ and December ~~23-25~~ through January ~~7-9~~.
2. Special-opportunity turkey – March ~~17-23~~ ~~18-24~~, March 31 – April ~~6~~ ~~April 1-7~~ and ~~14-20~~ ~~15-21~~.
3. General gun hog – January ~~13-16~~ ~~15-18~~, ~~17-22~~ ~~19-24~~, ~~23-28~~ ~~25-30~~.

4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fifth Saturdays only during the third phase of Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting on posted dove fields is permitted other than on these dates.

5. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. through 3. No change.

4. During periods when the area is closed to hunting, public access is allowed only to the Bluffton Recreation Area via St. Johns River Road. All other access shall be by permit from the Division of Forestry, except individuals in possession of a special-opportunity turkey hunt permit shall have vehicular vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt. The Bluffton Recreation Area shall be open for public access only from sunrise to sunset.

5. No change.

~~6. Public access to the area is prohibited during the period from 8:00 pm to 5:00 am, unless camping at designated camping areas during special-opportunity hunts.~~

7. through 11. renumbered 6. through 10. No change.

(e) No change.

(23) Seminole Forest Wildlife Management Area

(a) Open season:

1. Archery – September ~~23-26~~ ~~25-28~~ and September ~~27-29~~ through October ~~1-3~~.
2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.

3. General gun – December ~~2-5~~ ~~4-7~~ and ~~6-10~~ ~~8-12~~.

4. Small game – January ~~13-28~~ ~~15-30~~, Saturdays and Sundays only.

5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

6. General gun for mobility-impaired – October ~~20-22~~ ~~22-24~~.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and these rules. Fish may be taken only by hook and line or rod and reel ~~and only during daylight hours.~~ Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. The use of horses, tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited during periods when hunting is allowed, except that all-terrain vehicles may be used during the general gun ~~for~~ mobility-impaired season, and horses may be used during the small game season. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry ~~regulations.~~

4. through 7. No change.

(24) Flying Eagle Wildlife Management Area

(a) Open season:

1. Archery – ~~September 30 – October 8~~ ~~October 2-10~~.
2. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
3. General gun – November ~~11-19~~ ~~13-21~~.
4. Small game – November ~~24-26~~ ~~26-28~~ and December ~~15-17~~ ~~17-19~~.
5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.
6. through 7. No change.

(b) through (d) No change.

(25) Triple N Ranch Wildlife Management Area

(a) Open seasons:

1. Special-opportunity hog – October ~~14-15~~ ~~16-17~~, ~~21-22~~ ~~23-24~~, October ~~28-29~~ ~~30-31~~ and November ~~4-5~~ ~~6-7~~.
2. Special-opportunity deer – November 11-17.
- ~~3.2. Small game – November 25-13 through January 21-9.~~
- ~~4.3. Special-opportunity turkey – March 17-23 18-24, March 31 – April 6 April 1-7 and 14-20 15-21.~~
2. through 3. through 5. through 6. No change.

(b) Legal to take: Wild hogs during the special-opportunity wild hog hunts, with a daily bag of 2, no size limit. 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 antlered deer not having at least one antler with four or more points is prohibited. All legal small game and furbearers during the small game season. Turkey during the

special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

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

2. Vehicles or horses may be used only on named and numbered roads. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.

3. through 6. No change.

7. Hogs, deer and turkeys must be checked at the hunt headquarters prior to being dismembered and taken from the area.

8. Public access to the area is prohibited during the period from 8 p.m. to 5 a.m., unless camping at designated camping areas during hunts. A special-opportunity hunt permit shall be required for every person entering the area during special-opportunity hunts.

(26) Homosassa Wildlife Management Area

(a) Open season:

1. General gun hog – September 7-10 ~~9-12~~ and 14-17 ~~16-19~~.

2. Small game – November 11 ~~13~~ through December 3 ~~5~~ and December 23 ~~25~~ through January 7 ~~9~~.

3. Special-opportunity spring turkey – March 17-23 ~~18-24~~ and March 31 through April 6 ~~April 1-7~~.

4. No change.

(b) through (d) No change.

(27) Etoniah Creek Wildlife Management Area

(a) Open season:

1. Archery – September 23 ~~25~~ through October 8 ~~10~~.

2. Muzzleloading gun – October 27-29 ~~29-31~~.

3. General gun – November 11-19 ~~13-21~~.

4. Small Game – Thanksgiving Day through the first weekend in January. ~~December 4-19 and January 22 through February 13.~~

5. Spring turkey – March 17-19 ~~18-20~~, 23-25 ~~24-26~~, March 30 ~~31~~ through April 1 ~~2~~.

6. No change.

(b) No change.

(c) Camping: Authorized only by permit from the Division of Forestry. Prohibited.

(d) General regulations:

1. through 3. No change.

4. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or bicycle is prohibited. Horses are prohibited during periods when the area is open to hunting, except during the small game season.

5. No change.

6. Public access to the area is prohibited during the period from 8:00 pm to 5:00 am.

(28) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit

(a) Open season:

1. Archery – October 6-8 ~~8-10~~ and 13-15 ~~15-17~~.

2. Muzzleloading gun – November 3-5 ~~5-7~~.

3. General gun – November 17-19 ~~19-21~~.

4. Small game – December 9-24 ~~11-26~~ (Saturdays and Sundays only).

5. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

(c) through (d) No change.

(29) Lake Panasoffkee Wildlife Management Area

(a) Open season:

1. Special-opportunity turkey – March 22-25 ~~23 through March 26~~, and April 3-6 ~~4 through April 7~~, and April 19-22 ~~20-23~~.

2. Special-opportunity archery – September 28 ~~30 through October 1 ~~3~~, October 5-8 ~~7-10~~ and 17-20 ~~19-22~~, November 2-5 ~~4-7~~ and 14-17 ~~16-19~~, November 30 – December 3 ~~December 2-5~~ and 12-15 ~~14-17~~, and January 4-7 ~~6-9~~.~~

3. Special-opportunity hog-still – February 2-4 ~~4-6~~.

4. Special-opportunity hog-dog – February 14-16 ~~16-18~~.

5. Small game – January 19-21 ~~21-23~~ and 26-28 ~~28-30~~.

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. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag Bag limit on wild hogs, two per permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

1. through 9. No change.

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. During the special-opportunity hog-dog season, no more than 3 dogs per special-opportunity permit shall be allowed.

11. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(30) Potts Wildlife Management Area

(a) Open season:

- 1. Spring turkey – March ~~17-18~~ through ~~20-21~~ and March ~~21-22~~ through ~~25-26~~.
- 2. Archery – September ~~23-25~~ through October ~~1-3~~.
- 3. Muzzleloading gun – October ~~27-29~~ ~~29-31~~.
- 4. General gun hog-dog – November ~~17-19~~ ~~19-21~~.
- 5. Small game – December ~~2-10~~ ~~4-12~~.
- 6. No change.

(b) Legal to take: All legal game, wild hogs, 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. Only wild hogs may be taken during the general gun hog-dog hunt.

(c) No change.

(d) General regulations:

1. through 7. No change.

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. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(31) Ross Prairie Wildlife Management Area

(a) Open Season:

- 1. Supervised small game – October ~~14-20~~ ~~16-22~~, November ~~18-24~~ ~~20-26~~, December ~~16-22~~ ~~18-24~~ and January ~~13-19~~ ~~15-21~~.

(b) through (d) No change.

(32) Buck Lake Wildlife Management Area

(a) Open season:

- 1. Archery – September 23 – October 1 and October 2-8.
- 2. Muzzleloading Gun – October 27- 29.
- 3. General Gun – November 11-14 and November 15-19.
- 4. Small Game – December 2-17.
- 5. ~~4.~~ Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.
- 6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat, mink and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Antlerless deer may be taken by permit only during muzzleloading gun and general gun season. No size or bag limit on wild hogs. Turkeys, fish and frogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

2. through 4. No change.

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

6. No change.

(33) This rule shall take effect July 1, 2000.

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, Formerly 39-15.065, Amended 12-20-99, ~~7-1-00~~.

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 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and wildlife

RULE TITLE: RULE NO.:

General Regulations Relating to Type II Wildlife Management Areas 68A-16.004

PURPOSE AND EFFECT: The purpose of the proposed change is to provide rule authority for issuance of permits to authorize raccoon hunting and to specify methods of take and check station requirements for taking alligators on Type II Wildlife Management Areas (WMAs). The effect of the proposed changes would be to increase opportunities for raccoon hunting on WMAs, provide consistency with the proposed elimination of Rule 68A-25.047, FAC. and increase the specificity and clarity of the rules.

SUMMARY: Proposed changes would establish a permit for raccoon hunting with dogs on Type II WMAs during otherwise closed seasons and at times and places designated in the permit. The raccoon hunting permit would be issued to sanctioned raccoon hunting organizations by the Executive Director or a designee. The proposed rule would stipulate that permits may be issued only in areas where raccoon hunting will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions and when raccoon hunting will not be in conflict with other user groups.

Proposed changes would specify that guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rules 68A-25.042 or 68A-25.032, FAC., whichever is applicable and persons taking alligators

pursuant to those rules on Type II WMAs would not be required to check in and out at a check station or check any alligators taken.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$165 for administrative preparation and \$115 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.004 General Regulations Relating to Type II Wildlife Management Areas.

(1) through (3) No change.

(4) Dogs:

(a) No change.

(b) No person shall possess any dog on a wildlife management area during any hunting season in which the use of dogs is prohibited on such area provided that pet dogs under restraint may be possessed. The Executive Director or designee may issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(c) No change.

(5) through (9) No change.

(10) Notwithstanding any other provision in Chapter 16, F.A.C., herein, the harvest of alligators, their eggs or hatchlings may be conducted on Type II wildlife management areas in accordance with Commission order(s) and Rules

68A-25.031, 68A-25.032 and 68A-25.042, F.A.C. Guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rules 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on Type II wildlife management areas shall not be required to check in and out at a check station or check any alligators taken. A private landowner making his lands available for use in the Type II wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(11) through (12) No change.

(13) This rule shall take effect on July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 8-4-81, 7-29-82, 9-27-83, 7-1-85, Formerly 39-16.04, Amended 8-18-88, 4-4-91, 9-15-94, 8-15-95, 7-1-98, 12-28-98, Formerly 39-16.004, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1998

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations on Type II Wildlife Management Areas

RULE NO.:

68A-16.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adjust hunting season dates on all Type II Wildlife Management Areas (WMAs) to conform with proposed 2000-2001 hunting season dates for the appropriate hunting zones 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: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on Type II WMAs to conform with 2000-2001 hunting season dates for the appropriate hunting zones.

Changes also would establish or revise specific area regulations on WMAs as follows:

Eglin Air Force Base – the authority to create open seasons in special archery areas and Unit 3 by order of the Air Base Commander would be deleted; motorized vehicles would be prohibited in Unit 17 except during hunts; wild hogs would no longer be established as a game mammal; small game season would be shifted from January 17 – February 17 to January 1-19 except in Unit 6 and the area north of Range Road 211, west of State Road 85 and east of State Road 87.

Lower Escambia – an additional general gun season (November 23-26) would be established.

Upper St. Johns River Marsh – public access on Levee 74 North would be allowed only at designated entrances.

Ralph E. Simmons Memorial – the archery season would end 7 days earlier (October 1); the spring turkey season dates would be revised to key on zonal season dates (first 3 days of the Central Zone season and the Friday, Saturday and Sunday of the third and fifth weekends of the Central Zone season); vehicular access provisions would be revised to permit vehicles on all hunt days, plus the weekend and day before all hunts, except spring turkey season when vehicles would be permitted only on hunt days and the day before each hunt; and the hunting zones for spring turkey hunts would be eliminated.

Bayard – the spring turkey season dates would be revised to key on zonal season dates (first 3 days of the Central Zone season and the Friday, Saturday and Sunday of the third and fifth weekends of the Central Zone season); vehicular access provisions would be revised to permit vehicles on all hunt days, plus the weekend and day before all hunts, except spring turkey season when vehicles would be permitted only on hunt days and the day before each hunt; and the hunting zones for spring turkey hunts would be eliminated.

Dunns Creek – vehicular access provisions would be revised to permit vehicles on all hunt days, plus the weekend and day before all hunts, except spring turkey season when vehicles would be permitted only on hunt days and the day before each hunt.

Econfina Creek – taking of wildlife by use of a gun on or from rights-of-way of Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road and Hampshire Boulevard would be prohibited.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$265 for administrative preparation and \$250 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 9:00 a.m., each day, March 29-31, 2000

PLACE: Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.005 Specific Regulations on Type II Wildlife Management Areas.

(1) Eglin Air Force Base – Santa Rosa, Okaloosa and Walton counties

(a) Area regulations:

1. through 10. No change.

11. Motorized vehicles are prohibited in Units ~~3, 4, 5, 8, 9, and 11~~ and 17 and in Units 1, 2, 3, 7 and 16 except during designated hunts.

12. through 13. No change.

(b) Archery hunts

1. Open season

~~a. October 14-16~~ through November 12-14 in all open, stalk and archery-only areas.

~~b. November 25-28 and December 11 through January 16 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 13-15 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 17-19-21.

2. Legal to take – Antlered deer, ~~wild hogs~~, gray squirrels and rabbits. ~~No size or bag limit on wild hog.~~

(d) Mobility-impaired general gun

1. Open season – February 3-5-4-6.

2. Legal to take – All legal game, and antlerless deer ~~and wild hogs~~. ~~No size or bag limit on wild hog.~~

3. No change.

(e) General gun hunts

1. Open season – November 23-25-26-28 December 9-31 ~~January 2~~ and January 20-22 through February 4-6, in all Units except Units 6 and 16; November 23-25-26-28 and December 9-11 through December 31 ~~January 2~~ in Units 6 and 16; and at other times and in areas designated by the Air Base Wing Commander.

2. Legal to take – All legal game, ~~wild hogs~~ and furbearers. Furbearers may be taken after November 30. Antlerless deer may be taken by permit only. ~~No size or bag limit on wild hog.~~

3. No change.

(f) Small game hunt

1. Open season – January 1-19-17 through February 17 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 11-13 through February 15-17 only in Unit 6 and the area north of Range Road 211, west of State Road 85 and east of State Road 87.

2. No change.

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 ~~15~~ ~~17~~ through February ~~15~~ ~~17~~.

(g) Archery and muzzleloading gun

1. Open season – February ~~9~~ ~~11-12~~ ~~14~~ and ~~16~~ ~~18-18~~ ~~20~~ except in Units 6 and 16.

2. Legal to take – Antlered deer, ~~wild hogs~~, gray squirrel, quail, rabbit and furbearers. ~~No size or bag limit on wild hog.~~

3. No change.

(h) No change.

(i) Spring turkey season

1. Open season – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

2. No change.

(j) Special hunt

1. Open Season – February ~~10~~ ~~12-11~~ ~~13~~.

2. No change.

(k) Trapping

1. Open season – December ~~9~~ ~~11~~ through March 1.

2. No change.

(l) through (n) No change.

(2) Lower Escambia – Escambia and Santa Rosa counties

(a) Open season

1. General gun – ~~November 23-26 and December 9~~ ~~11~~ through January ~~3~~ ~~5~~ except Parker and Morgan Islands (~~November 23-26 and December 9-31~~) (~~December 11-31~~).

2. Small game – November ~~11~~ ~~13~~ through December ~~8~~ ~~10~~, and January ~~4~~ ~~6~~ through March ~~4~~ ~~5~~ except Parker and Morgan Islands (November ~~11~~ ~~13-16~~ ~~18~~, November ~~20~~ ~~22~~ through December ~~8~~ ~~10~~ and February 1 through March ~~4~~ ~~5~~).

3. No change.

4. Muzzleloading gun – November ~~17~~ ~~19-19~~ ~~21~~.

5. Archery – October ~~14~~ ~~16~~ through November ~~12~~ ~~14~~.

6. Archery and muzzleloading gun – February ~~15~~ ~~17-25~~ ~~27~~ except on Parker and Morgan Islands January 1-31 and February ~~15~~ ~~17-25~~ ~~27~~).

7. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

8. through 10. No change.

(b) No change.

(c) General regulations

1. through 4. No change.

5. Hunting with dogs other than bird dogs is prohibited during daylight hours November ~~11-22~~ ~~13~~, ~~November 27~~ through December ~~8~~ ~~10~~ and January ~~4~~ ~~6~~ through March ~~4~~ ~~5~~; also, ~~November 23-26 and December 9~~ ~~11~~ through January ~~3~~ ~~5~~ in that portion of the area north of State Road 184 Mineral Springs Road in Santa Rosa County and Bogia Road in Escambia County.

6. through 9. No change.

(3) Upper St. Johns River Marsh – Indian River, Brevard, and Osceola counties

(a) Open season

1. Archery – September ~~23~~ ~~25~~ through October ~~22~~ ~~24~~.

2. Muzzleloading gun – October ~~28~~ ~~30~~ through November ~~5~~ ~~7~~.

3. General gun – November ~~11~~ ~~13~~ through January ~~21~~ ~~23~~.

4. Small game – January ~~22~~ ~~24~~ through March ~~4~~ ~~5~~.

5. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

6. through 9. No change.

(b) Legal to take

All legal game, furbearers, fish and frogs. Antlerless deer may be taken during the archery season and the period November ~~12-13~~ ~~14-15~~. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons. The period of November ~~5~~ ~~7~~ through January ~~1~~ ~~3~~ 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

1. through 18. No change.

19. Public access on Levee 74 North is allowed only at designated entrances.

(4) Tyndall Air Force Base – Bay County

(a) Archery season

1. Hunting – October ~~14~~ ~~16~~ through October ~~22~~ ~~24~~ daily and October ~~23~~ ~~25~~ through November ~~12~~ ~~14~~ on Wednesdays, Saturdays, Sundays and Federal holidays only.

2. No change.

(b) Special Hunt Unit

1. General gun – December ~~16~~ ~~18-17~~ ~~19~~, ~~December 30-31~~ ~~January 1-2~~ and January ~~27~~ ~~29-28~~ ~~30~~.

2. through 3. No change.

(c) General gun season

1. Hunting – November ~~23~~ ~~25-26~~ ~~28~~ and December ~~9~~ ~~11~~ through February ~~14~~ ~~16~~ on Saturdays, Sundays, Wednesdays, federal holidays from November ~~23~~ ~~25~~ through February ~~14~~ ~~16~~, and daily from December ~~16~~ ~~18~~ through ~~December 31~~ ~~January 2~~, except Christmas Day. Hunt days are subject to change by order of the Wing Commander.

2. No change.

(d) Special hunt

1. Hunting – November ~~18~~ ~~20-19~~ ~~21~~, ~~24~~ ~~26-25~~ ~~27~~, and December ~~9~~ ~~11-10~~ ~~12~~.

2. No change.

(e) No change.

(f) Spring turkey season

1. Hunting – March ~~17~~ ~~18-18~~ ~~19~~, ~~24~~ ~~25-25~~ ~~26~~, ~~31~~ through April 1-2, ~~7~~ ~~8-8~~ ~~9~~, ~~14~~ ~~15-15~~ ~~16~~, and ~~21~~ ~~22-22~~ ~~23~~ west of DeJarnette Drive.

2. through 3. No change.

(g) through (h) No change.

(5) No change.

(6) Upper Chipola River – Jackson County

(a) Open season

1. General gun – November ~~23 25-26 28~~ and December ~~9 11~~ through January 1.

2. Archery – October ~~14 16~~ through November ~~12 14~~.

3. Muzzleloading gun – November ~~17 19-19 21~~.

4. Small game – November ~~11 13-22 24~~, November ~~27 29~~ through December ~~8 10~~, and January ~~2 4~~ through March ~~4 5~~.

5. Archery and muzzleloading gun – February ~~17 19-18 20~~ and February ~~24 26-25 27~~.

6. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

7. through 11. No change.

(b) through (c) No change.

(7) Apalachicola River – Gulf and Liberty Counties

(a) Open season

1. General gun – November ~~23 25-26 28~~ and December ~~9 11~~ through February ~~14 16~~.

2. Archery – October ~~14 16~~ through November ~~12 14~~.

3. Muzzleloading gun – November ~~17 19-19 21~~.

4. Small game – November ~~11 13-22 24~~, November ~~27 29~~ through December ~~8 10~~, and February ~~15 17~~ through March ~~4 5~~.

5. Archery and muzzleloading gun – February ~~15 17-25 27~~.

6. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

7. through 11. No change.

(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 ~~23 25-26 28~~ and December ~~9 11-20 22~~.

(c) No change.

(8) Choctawhatchee River – Bay, Walton, Washington and Holmes Counties

(a) Open season

1. General gun – November ~~23 25-26 28~~ and December ~~9 11~~ through February ~~14 16~~ except Holmes Creek Unit and East River Island.

2. Archery – October ~~14 16~~ through November ~~12 14~~.

3. Muzzleloading gun – November ~~17 19-19 21~~.

4. Small game – November ~~11 13-22 24~~, November ~~27 29~~ through December ~~8 10~~, and February ~~15 17~~ through March ~~4 5~~.

5. Archery and muzzleloading gun – February ~~15 17-25 27~~. Holmes Creek Unit and East River Island November ~~23 25-26 28~~ and December ~~9 11~~ through February ~~25 27~~.

6. Spring turkey – March ~~17 18~~ through April ~~22 23~~ 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).

7. through 11. No change.

(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 ~~23 25-26 28~~ and December ~~9 11-20 22~~.

(c) No change.

(9) Little River – Suwannee County

(a) Open season

1. Archery – September ~~23-25 25-27~~; September 30 through October 2-4 and October 7-9-11.

2. Muzzleloading gun – October ~~27-29-31~~.

3. Small game – December ~~2-6 4-8~~ and December ~~23-27 25-29~~.

4. through 7. No change.

(b) through (c) No change.

(10) Middle Aucilla – Madison, Taylor and Jefferson Counties

(a) Open season

1. General gun – November ~~11 13~~ through January ~~7 9~~.

2. Small game – January ~~8 10~~ through March ~~4 5~~.

3. Archery – September ~~23 25~~ through October ~~22 24~~.

4. Muzzleloading gun – October ~~28 30~~ through November ~~5 7~~.

5. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

6. through 9. No change.

(b) through (c) No change.

(11) Troy Springs – Lafayette County

(a) Open season

1. Small game – November ~~11 13~~ through January ~~7 9~~ 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.

2. through 4. No change.

(b) through (c) No change.

(12) Ralph E. Simmons Memorial – Nassau County

(a) Open season

1. General gun – November ~~18-26 20-28~~.

2. Archery – September ~~23 25~~ through October ~~1 10~~.

3. Muzzleloading gun – October ~~28 30~~ through November ~~5 7~~.

4. General gun for mobility impaired – October ~~14-17 16-19~~.

5. Small game – December ~~18 20~~ through December 31 January 2 and February ~~3-11 5-13~~.

6. through 7. No change.

8. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday and Sunday of the third and fifth weekends of the Central Zone season, March 24-26, April 7-9 and April 21-23.

9. No change.

(b) No change.

(c) General regulations

1. through 3. No change.

4. Vehicular access is permitted on all hunt days, plus the weekend and day before all hunts, except spring turkey season when it shall be permitted only on hunt days and the day before each hunt the Saturday, Sunday and the day before each hunt period and during all hunt seasons. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited.

5. through 10. No change.

(13) No change.

(14) Bayard – Clay County

(a) Open season:

1. Archery – September 23 25 through October 8 10 and November 18-26 20 through November 28.

2. Muzzleloading Gun – October 28 30 through November 5 7.

3. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday and Sunday of the third and fifth weekends of the Central Zone season, March 24-26; April 7-9, and April 21-23.

4. through 6. No change.

(b) No change.

(c) General regulations

1. through 8. No change.

9. Vehicular access ~~to the area~~ is permitted on all hunt days, plus the weekend and the day before all hunts, except spring turkey season when it shall be permitted only on hunt days and the day before each hunt Saturday, Sunday and the day before each hunt and during hunt periods.

10. through 14. No change.

(15) Dunns Creek – Putnam County

(a) Open season:

1. Archery – September 23 25 through October 8 10 and November 18-26 20-28.

2. Muzzleloading gun – October 28 30 through November 5 7.

3. Spring turkey – March 17-19 24-27; ~~March April 30~~ through ~~April 1 7-9~~, and April 13-15 21-23.

4. through 6. No change.

(b) No change.

(c) General regulations:

1. through 8. No change.

9. Vehicular access is permitted on all hunt days, plus the weekend and day before all hunts, except spring turkey when it shall be permitted only on hunt days and the day before each hunt to the area is restricted to Saturday, Sunday and the day prior to each hunt and during the hunt periods.

10. through 13. No change.

(16) Upper Choctawhatchee River – Holmes County

(a) Open season:

1. Archery – October 14 16 through November 12 14.

2. Muzzleloading gun – November 17 19-19 21.

3. General gun – November 23 25-26 28 and December 9 11 through February 14 16.

4. Small game – November 11 13-16 18; 20 22-22 24; November 27 29 through December 8 10 and February 26 28 through March 4 5.

5. Archery and muzzleloading gun – February 15 17-25 27.

6. through 9. No change.

(b) through (c) No change.

(17) Yellow River – Santa Rosa County

(a) Open season:

1. Archery – October 14 16 through November 12 14.

2. Muzzleloading gun – November 17 19-19 21.

3. General gun – November 23 25-26 28 and December 9 11 through February 14 16.

4. Small game – November 11 13-16 18; 20 22-22 24, November 27 29 through December 8 10 and February 26 28 through March 4 5.

5. Archery and muzzleloading gun – February 15 17-25 27.

6. Spring turkey – March 17 18 through April 22 23.

7. through 10. No change.

(b) through (c) No change.

(18) Econfina Creek – Bay and Washington counties

(a) Open Seasons except in the mobility-impaired hunt area.

1. Archery – October 14 16 through November 12 14.

2. Muzzleloading gun – November 17 19-19 21.

3. General gun – November 23 25-26 28 and December 9 11 through January 31 February 2.

4. Archery and muzzleloading gun – February 15 17-25 27.

5. Small game – November 11 13 through March 4 5.

6. Spring turkey – March 17 18 through April 22 23.

7. Raccoon – November 11 13 through March 16 17 and April 23 24 through July 31.

8. through 10. No change.

(b) Open Seasons – mobility-impaired hunt area south of S.R. 20 and east of Enfinger Road.

1. General gun – November ~~24 26-26 28~~, January ~~12 14-14 16~~, January ~~19 21-21 23~~, January ~~26 28-28 30~~ and January 31 through February 2-4.

2. Spring turkey – March ~~17 18-18 19~~, ~~23 24-25 26~~, March ~~30 31~~ through April ~~1 2~~, ~~6 7-8 9~~ ~~13 14-15 16~~ and ~~20 21-22 23~~.

3. No change.

(c) through (e) No change.

(e) General regulations:

1. through 5. No change.

6. Taking of wildlife by use of a gun on or from rights-of-way of Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, S.R. 20 or C.R. 388 is prohibited.

(19) This rule shall take effect on July 1, 2000.

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, 8-21-85, 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, Formerly 39-16.005, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: General Regulations Relating to Wildlife and Environmental Areas

RULE NO.: 68A-17.004

PURPOSE AND EFFECT: The purpose of the proposed changes are to restrict take of saw palmetto berries; to delete references to special-opportunity alligator hunts to provide consistency with the proposed elimination of Rule 68A-25.047, FAC. and the establishment of special-opportunity hunt areas as alligator harvest management units under Rule 68A-25.042, FAC.; and to specify methods of take and check station requirements for taking alligators on Wildlife and Environmental Areas (WEAs). The effect of the proposed changes would be to provide consistency with the proposed elimination of Rule 68A-25.047, FAC., protect saw palmetto berries from unrestricted harvest and increase the specificity and clarity of the rules.

SUMMARY: The proposed rule would prohibit possession or removal of saw palmetto berries from any WEA where the Commission is the land owner or lead managing agency without written permission. Proposed changes would delete

references to special-opportunity alligator hunts and specify that guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rules 68A-25.042 or 68A-25.032, FAC., whichever is applicable and persons taking alligators pursuant to those rules on WEAs would not be required to check in and out at a check station or check any alligators taken.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$165 for administrative preparation and \$105 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (3) No change.

(4) Legal to Hunt: Legal game shall be only those game species identified in specific area regulations.

(a) Notwithstanding provisions in Rule 68A-13.004, F.A.C., turkeys of either sex may be taken as provided by specific area regulation ~~and on Apalachicola Wildlife and Environmental Area during the archery season and muzzleloading gun seasons.~~

(b) No change.

(5) through (11) No change.

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in s. 581.185, F.S.) from any wildlife and environmental area unless authorized by the landowner or the Commission. Planting of trees, shrubs or other vegetation is prohibited unless authorized by the landowner or the Commission.

(b) No person shall possess or remove saw palmetto berries from any wildlife and environmental area where the Commission is the landowner or lead managing agency without written permission.

(13) No change.

(14) Alligators: Notwithstanding any other provision in Chapter 17, F.A.C., herein, the harvest of alligators, their eggs or hatchlings may be conducted on wildlife and environmental areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032, and 68A-25.042, and ~~68A-25.047~~, F.A.C. Guns and bait may be possessed and used for taking alligators by ~~special opportunity~~ alligator hunt participants as specified in Rules 68A-25.042~~7~~ or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on wildlife and environmental areas shall not be required to check in and out at a check station or check any alligators taken.

(15) through (17) No change.

(18) This rule shall take effect on July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History--New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Specific Regulations for Wildlife and Environmental Areas 68A-17.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adjust hunting season dates on all Wildlife and Environmental Areas (WEAs) to conform with proposed 2000-2001 hunting season dates for the appropriate hunting zones, to delete rule provisions that are redundant with general regulations for WEAs established under rule 17.004, FAC. 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 all applicable hunting season dates and other references to such dates on WEAs to conform with 2000-2001 hunting season dates for the appropriate hunting zones and delete specific rule provisions that are redundant with general regulations for WEAs established under rule 17.004, FAC.

Changes also would establish or revise specific area regulations on WMAs as follows:

John G. and Susan H. Dupuis Jr. WEA – the bag limit for deer would be one per quota permit;

Apalachicola River WEA – the use of possession of dogs would be prohibited during spring turkey season; L. Kirk Edwards WEA – an open season for gray squirrel and migratory game birds would be established consistent with the appropriate statewide seasons.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$215 for administrative preparation and \$235 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

- (1) No change.
- (2) Little Gator Creek – Pasco County
 - ~~(a) Hunting or the possession of guns is prohibited.~~
 - ~~(a)(b)~~ The designated wood stork rookery area is closed to public access.
 - ~~(c) Fires are prohibited.~~
 - (d) through (g) renumbered (b) through (e) No change.
- (3) Santa Fe Swamp – Bradford County
 - (a) Open season (hunting prohibited at other times):
 1. Archery – September ~~23 25~~ through October ~~22 24~~.
 2. Muzzleloading gun – October ~~27-29-31~~.
 3. Archery and muzzleloading gun – November ~~11 13~~ through January ~~7 9~~.
 4. Spring turkey – March ~~17 18~~ through April ~~22 23~~.
 5. No change.
 - (b) No change.

(c) General regulations:

1. through 4. No change.

~~5. The possession or use of guns is prohibited except during periods when hunting is allowed.~~

~~6. Fires are prohibited.~~

~~7. Driving nails or spikes into or cutting or removing trees or plants is prohibited.~~

~~8. Camping is prohibited.~~

~~5.9.~~ No change.

(4) Southern Glades – Dade County

(a) Open seasons:

1. Archery – September ~~2~~ ~~11~~ through October ~~8~~ ~~10~~.

2. Muzzleloading gun – October ~~13-15~~ ~~15-17~~.

3. General gun – October ~~28~~ ~~30~~ through December ~~3~~ ~~5~~.

4. through 5. No change.

6. Frogging – December ~~1~~ ~~6~~ through March ~~1~~ ~~4~~.

(b) No change.

(c) General regulations:

~~1. Driving a metal object into any tree or hunting from a tree in which a metal object has been driven is prohibited.~~

~~2. Fires are prohibited.~~

~~3. No persons shall bring building materials, onto the area or erect permanent structures.~~

4. through 5. renumbered 1. through 2. No change.

~~6. The possession of firearms is prohibited during periods when the area is not open to hunting with firearms.~~

7. through 9. renumbered 3. through 5. No change.

~~10. Camping is prohibited.~~

(5) Chinsegut – Hernando County

~~(a) Hunting or possession of guns is prohibited.~~

~~(a)(b)~~ No change.

~~(c) The disturbance or removal of any manmade or natural materials is prohibited.~~

(d) through (e) renumbered (b) through (c) No change.

(6) John G. and Susan H. Dupuis Jr. – Palm Beach County

(a) Open season:

1. Archery – September ~~9-11~~ ~~11-13~~, ~~16-18~~ ~~18-20~~ and ~~22-24~~ ~~24-26~~.

2. Muzzleloading gun – October ~~7-9~~ ~~9-11~~, ~~14-16~~ ~~16-18~~ and ~~20-22~~ ~~22-24~~.

3. General gun – October ~~28-30~~ ~~30~~ through November ~~1~~ and November ~~4-6~~ ~~6-8~~.

4. General gun for mobility-impaired – November ~~11-12~~ ~~13-14~~.

5. General gun hog – November ~~14-16~~ ~~16-18~~, ~~21-23~~ ~~23-25~~, November ~~28-30~~ ~~30~~ through December ~~2~~ and ~~December~~ ~~5-7~~ ~~7-9~~. Wild hogs only. No bag or size limit.

6. Spring turkey – March ~~6-8~~ ~~7-9~~, ~~17-19~~ ~~18-20~~ and ~~24-26~~ ~~25-27~~.

7. Small game – December ~~2~~ ~~11~~ through January ~~28~~ ~~30~~.

8. through 10. No change.

(b) Legal to take:

1. Antlered deer with at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline. The forked antler shall have at least two points one inch or greater in length. Antlerless deer (except spotted fawns) may be taken during the archery season and by permit only during the muzzleloading gun, general gun and general gun mobility-impaired seasons. The bag limit for antlered deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

2. through 3. No change.

(c) No change.

(d) General regulations:

~~1. A wildlife management area stamp is required to hunt on this area.~~

~~2. Driving a metal object into any tree or hunting from a tree in which a metal object has been driven is prohibited.~~

3. through 4. renumbered 1. through 2. No change.

~~5. The release of wildlife on the area is prohibited.~~

6. through 7. renumbered 3. through 4. No change.

~~8. Public access is prohibited in areas posted as closed for the protection of endangered or threatened species.~~

~~5.9.~~ No change.

~~10. The possession of a gun is prohibited during any period in which hunting is not allowed.~~

~~6.11.~~ No change.

~~12. The possession of any firearm containing shells or cartridges, or any capped or primed muzzleloading gun is prohibited at the check station or designated campsite.~~

13. through 15. renumbered 7. through 9. No change.

~~10.16.~~ During the archery, muzzleloading gun, general gun, general gun for mobility impaired, spring turkey and general gun hog seasons hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate ~~1~~ ~~6~~.

~~11.17.~~ During the small game season and periods when the area is closed to hunting, vehicle access is through Gate ~~1~~ ~~6~~ and hiking access is through Gate 2 by foot only.

18. through 25. renumbered 12. through 19. No change.

(7) Apalachicola River – Gulf, Franklin and Liberty Counties

(a) Hunting shall be allowed only during the open seasons established for migratory birds in Rules 68A-13.003 and 68A-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel and wild hogs in Rule 68A-13.004, F.A.C., except for the following:

~~1.(4)~~ antlerless deer may only be taken during the archery season;

2. turkeys of either sex may only be taken during the archery and muzzleloading gun seasons;

~~3.~~(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

~~4.~~(3) during the first phase of dove seasons established by Rule 68A-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 68A-24.002, F.A.C., except the use or possession of dogs is prohibited during the spring turkey season.

(c) General regulations:

1. through 8. No change.

9. Fires, other than campfires, are prohibited.

(8) No change.

(9) Brannan Field Mitigation Park – Duval and Clay Counties

This Mitigation Park is established for the purpose of mitigating the impacts of land development on listed wildlife populations.

(a) No change.

~~(b) Fires are prohibited.~~

~~(c) Disturbance or removal of any trees or plants is prohibited.~~

(d) through (e) renumbered (b) through (c) No change.

(10) No change.

(11) Lake Placid – Highlands County

~~(a) Hunting or possession of firearms or guns is prohibited.~~

~~(b) Fires are prohibited.~~

~~(c) Disturbance or removal of any trees or plants is prohibited.~~

~~(a)~~(d) The use of motorized vehicles is prohibited.

~~(e) Camping is prohibited.~~

~~(b)~~(f) Horseback riding is allowed by permit only.

(12) CREW – Collier and Lee Counties

(a) Open season:

1. Archery hog hunt – September ~~9-17~~ 9-17 ~~11-19~~, Corkscrew Marsh Unit only.

2. Muzzleloading gun hog hunt – October ~~14-22~~ 14-22 ~~16-24~~, Corkscrew Marsh Unit only.

3. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

~~1. Constructing or erecting a permanent or semi-permanent structure is prohibited.~~

2. through 4. renumbered 1. through 3. No change.

~~5. Unauthorized planting of trees, shrubs, or other vegetation is prohibited.~~

~~6. No person shall place, expose, or distribute any grain or other food for wildlife except as authorized by permit from the Executive Director. No person shall take wildlife on any land or water upon which grain or other food has been deposited.~~

~~7. No person shall release wildlife of any species on the area unless authorized by permit from the Executive Director.~~

~~8. Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species or environmentally sensitive areas.~~

~~9. The possession or discharge of guns is prohibited except during hunting seasons.~~

~~4.10.~~ No change.

~~11. No motor vehicle shall be operated on any part of the area designated as closed to vehicular traffic or temporarily closed by administrative action and posting notice of such because of inclement weather, poor road conditions, construction or management activities or wildlife surveys.~~

~~12. No person shall park any vehicle in a manner which obstructs a road, gate, or firelane.~~

~~5.13.~~ The use of tracked vehicles, motorcycles, all-terrain vehicles or vessels, except canoes or kayaks, is prohibited.

~~6.14.~~ Vehicles may be operated only on named or numbered roads designated for vehicles.

~~7.15.~~ The use or possession of horses is restricted to designated equestrian trails.

~~8.16.~~ Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.

~~9.17.~~ Persons may not enter the Corkscrew Marsh Unit before sunrise and must exit the area before sunset.

(13) Hickey Creek Mitigation Park – Lee County
This Mitigation Park is established for the purpose of mitigating the impacts of land development on listed wildlife populations.

(a) Hunting or possession of guns is prohibited.

(b) Unauthorized removal, cutting or possession of live or dead trees or plants is prohibited.

(c) Camping or campfires are prohibited.

(d) The possession of dogs, horses, or other pets or livestock is prohibited.

(e) Access is restricted to foot traffic only.

(f) The release of any wildlife on the area is prohibited.

(14) Platt Branch Mitigation Park – Highlands County

This Mitigation Park is established for the purpose of mitigating the impacts of land development on listed wildlife populations.

(a) Hunting or possession of guns is prohibited.

(b) Unauthorized removal, cutting or possession of live or dead trees or plants is prohibited.

(c) Camping or campfires are prohibited.

(d) The possession of dogs, horses, or other pets or livestock is prohibited.

- (e) Access is restricted to foot traffic only.
- (f) The release of any wildlife on the area is prohibited.
- (15) Lake Wales Ridge – Highlands County
- ~~(a) Hunting or possession of firearms or guns is prohibited.~~
- ~~(b) Fires are prohibited.~~
- ~~(c) Disturbance or removal of any trees or plants is prohibited.~~
- ~~(a)(d)~~ The use of motorized vehicles is prohibited.
- ~~(e) Camping is prohibited.~~
- ~~(b)(f)~~ Horseback riding is allowed by permit only.
- (16) Florida Keys – Monroe County
- (a) Hunting or possession of firearms or guns is prohibited.
- (b) Fishing – Permitted throughout the year.
- (c) Camping is prohibited.
- (d) General regulations:
 1. Fires are prohibited.
 2. Constructing or erecting a permanent or semi-permanent structure is prohibited.
 3. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.
 4. Unauthorized disturbance, detachment, possession or removal of any plant or animal, dead or alive, is prohibited.
 5. Unauthorized planting of trees, shrubs, or other vegetation is prohibited.
 6. No person shall place, expose, or distribute any grain or other food for wildlife except as authorized by permit from the Executive Director.
 7. No person shall release wildlife or any species on the area.
 8. The disturbance or removal of any man-made, cultural or natural materials or features, or non-renewable resources is prohibited.
 9. Vehicles may be operated only on named or numbered roads.
 10. No person shall park any vehicle in a manner which obstructs a road, gate, or firelane.
 11. Public access is prohibited in areas posted as "Restricted" for protection of threatened or endangered species or environmentally sensitive areas.
 12. The use of tracked vehicles, motorcycles, all-terrain vehicles is prohibited.
 13. Vessels may be launched at designated ramps only.
- (17) Fort White Mitigation Park – Gilchrist County – This Mitigation Park is established for the purpose of mitigating the impacts of land development on listed wildlife populations.
 - (a) The possession of dogs, horses, or other pets or livestock is prohibited.

- (b) Access is restricted to foot traffic only.
- (18) Bullfrog Creek Mitigation Park – Hillsborough County
- This Mitigation Park is established for the purpose of mitigating the impacts of land development on listed wildlife populations.
 - (a) The possession of dogs, horses, or other pets or livestock is prohibited.
 - (b) Access is restricted to foot traffic only.
- (19) L. Kirk Edwards – Leon County
 - (a) Open season: Gray squirrel – during the open season for gray squirrel established in Rule 68A-13.004, F.A.C.
 - (b) Migratory game birds may be taken during seasons established in Rules 68A-13.003 and 68A-13.008, F.A.C.
- (20) This rule shall take effect on July 1, 2000.

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, Formerly 39-17.005, Amended 7-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
 RULE NO.: 68A-20.005
 PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to make changes in numbers of fish management areas (FMA), regulations governing bag and length limits on freshwater fish taken in fish management areas and other technical changes to standardize wording and streamline provisions to allow the agency to more efficiently manage public use and provide quality and high-quality fisheries on FMAs. Proposed changes eliminate references to special-opportunity alligator hunts to provide consistency with the proposed elimination of Rule 68A-25.047, Florida Administrative Code (FAC.) and the establishment of special-opportunity hunt areas as alligator harvest management units under Rule 68A-25.042, FAC.
 SUMMARY: The proposed rule would established the following regulations

(a) Northwest Region FMAs: Hurricane Lake, Okaloosa County – increases the minimum black bass length at harvest from 12 inches total length to 18 inches total length. Karick Lake, Okaloosa County – makes black bass harvest catch and release only.

(b) Northeast Region FMAs: Lochloosa, Orange and Newnans lakes – makes technical changes for to ensure no daily bag limit for channel catfish applies to all three lakes; Suwannee Lake, Suwannee County – changes the black bass minimum length limit from 14 inches to 18 inches and implements a black crappie minimum length limit of 10 inches; Watertown Lake, Columbia County – establishes a 16-inch black bass minimum length limit, a 10-inch minimum length limit and 10 fish daily bag limit for black crappie and reduces the panfish daily bag limit from 50 to 20; Montgomery Lake, Columbia County – proposes a 10-inch minimum length limit on crappie, a black crappie daily bag limit of 10 and a daily panfish bag limit of 20; Lowbush Bay, Hamilton County – repeals provisions that establish the area as an FMA; Lang Lake, Hamilton County – changes the minimum black bass length at harvest from 16 inches to 18 inches and establishes a black crappie minimum length limit of 10 inches.

(c) Central Region FMAs: Establishes Pellicer Pond FMA in Flagler County. Proposed regulations are as provided in the general regulations for FMAs in Rule 68A-20.004, FAC. The proposed rule deletes Lake Beauty in Orange County, Lake Cherokee in Orange County and Lake Estelle in Orange County. The proposed rule repeals the black bass catch and release regulation and the 20 panfish daily bag limit on Clear Lake in Orange County. The proposed rule repeals the 20 fish daily panfish bag limit, the 10 fish daily bag limit for black crappie and the 10-inch minimum length limit for black crappie on Lake Lawne in Orange County. The proposed rule prohibits use of gasoline motors on boats except for special events sanctioned by the City of Orlando or the Commission on Turkey Lake in Orange County. The proposed rule establishes Bear Creek Park in Orange County. Proposed regulations are as follows: swimming, possession of firearms, possession of alcoholic beverages, or use or possession of cast nets are prohibited; the proposed daily aggregate panfish bag limit is 20. The proposed rule establishes Cane-Marsha Park in Orange County. Proposed regulations are as follows: swimming, possession of firearms, possession of alcoholic beverages, or use or possession of cast nets are prohibited; the bluegill daily bag limit is five fish and the minimum length at harvest is established at twelve inches; a catch and release regulation is proposed for black bass; the channel catfish daily bag limit is established at one fish and the minimum length at harvest is established at 30 inches. The proposed rule establishes Kirkman Pond in Orange County. Proposed regulations are as follows: swimming, possession of firearms, possession of alcoholic beverages, or use or possession of cast nets are prohibited; the bluegill daily bag limit is five fish and the bluegill minimum length at harvest is established at twelve

inches; a catch and release regulation is proposed for black bass. The proposed rule establishes Starke Lake in Orange County. Proposed regulations are as follows: use or possession of cast nets is prohibited; no daily bag limit for channel catfish.

(d) South Region FMAs: the black bass harvest length limit on Lake Istokpoga is changed from a 14-inch minimum length limit to a 15- to 24-inch slot-length limit (i.e., no black bass may be taken that is 15 inches or greater in total length and less than 24 inches in total length) and the black bass daily bag limit is reduced from five fish to three only one of which may be 24 inches in total length or longer. The proposed rule eliminates references to special-opportunity alligator hunts on Tenoroc and proposes technical changes, which standardize bag limit wording, streamline provisions that prohibit use of internal combustion engines on certain Tenoroc lakes and makes Tenoroc headquarters the checkpoint for entry and exit.

(e) Everglades Region FMAs: Lake Okeehchee in Palm Beach County – establishes an eight-inch minimum length at harvest on bluegill and redear sunfish. Northern most Tropical Park Lake in Dade County – changes the black bass minimum length at harvest from 16 inches to catch and release, establishes a panfish daily aggregate bag limit of 20 and proposes an eight-inch minimum length limit for harvest of bluegill or redear sunfish. Plantation Heritage Park Lake in Broward County – changes the black bass minimum length harvest limit from 16 inches to catch and release and establishes an eight-inch minimum length at harvest for bluegill or redear sunfish. Caloosa Park Lake in Palm Beach County – changes the black bass minimum length at harvest from 16 inches to catch and release and establishes an eight-inch minimum length at harvest for bluegill or redear sunfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Florida has an estimated 1.137 million freshwater anglers that may be likely to comply with proposed rule amendments. However numbers are considerably less for each specific fish management area. Agency costs for rule promulgation and administrative preparation are estimated at \$1,940. Other agency costs are estimated to total \$2,700 for items such as signs and pamphlets informing the public of the rule changes. A fishing license may be required for certain anglers fishing on newly established fish management areas. In addition, black bass tournament operators who ask for exemptions to proposed length limits for tournaments to be held on lakes with new length limit regulations will be required to apply for exemption permits. Proposed rule amendments are designed primarily to provide quality and high quality fisheries for the angling public to maintain or increase angler usage in fish management areas. As a result, proposed rule amendments should have a positive benefit on state and local revenues, small business and small counties and cities.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region:

(a) through (c) No change.

(d) Hurricane Lake, Okaloosa County:

1. No person shall kill or possess any black bass less than 18 inches in total length.

1. through 2. renumbered 2. through 3. No change.

(e) Karick Lake, Okaloosa County:

1. No person shall kill or possess any black bass.

1. through 2. renumbered 2. through 3. No change.

(f) through (i) No change.

(2) Northeast Region:

(a) No change.

(b) Lakes Lochloosa, Orange and Newnans, Alachua County:

1. No change.

2. No daily bag limit for channel catfish.

~~3.2.~~ Orange Lake, including waters lakeward (south and east) of County Road 346 and in waters west of U.S. Highway 301:

~~a.~~ No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length and no person shall take in any one day more than three black bass.

~~b. No daily bag limit for channel catfish.~~

~~4.3.~~ Lochloosa Lake, including Tadpole Creek, Lochloosa Creek, and Cross Creek:

~~a.~~ No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length and no person shall take in any one day more than 3 black bass.

~~b. No daily bag limit for channel catfish.~~

(c) Suwannee Lake, Suwannee County:

1. through 6. No change.

7. No person shall kill or possess any black bass less than 18 inches in total length.

8. No person shall kill or possess any black crappie less than 10 inches in total length.

(d) No change.

(e) Watertown Lake, Columbia County:

1. through 2. No change.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

5. No person shall take in any one day more than 20 panfish, in the aggregate.

(f) St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:

1. No change.

2. No person shall kill or possess any black bass less than 16 inches in total length. The possession of black bass less than 16 inches in total length is prohibited.

3. through 5. No change.

(g) through (k) No change.

(l) Montgomery Lake, Columbia County:

1. through 2. No change.

3. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

(m) No change.

~~(n) Lowbush Bay, Hamilton County: closed to fishing from one-half hour after sunset until one-half hour before sunrise.~~

~~1. Access to the area from one-half hour after sunset to one-half hour before sunrise is prohibited. Vehicles may be operated only on designated and posted access area roads.~~

~~2. Boats are restricted to idle speed no wake.~~

~~3. No person shall kill or possess any black bass.~~

~~4. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~5. No person shall kill or possess any black crappie that is less than 12 inches in total length.~~

~~6. No person shall kill or possess any bluegill or redear sunfish less than 8 inches in total length.~~

~~7. The northern posted portion of Lowbush Bay shall be established as a Special Opportunity Fishing Lake. Fishing is authorized only by special use permit issued pursuant to Rule 68A-9.007, F.A.C.~~

(o) through (p) renumbered (n) through (o) No change.

~~(p)(q)~~ Lang Lake, Hamilton County:

1. through 4. No change.

5. No person shall kill or possess any black crappie less than 10 inches in total length.

(3) Central Region:

(a) through (c) No change.

~~(d) Pellicer Pond, Flagler County~~

~~(d) through (m) renumbered (e) through (n) No change.~~

~~(o) All waters in Bear Creek Park, Orange County:~~

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

2. Use or possession of cast nets is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

~~(p) All waters in Cane-Marsha Park, Orange County:~~

1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.

2. Use or possession of cast nets is prohibited.

3. No person shall take in any one day more than five bluegill. No person shall kill or possess any bluegill less than 12 inches in total length.

4. No person shall kill or possess any black bass.

5. No person shall take in any one day more than one channel catfish. No person shall kill or possess any channel catfish less than 30 inches in total length.

~~(n) Lake Beauty, Orange County:~~

~~1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.~~

~~2. Boats propelled by gasoline motors are prohibited.~~

~~3. Cast nets are prohibited.~~

~~4. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~5. No person shall kill or possess any black bass.~~

~~(o) Lake Cherokee, Orange County:~~

~~1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.~~

~~2. Boats propelled by gasoline motors are prohibited.~~

~~3. Cast nets are prohibited.~~

~~4. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~5. No person shall kill or possess any black bass.~~

~~(q)(p) Clear Lake, Orange County:~~

~~1. through 2. No change.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. No person shall kill or possess any black bass.~~

~~(q) Lake Estelle, Orange County:~~

~~1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.~~

~~2. Cast nets are prohibited.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than 8 inches in total length.~~

~~4. No person shall take in any one day more than 10 black crappie. No person shall kill or possess any black crappie less than 10 inches in total length.~~

~~5. No person shall kill or possess any black bass.~~

~~(r) Kirkman Pond, Orange County:~~

~~1. Swimming, possession of firearms or possession of alcoholic beverages is prohibited.~~

~~2. Use or possession of cast nets is prohibited.~~

~~3. No person shall take in any one day more than five bluegill. No person shall kill or possess any bluegill less than 12 inches in total length.~~

~~4. No person shall kill or possess any black bass.~~

~~(s)(r) Lake Lawne, Orange County:~~

~~1. through 2. No change.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. Daily bag limit: black crappie 10. No person shall kill or possess any black crappie less than 10 inches in total length.~~

~~(t) Starke Lake, Orange County:~~

~~1. No daily bag limit for channel catfish.~~

~~2. Use or possession of cast nets or minnow seines is prohibited.~~

~~(u)(s) Turkey Lake, Orange County:~~

~~1. through 4. No change.~~

~~5. Use of boats propelled by gasoline motors is prohibited, except for special events sanctioned by the city of Orlando or the Commission.~~

~~(t) through (x) renumbered (v) through (z) No change.~~

~~(4) South Region:~~

~~(a) through (i) No change.~~

~~(j) Tenoroc Fish Management Area:~~

~~1. General regulations:~~

~~a. All visitors shall check in and out at the Tenoroc Fish Management Area headquarters, the designated entry point.~~

~~b.a. Fishing, hunting, or trapping is allowed only by permit issued by the commission. All anglers and hunters, except special opportunity alligator hunt participants when taking alligators, shall check in and out at the Tenoroc Fish Management Area headquarters and deposit their valid fishing or hunting license with the custodian unless otherwise instructed.~~

~~c.b. Days and hours of operation and quotas shall be as designated by the Commission and posted at the area headquarters. Quotas for each lake shall be specified predicated upon an objective of achieving a catch rate (measured as number of bass caught per hour of fishing) of 0.30 largemouth bass per hour for each lake. If angler success for largemouth bass in any lake remains below 0.30 largemouth bass per hour for three consecutive months, quotas~~

may be adjusted until success reaches or exceeds 0.30 largemouth bass per hour. Fishing is permitted in designated lakes only. All other lakes and restricted areas so posted are closed to public fishing. Any lake may be temporarily closed to public access for management purposes or in the event that access to the lake exposes the public to danger by posting notice in the headquarters, Tenoroc check station office. Quotas for open lakes may be temporarily increased by up to 50 percent of the specified quota in the event other lakes are closed due to fish management efforts, special recreational events, construction projects, road repairs or unsafe access conditions. Normal lake quotas will be reinstated upon completion of management efforts, special events, construction projects, road repairs, or improvement of unsafe access conditions.

~~d.e. No person shall take in any one day more than six Daily bag limit for sunshine bass on any Tenoroc lake shall be six unless otherwise specified for a Tenoroc lake by this rule section.~~

~~e.d. No person shall take in any one day more than 10 Daily bag limit for black crappie on any Tenoroc lake shall be 10 unless otherwise specified for a Tenoroc lake by this rule section.~~ No person shall kill or possess any crappie that is less than 10 inches in total length.

f.e. Fish may not be filleted, nor their head or tail fin removed, until the angler has checked out at the headquarters completed fishing for the day.

~~g.f. No person shall kill or possess any black bass on any Tenoroc lake unless otherwise specified for a Tenoroc lake by this rule section.~~

g. through j. renumbered h. through k. No change.

~~l.k. Motor vehicles may be operated only on named roads, designated parking areas, and boat fishing ramps as designated in the area use brochure.~~

l. through n. renumbered m. through o. No change.

~~o. Special opportunity alligator hunting is restricted to Lake B and Lake 5.~~

p. No person shall operate any boat propelled by an internal combustion engine unless otherwise specified for a Tenoroc lake by this rule section.

2. Specific regulations:

a. Lakes A, C, D, Shop, 2, 3 and 4

~~I. No person shall operate any boat propelled by an internal combustion engine.~~

~~H. No person shall kill or possess any black bass.~~

~~a.b. Lakes B and 5~~

I. through III. No change.

~~b.e. Picnic Lake~~

~~I. No person shall operate any boat propelled by an internal combustion engine.~~

II. through III. renumbered I. through II. No change.

~~c.d. Lakes East Pasture, West Pasture and Derby~~

I. No change.

II. Closed to fishing unless authorized by permit issued by the commission for commission-sanctioned events or as specified in 68A-20.005(4)(j)(~~n~~)~~2.c.e.~~ III and IV below.

III. through IV. No change.

~~V. No person shall kill or possess any black bass.~~

VI. through VII. renumbered V. through VI. No change.

~~d.e. Cemetery Lake~~

I. No change.

~~H. No person shall possess or kill any black bass.~~

III. through IV. renumbered II. through III. No change.

~~e.f. Hydrilla Lake shall be established as a Special-Opportunity Fishing Lake. Fishing is authorized only by special-use permit issued pursuant to Rule 68A-9.007, F.A.C.~~

~~I. No person shall operate any boat propelled by an internal combustion engine.~~

~~II. No person shall kill or possess any black bass.~~

III through V. renumbered I through III. No change.

(k) through (p) No change.

(q) Lake Istokpoga, Highlands County:

1. Lake Istokpoga Fish Management Area including Arbuckle Creek south of HWY 98, Istokpoga Creek and Istokpoga Canal west of County Road 621, C41-A Canal west of S-68 water control structure and Josephine Creek east of Seaboard Coast Line Railroad: no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

1. through 2. renumbered 2. through 3. No change.

(r) through (s) No change.

(5) Everglades Region

(a) through (b) No change.

(c) Lake Okechee, Palm Beach County:

1. through 2. No change.

3. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(d) The north most Tropical Park Lake, Dade County:

1. No person shall kill or possess any black bass ~~less than 16 inches in total length.~~

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length. Daily bag limit: channel catfish — six.

(e) Plantation Heritage Park Lake, Broward County:

1. No person shall kill or possess any black bass ~~less than 16 inches in total length.~~

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(f) Caloosa Park Lake, Palm Beach County:

1. No person shall kill or possess any black bass ~~less than 16 inches in total length.~~

2. No person shall take in any one day more than 20 panfish, in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.

(6) Proposed changes to Paragraphs 68A-20.005(3)(o), (p), (r) and (t) will become effective 20 days after filing rule for adoption; all other proposed changes will become effective July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 12-12-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-1-92, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 3-24-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended.

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: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

General Methods of Taking Freshwater Fish 68A-23.002

PURPOSE AND EFFECT: The proposed rule amendment eliminates certain harvest restrictions for taking freshwater catfish to reduce the regulatory burden on freshwater anglers and increase potential for expanded recreational fishing.

SUMMARY: The proposed rule would delete the provision that excludes catfish from the species of nongame fish that may be taken at night with gigs and bow and arrow and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow, or bow and arrow from a boat or from shore, except at spillways of the Eureka, Rodman, or Jim Woodruff Dams or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Costs for administrative preparation and advertising are estimated at \$140.29. Some small increase in state and local revenues and income to small businesses may accrue do to increased participation in recreational fishing (e.g., expenditures such as boat gas, purchase of gigs). However, it is not expected to be significant. Any new fishermen entering the fishery as a result of the proposed

change would be required to purchase a freshwater fishing license (unless otherwise exempted by law). Cost of this license ranges between \$12 and \$100 depending on residency requirements (i.e., resident or nonresident) and type of fishing (i.e., recreational or commercial).

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillan National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.002 General Methods of Taking Freshwater Fish.

(1) through (2) No change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in Rule 68A-23.003(2), F.A.C. Nongame fish, ~~except catfish,~~ may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the South Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. Nongame fish may be taken with cast nets in the Central Region, with the exception of those St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon

Farm (both parcels north and south of the Yale-Griffin canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch.

(4) through (11) No change.

(11) This rule shall take effect on July 1, 2000.

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, 6-4-81, 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, 4-15-99, Formerly 39-23.002, Amended 7-1-00.

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: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Bag Limits, Length Limits, Open Season: 68A-23.005

PURPOSE AND EFFECT: The proposed rule amendments increase protection for certain size classes of largemouth bass to produce higher quality largemouth bass fishing opportunities for freshwater anglers in lakes Talquin and Weohyakapka (Walk-in-Water).

SUMMARY: The proposed rule would change the minimum length at which anglers can take black bass on Lake Talquin from 14 inches total length to 18 inches total length and change the length at harvest for black bass on Lake Weohyakapka (Walk-in-Water) to a 15- to 24-inch slot-length limit (i.e., no harvest of black bass 15 inches or greater and less than 24 inches in total length) and reduce the daily bag limit on Lake Weohyakapka (Walk-in-Water) from five black bass to three.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated the proposed action will cost the agency \$205.59 for administrative preparation and advertising. Additional costs to inform the public through distribution of signs and pamphlets is estimated at \$1,000. Initially, proposed rule amendments should have a minimal impact on small businesses in areas surrounding lakes Talquin and Walk-in-Water. The regulation change should have positive effects on small businesses in Leon and Polk counties. The benefits of a high-quality black bass fishery and associated angler use should create increased recreational opportunities and local revenues.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (6) No change.

(7) In that portion of the state north and west of the Suwannee River (including in the Suwannee River and in any tributary river, creek or stream of the Suwannee River), bag or length limits are as follows:

(a) through (c) No change.

(d) Lake Talquin (including that portion of the Ochlockonee River lying between Lake Talquin and the railroad trestle that is located immediately below U.S. Highway 90, that portion of the Little River lying between Lake Talquin and County Road 268, that portion of the Rocky Comfort Creek lying between Lake Talquin and County Road 65-B, and that portion of Bear Creek lying between Lake Talquin and Bear Creek Road, those portions of Ocklawaha and Hammock creeks lying between Lake Talquin and State Road 267, those portions of Blount's, Freeman [Stoutamire], and Harvey and Polk creeks lying between Lake Talquin and State Road 20):

1. Black bass – No person shall kill or possess any black bass less than 18 ~~14~~ inches in total length.

2. No change.

(e) No change.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in section (9) below, bag or length limits or areas closed to fishing are as follows:

(a) through (g) No change.

(h) Lake Weohyakapka (Walk-in-Water), Polk County, including all contiguous residential waterways, Weohyakapka (Walk-in-Water) Creek north to the point located 100 yards south of State Road 60, and Tiger Creek west to the point 100

yards west of Walk-in-the-Water Rd.: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

(i)(~~h~~) No change.

(9) No change.

(10) This rule shall take effect on July 1, 2000.

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, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00.

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: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Use of Fish for Bait

RULE NO.: 68A-23.007

PURPOSE AND EFFECT: The rule amendment prohibits use of peacock bass as bait to protect and conserve the peacock bass fishery resource.

SUMMARY: The proposed rule would prohibit the use of peacock bass as bait.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated the proposed action will cost the agency \$104.55 for administrative preparation and advertising. The proposed change will help sustain peacock bass angler expenditures totaling over \$320,000 annually and a fishery valued at \$6.6 million. 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIMES, DATES AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.007 Use of Fish for Bait.

(1) No person shall use any species of black bass, peacock bass or any part thereof as bait. Whole pickerel or bream or portions thereof may be used for bait purposes by persons catching the fish but in no case shall they be used as bait for trotlines, bush hooks or in any manner other than on pole and line or rod and reel. Fish commonly called panfish produced by persons possessing a valid certificate of registration from the Department of Agriculture and Consumer Services may be sold and used for bait provided fish are four inches or less in total length.

(2) through (3) No change.

(4) This rule shall take effect on July 1, 2000.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-23.07, Amended 7-1-98, Formerly 39-23.007, Amended 7-1-00.

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: August 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: General Provisions for Taking, Possession

RULE NO.: 68A-25.002

and Sale of Reptiles

PURPOSE AND EFFECT: The purposes of the proposed changes are to codify procedures for transporting alligators by persons permitted pursuant to s. 372.921, F.S., specify restrictions on possession of crocodilians and their parts and eliminate a reference to the special-opportunity alligator hunt rule. The effects will be to remove an administrative impediment to the lawful transportation of alligators by permitted exhibitors, clarify possession requirements of crocodilians and their parts and to provide for consistency with proposed changes to Rules 68A-25.003, 68A-25.032 and 68A-25.042, FAC. and the proposed elimination of Rule 68A-25.047, FAC.

SUMMARY: The proposed rule would codify procedures for transporting alligators by persons permitted pursuant to s. 372.921, F.S., specify restrictions on possession of crocodylians and their parts and remove a reference to the special-opportunity alligator hunt rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$355 for administrative preparation and \$152 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) No person shall buy, sell, take, possess, ~~or transport, or import~~ any American alligator, or any part thereof, or the nests or eggs of any American alligator or crocodile except under permit from the executive director, ~~or~~ as otherwise provided by this Title, or as follows: these Rules

(a) Lawfully acquired, unskinned alligator carcasses with CITES tags legally affixed; skinned alligator carcasses with the CITES tag number and, if applicable, harvest tag number recorded on an attached tag; untanned hides with CITES tags legally affixed; and alligator feet, viscera, and skeletal parts may be bought, sold, possessed, transported, and imported without a permit provided that untanned alligator hides may only be bought by persons licensed pursuant to s. 372.66, F.S., and that records of transfers of alligator feet, viscera, and skeletal parts shall be maintained as specified in Rule 68A-25.052, F.A.C.

(b) Persons permitted pursuant to s. 372.921, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to s. 372.921, F.S., may sell, and they and their employees may transport, such alligators to:

- 1. other persons permitted pursuant to s. 372.921, F.S.;
- 2. to persons permitted to receive such alligators; or
- 3. to persons out of state, provided that all transports/transfers conducted pursuant to 68A-25.002(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).

4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if appropriate, and forward the document to the Commission's Division of Law Enforcement, Tallahassee office, within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

~~(2) Notwithstanding other provisions in this Title, untagged, Persons licensed pursuant to s. 372.6673, F.S., may possess any legally acquired and tagged alligator taken pursuant to Rules 68A-25.003, 68A-25.032, or 68A-25.042, F.A.C., provided that a completed copy of the harvest report form (GFC Form 1001AT) accompanies the carcass.~~

~~(3) Nothing in this section, however, shall prohibit the importation without a permit or possession of lawfully-acquired, cured, and mounted crocodylian trophies; untagged, tanned crocodylian hides; and articles manufactured from the skins or hides or other parts of alligators and crocodyles.~~

~~(4) Cured and mounted trophies and manufactured goods wholly or partly composed of crocodylian hide, organs, teeth, or other parts may be possessed, transported, and imported without a permit, but skull or other skeletal material may only be sold in accordance with the following:~~

~~(a) through (c) No change.~~

~~(3)(5) No change.~~

~~(6) Alligators, or any parts thereof, lawfully obtained outside the state may be imported only under permit from the executive director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C., except that alligator meat may be imported as provided in Rule 68A-25.052, F.A.C.~~

~~(4)(7) No change.~~

~~(5)(8) No person shall use, be in possession of or attend any hook, peg or other such device baited in such a manner as to be capable of taking alligators and suspended so that the bait is above water or submerged less than six inches except nuisance-alligator trappers taking nuisance alligators pursuant to Rule 68A-25.003, F.A.C., and except as otherwise provided in Rules 68A-25.032, and 68A-25.042, and 68A-25.047, F.A.C.~~

~~(9) through (10) renumbered (6) through (7) No change.~~

~~(8)(11) No person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the Executive Director as provided in Rules 68A-5.004, 68A-9.002, and 68A-27.002, F.A.C. Eggs of those turtle~~

species enumerated in Rule 68A-25.002(6)(9), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(12) through (17) renumbered (9) through (14) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 372.6672, 372.6673, 372.86, 372.921, 372.922 FS. History--New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Taking and Disposal of Nuisance

RULE NO.: 68A-25.003

Alligators Statewide

PURPOSE AND EFFECT: The purposes of the proposed changes are to eliminate references to hide validation requirements, allow for the issuance of CITES tags in lieu of harvest tags, require nuisance-alligator trappers to return unused CITES tags and completed copies of harvest report forms, delete the requirement that alligators may be skinned and tagged hides held only at designated sites, establish a provision to expend \$5 on marketing and education for each CITES tag used and allow for nuisance trappers to have up to three agents. In addition to eliminating unnecessary provisions, the effects will be to validate hides for export at time of harvest, account for CITES tag use and ensure timely reporting of harvest data, maintain a commitment to provide revenues for marketing and education activities and provide flexibility for trappers to more efficiently respond to nuisance-alligator complaints.

SUMMARY: In addition to providing for rule clarifications and incorporating necessary provisions of Rule 68A-25.021, FAC., which is proposed for repeal, the proposed rule would eliminate references to hide validation requirements, allow for the issuance of CITES tags in lieu of harvest tags, require nuisance-alligator trappers to return unused CITES tags and completed copies of harvest report forms, delete the requirement that alligators may be skinned and tagged hides held only at designated sites, establish a provision to expend \$5 on marketing and education for each CITES tag used and allow for nuisance trappers to have up to three agents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$590 for administrative preparation and \$108 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.003 Taking and Disposal of Nuisance Alligators Statewide.

(1) through (3) No change.

(4) Conditions governing operations of authorized nuisance-alligator trappers:

(a) through (b) No change.

(c) Nuisance-alligator trappers may collect oviducal eggs from gravid nuisance alligators and the orphaned eggs from the nests of female nuisance alligators, as authorized by the commission, for the transfer of said eggs to alligator farms permitted as eligible to receive eggs and hatchlings from the wild pursuant to rule 68A-25.004, F.A.C.

(d) No alligator shall be taken by the use or aid of a firearm without specific written authorization or without authorization by a commission law enforcement officer at the scene.

(e) An alligator CITES nuisance-alligator harvest tag furnished by the commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing, attached to any alligator killed by the nuisance-alligator trapper. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S. No person shall possess any untagged alligator hide.

(f) An alligator harvest report form (~~FWC GFC~~ Form 1001AT, incorporated by reference herein, effective ~~April 1, 1996~~) provided by the commission shall be completed by the trapper within 24 hours of taking each alligator and prior to the transfer of the carcass to another person to a permitted alligator processing facility. The trapper shall submit a legible copy of each completed alligator harvest report form to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year.

(g) All unused CITES tags must be returned by the permittee to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600, by January 15 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 15. Alligators shall be skinned only at specific designated sites. The hides of the alligators taken may be held by the nuisance-alligator trapper at a designated specific site for purposes of salt curing, but shall be validated and sold in accordance with rule 68A-25.021.

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities. The possession of any alligator hide not validated as prescribed in rule 68A-25.021 is prohibited, and such hides shall be subject to seizure and forfeiture to the commission under provisions of s. 372.73, F.S.

(i) The meat from alligators taken that is not discarded shall be processed or sold in accordance with rules ~~68A-25.051 and~~ 68A-25.052, F.A.C.

(j) Each nuisance-alligator trapper may have up to three ~~one~~ alligator trapping agents, licensed under s. 372.6673, F.S. Such agents are ~~is~~ authorized to conduct nuisance-alligator trapping activities under the direction of the nuisance-alligator trapper. Such activities may be performed by the agents in the absence of the nuisance-alligator trapper. The nuisance-alligator trapper shall be held accountable for the conduct of his ~~the~~ agents. Any confirmed misconduct may result in termination of the nuisance-alligator trapper's contract or the revocation of the nuisance-alligator trapper's or agents's licenses as prescribed by Rule 68A-5.004, F.A.C.

(k) ~~CITES Nuisance-alligator harvest~~ tags shall remain the property of the commission until affixed as provided herein. No person except an authorized nuisance-alligator trapper and his agents shall possess any unused CITES nuisance-alligator harvest tag at any time, and such nuisance-alligator trapper shall insure that all CITES harvest tags issued to him shall remain in his or his agents's possession.

(l) Assignments of alligators to be taken and the issuance of ~~CITES nuisance-alligator harvest~~ tags to a nuisance-alligator trapper shall be discontinued upon receipt of verified information and belief by the executive director that the nuisance-alligator trapper has:

1. Attempted to generate alligator complaints,
2. Taken alligators in excess of authorization,
3. Failed to promptly respond to an assigned complaint,
4. Been convicted of a violation of any regulation concerned with the commercialization of wildlife or freshwater fish,
5. Violated any portion of this rule, or
6. Demonstrated an inability to carry out the assigned duties as required by contract or rule. Following a review by the appropriate regional review board in which the alleged misconduct is confirmed, the contract of the nuisance-alligator trapper shall be breached and terminated.

(5) Sale of alligator parts: Parts of alligators may only be sold in accordance with rules 68A-25.052~~1~~ and 68A-25.002~~7~~, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing the Operation of Alligator Farms
RULE NO.: 68A-25.004

PURPOSE AND EFFECT: The purposes of the proposed changes are to specify that alligators, eggs and hides may be sold by alligator farmers, reincorporate a certified form and add language regarding CITES tag use requirements. The effects will be to increase rule specificity, have a form reflective of proposed changes to Rule 68A-25.002, FAC. and provide for rule language consistent with other alligator management rules.

SUMMARY: The proposed rule would specify that alligators, eggs and hides may be sold by alligator farmers, reincorporate a certified form and add language regarding CITES tag use requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$236 for administrative preparation and \$77 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and their agents subject to the following:

(1) No change.

(2) Licensing and permitting:

(a) No change.

(b) Alligator farm permittees and their agents shall be licensed at a fee of \$250.00 and \$50.00, respectively, as required by s. 372.6673, F.S.

(c) through (j) No change.

(3) Record keeping requirements:

(a) Permittees shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing tank, and breeding stock enclosure shall be accurately recorded. Such inventory, source, and disposition records shall be kept on the farm on an Alligator Farm Inventory Record (FWC GFC Form 1004AF, effective June 30, 1992, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office) or in a manner that is substantially in compliance with the required record keeping.

(b) Shipping tickets, invoices or bills of lading, Hatchling Collection Forms (FWC GFC Form 1002AF), Alligator Egg and Hatchling Transfer Documents (FWC GFC Form 1003AF), Public Waters Alligator Egg Transfer Documents

(FWC GFC Form 1005AF), Captive Farm Alligator and Egg Transportation/Transfer Documents (FWC GFC Form 1006AF), and records of all hide sales or transfers shall be maintained and kept at the farm to show source of supply or disposition of alligator stock.

(c) No change.

(4) Reporting requirements:

(a) An Alligator Farm Annual Report (FWC GFC Form 1000AF, effective July 1, 1994, which is incorporated to this rule by reference and may be obtained at the Commission's Tallahassee office) shall be completed at the conclusion of each calendar year and submitted to the Commission's division of law enforcement by January 31.

(b) No change.

(5) through (6) No change.

(7) Harvest of alligators:

(a) Any alligator killed under the authority of this section or that dies on a farm shall be recorded in the farm inventory records and either tagged within 24 hours with a CITES tag, furnished at no cost to the alligator farm permittee by the Commission, or destroyed. The CITES Such tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time. The possession of any alligator hide or carcass not tagged as prescribed herein or any unskinned, untagged, frozen alligator carcass is prohibited, and such hides and carcasses shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S. at all times, and it shall be unlawful for any alligator farm permittee to possess any untagged alligator hide or carcass other than as provided for herein. All alligators that die on a farm shall be tagged within 24 hours or destroyed and recorded in the farm inventory records. The possession of any unskinned, untagged, frozen alligator carcass or untagged hide is prohibited.

(b) through (f) No change.

(8) Transfer of alligator eggs and live, untagged alligators from alligator farms:

(a) Alligator eggs and live, untagged alligators may only be sold and may be transferred but only from alligator farms to other licensed alligator farms; to exhibitors licensed pursuant to s. 372.921, F.S.; to persons permitted to receive such eggs or alligators; or to persons out of state.

(b) The transfer of any alligator egg or live, untagged alligator from an alligator farm premises shall be documented on a Captive Farm Alligator and Egg Transportation/Transfer Document (FWC GFC Form 1006AF, effective _____ April 1, 1996, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office). The originating farm permittee shall complete and sign the Captive Farm Alligator and Egg Transportation/Transfer Document before the transfer, obtain the signature of the recipient on the document, and forward the document to the Commission's Division of Law Enforcement, Tallahassee office, within 30

days following the date of transfer. A copy of the completed document must accompany the alligators or alligator eggs during transport.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6673 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing the Validation and Sale of Alligator Hides

RULE NO.: 68A-25.021

PURPOSE AND EFFECT: The purpose of the proposed change is to repeal this rule. The effects will be to eliminate Commission-sponsored hide validations and eliminate CITES tag fees for alligators taken under Rules 68A-25.003 and 68A-25.032, FAC.

SUMMARY: The proposed repeal would eliminate Commission-sponsored hide validations and eliminate CITES tag fees for alligators taken under Rules 68A-25.003 and 68A-25.032, FAC. All other necessary provisions of this rule are proposed for incorporation into Rules 68A-25.003, 68A-25.032 and 68A-25.042, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$256 for administrative preparation and \$116 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.021 Regulations Governing the Validation and Sale of Alligator Hides.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.6674 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6674 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 10-22-92, 4-29-93, 3-30-95, 4-1-96, 4-27-98, Formerly 39-25.021, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands

RULE NO.: 68A-25.031

PURPOSE AND EFFECT: In addition to providing for clarifications and correcting rule citations, the purposes of the proposed changes are to lengthen the deadlines by which hatchling tag fees and requests for transfer of collection areas must be received and reduce the hatchling tag fee from \$10 to \$5. The effects will be to remove unnecessary provisions which impede legitimate business transactions and stimulate participation in statewide alligator hatchling collections.

SUMMARY: In addition to providing for rule clarifications and correcting rule citations, the proposed rule would lengthen the deadlines by which hatchling tag fees and requests for transfer of collection areas must be received and reduce the hatchling tag fee from \$10 to \$5.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$236 for administrative preparation and \$155 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands.

(1) Conditions governing alligator hatchling collections:

(a) Only alligator farmers permitted as eligible to receive hatchlings from the wild as specified in Rule 68A-25.004(2)(~~f~~)(~~d~~), F.A.C., and licensed as specified in s. 372.6673, F.S., (hereinafter referred to as farm permittees) and their agents licensed as specified in s. 372.6673, F.S., shall be authorized to take alligator hatchlings under this subsection. Alligator hatchlings may only be taken according to provisions of a hatchling collection permit and only from locales specifically designated in the permit.

(b) through (c) No change.

(d) Assignment of all alligator hatchling collection areas to farm permittees will be conducted at least once every three (3) years, and the assignment of relinquished collection areas will be conducted in intervening years. Farm permittees who wish to request the assignment of hatchling collection areas will identify their preferred collection areas and total number of alligator hatchlings requested for the year on application forms (FWC ~~GFC~~ form 1001AF, effective date April 1, 1996, incorporated herein by reference and available at the Commission's Tallahassee office) provided by the Commission. Completed applications must be received by the Commission by June 15 of each year. For purposes of this rule, receipt shall mean actual receipt in the Commission's Tallahassee office, on or before the deadline, by U.S. Mail, express delivery, hand-delivery or by facsimile (fax) copy. Applications received after June 15 will not be accepted irrespective of the postmark date.

(e) Each farm permittee selected in the assignment process will be authorized to receive a hatchling collection permit and a number of hatchling tags up equal to the combined collection quotas for the hatchling collection areas assigned to him. Each farm permittee shall remit hatchling tag fees ~~by October 1 of each year~~ for the total collection quota of each hatchling

collection area that is assigned to him and from which he would like to take hatchlings ~~the total number of hatchling tags he is authorized to receive~~. Upon receipt of ~~the total~~ hatchling tag fees ~~due~~, the Commission will issue a hatchling collection permit and the total authorized number of hatchling tags to the farm permittee. The fee for alligator hatchling tags provided under this section shall be fixed, pursuant to s. 372.6674, F.S., at a cost of \$~~5~~ 40 each.

(f) Any assigned alligator hatchling collection area may be voluntarily surrendered or transferred to another eligible farm permittee prior to issuance of the hatchling collection permit for the area in a given year provided that a written request for such surrender or transfer and payment for transferred area quotas is received by ~~submitted to~~ the Commission by December ~~October~~ 1 of each year.

(g) Alligator hatchling collection areas and their associated collection quotas for which hatchling tag fees are not received by December ~~October~~ 1 of each year shall revert to a pool of available collection areas and may be reassigned the following year. In years in which all collection areas are not assigned, any new farm permittee not previously assigned collection areas shall be given priority in the reassignment of areas from the pool of available collection areas until each new farm permittee is assigned the minimum quota established each year under paragraph (1)(b).

(h) through (k) No change.

(l) Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC ~~GFC~~ form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the hatchlings at all times until they are delivered to the permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.

(m) through (n) No change.

(o) All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16 each year.

(2) Establishment of Type A egg collection areas, groups, coordinators, and quotas:

(a) through (b) No change.

(c) Farmers permitted as eligible to receive eggs from the wild as specified in Rule 68A-25.004(2)(~~e~~)(~~e~~), F.A.C., and licensed as specified in s. 372.6673, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the

collection and distribution of eggs as specified in Rule 68A-25.004(2)(f)(~~d~~), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as coordinator). Applications must be received by the Commission by April 1 of each year. For purposes of this rule, receipt shall mean actual receipt on or before the deadline in the Commission's Tallahassee office by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications received after April 1 will not be accepted irrespective of the postmark date. The Executive Director shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each coordinator shall be licensed as an alligator farmer as specified in s. 372.6673, F.S., prior to being issued a permit.

(d) No change.

(e) The proportion of the total nest quota to be assigned to a collection group will be calculated as the number of farms permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., participating in that collection group on April 1, divided by the total number of farms permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., participating in either collection group.

(3) Procedures and requirements for alligator egg collections on Type A egg collection areas:

(a) Coordinators shall solicit the participation of group members as follows:

1. Farmers permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., shall be given the first opportunity to contribute fee payments for nests assigned to their group.

2. In the event that farmers permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., do not contribute fee payments for all nests assigned to the group, farmers in the group not permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., shall be given the opportunity to contribute fee payments for the remaining nest quota.

(b) Within five working days of receiving notice from the Commission of the group's total nest quota and collection area assignments, each coordinator shall purchase 25 egg fee permits at a cost of \$5-~~00~~ per egg for each nest in the quota from which he intends to collect eggs and shall indicate the percentage of the fees that was paid by farmers in the group not permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C. If payment is not made for the full nest quota, the coordinator shall provide notice in writing with the fee payment of the areas from which he does not intend to collect eggs and, if a partial quota is to be collected from an area, shall specify the area and the number of nests to be collected from that area. Only one area may be specified from which a partial quota will be collected.

(c) No change.

(d) Coordinators shall be issued Alligator Egg Fee Assessment Records (~~FWC GFC~~ form 1007AF, effective April 1, 1996, which is incorporated herein by reference) by the Commission that document the number of eggs for which payment was received and permits specifying the areas, quotas, and requirements for egg collections.

(e) through (i) No change.

(j) ~~The coordinator shall be responsible for conducting egg collections and distributing eggs to group participants.~~ Farmers in each collection group shall be given equal opportunity to participate in the egg collection and distribution; farmers in each group who are not permitted pursuant to Rule 68A-25.004(2)(f)(~~d~~), F.A.C., shall be entitled to receive a share of the eggs collected from each area in proportion to the percentage of the group's fees that they paid.

(k) No change.

(l) The number of nests ~~that may be~~ opened on each egg collection area shall not exceed the quota established pursuant to paragraph (2)(d). All eggs from each opened nest shall be collected.

(m) The coordinator shall possess Alligator Egg Fee Assessment Records that indicate an available balance of no less than one egg collection permit for each egg collected.

(n) through (o) No change.

(p) Each collection day at the egg inspection site the coordinator shall provide Commission personnel completed copies of ~~FWC GFC~~ form 1005AF (effective June 26, 1994, incorporated herein by reference and available at the Commission's Tallahassee office) signed by the coordinator and indicating the number of eggs to be transferred to each participating farm or to a designated temporary storage facility. Eggs may be temporarily stored at the designated storage facility for up to 15 days following collection before transfer to the participating farms.

(q) Eggs may only be transferred to the designated temporary storage facility or to farms participating in the egg collection group. The coordinator shall be responsible for ensuring that a copy of ~~FWC GFC~~ form 1005AF is completed for each transfer of eggs and that a copy of the completed form, signed by the coordinator, accompanies the eggs during any such transfer. Any physical transfer of eggs must be accomplished within two days of completion and signing of the form by the coordinator.

(r) Each participating farmer receiving eggs shall sign the accompanying copy of ~~FWC GFC~~ form 1005AF and submit it to the Commission within ten days of the transferral date to document the addition of those eggs to their farm inventory.

(s) No change.

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 372.6672, 372.6673, 372.6674 FS. History--New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Tim Breault
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Dr. Allan L. Egbert, Executive
 Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: July 1, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 3, 1999

**FISH AND WILDLIFE CONSERVATION
 COMMISSION**

Division of Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing the Establishment of
 Alligator Management Programs on
 Private Lands

RULE NO.: 68A-25.032

PURPOSE AND EFFECT: The purpose and effect of the
 proposed rules changes are as follows:

- 1) Changes are proposed to provide for the issuance of CITES tags in lieu of harvest tags. The effect will be to validate a hide for export at time of harvest.
- 2) Changes are proposed to require permittees to return unused CITES tags and completed copies of alligator harvest report forms no later than January 15 of each year. The effect will be to account for CITES tag usage and ensure timely reporting of harvest data.
- 3) Changes are proposed to stipulate that failure of a designee to submit unused tags and required forms may result in permit denial pursuant to Rule 68A-5.004, FAC. The effect will be to inform participants of ramifications of rule non-compliance.
- 4) Changes are proposed to eliminate references to hide validation requirements. The effect will be to provide consistency with the proposed elimination of Rule 68A-25.021, FAC.
- 5) Changes are proposed to extend the non-hatchling harvest period to include the period November through April. The effect will be to provide more opportunity for participants to fill their harvest quotas.
- 6) Changes are proposed to establish a provision to expend \$5 on marketing and education for each CITES tag used under this rule. The effect will be to maintain a commitment to provide revenues for marketing and education activities.
- 7) Changes are proposed to establish December 31 as the expiration date for non-hatchling harvest permits. The effect will be to use the calendar year to mark the beginning and end of the harvest period for administrative purposes.
- 8) Changes are proposed to eliminate the provision for relocating nuisance alligators. The effect will be to remove an unnecessary provision if proposed change 5) is adopted.

SUMMARY: In addition to incorporating necessary provisions of Rule 68A-25.021, FAC., which is proposed for repeal, the proposed rule would make the following changes:

- 1) Provide for the issuance of CITES tags in lieu of harvest tags.
- 2) Require permittees to return unused CITES tags and completed copies of alligator harvest report forms no later than January 15 of each year.
- 3) Stipulate that failure of a designee to submit unused tags and required forms may result in permit denial pursuant to Rule 68A-5.004, FAC.
- 4) Eliminate references to hide validation requirements.
- 5) Extend the non-hatchling harvest period to include the period November through April.
- 6) Establish a provision to expend \$5 on marketing and education for each CITES tag used under this rule.
- 7) Establish December 31 as the expiration date for non-hatchling harvest permits.
- 8) Eliminate the provision for relocating nuisance alligators.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$944 for administrative preparation and \$174 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 2000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands.
 Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators on private lands may only be established under the following conditions:

- (1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC GFC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC GFC form 1000PW, effective April 12, 1998, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining.

(b) through (d) No change.

(e) Applicants may identify one designee for taking non-hatchling alligators ~~and relocating nuisance alligators~~, one designee for taking alligator eggs, and one designee for taking alligator hatchlings. Requests to change a designee shall be in writing.

(f) No change.

(g) Permits shall be issued to designees within 60 days following receipt of a complete application meeting the criteria established herein (applicants should submit applications at least 60 days prior to the opening of the harvest period to ensure timely issuance of harvest permits and tags prior to the opening of the harvest period season). Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to designees who have previously failed to return unused tags and completed forms as specified herein.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) Harvest quotas for non-hatchling alligators may be requested by submitting the following information:

1. A habitat inventory (as described in FWC GFC form 1000PW) demonstrating at least 1,000 acres of alligator habitat, or

2. A habitat inventory (as described in FWC GFC form 1000PW) demonstrating at least 1,000 acres of alligator habitat and an alligator population survey, or

3. No change.

(b) No change.

(c) Upon review of the habitat inventory or the alligator population survey, Commission biologists shall recommend to the executive director or his designee a harvest quota not to exceed 15% of the projected population of alligators greater than 4 feet in length for the permitted property. Such recommended quotas shall be based upon the best biological information that indicates the number of alligators that can be removed from the system without long-term adverse impacts on population levels. Upon approval of harvest quotas by the Executive Director or his designee, the Commission shall furnish the each designee a harvest permit and an alligator CITES harvest tag for each non-hatchling alligator to be taken from the approved area. Harvest permits shall expire on December 31 of each year, and associated CITES tags may not be used after that date.

(d) Alligators greater than nine feet in length and alligators less than six feet in length may be taken from May 1 through August 31 and non-hatchling alligators may be taken from September 1 through April 30 ~~October 31~~. Nuisance alligators may be live captured and relocated on the property by the permittee in accordance with permit provisions.

(e) Alligators may be taken by the use of firearms, live traps, sethooks, and snares; baited, wooden pegs less than two (2) inches in length attached to a hand-held restraining line; harpoons, gigs, and snatch hooks; and manually operated spears, spearguns, gig-equipped bang sticks, crossbows, and bows with projectiles attached to a restraining line. Sethooks may only be used during the period September 1 through April 30 ~~October 31~~. The use of firearms other than bang sticks and gig-equipped bang sticks is prohibited from sunset to sunrise.

(f) No change.

(g) Any alligators captured shall be killed before the permittee or his authorized licensee leaves the property described in the Alligator Management Program Application (FWC GFC form 1000PW). An identifying alligator CITES harvest tag issued by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing or, if the alligator is killed from or in a boat, no later than immediately upon return to shore and before leaving the property. If there is a permitted alligator processing facility on the property, alligators must be tagged immediately upon capture except that alligators captured from a boat must be tagged no later than immediately upon return to shore and before leaving the property. The identifying alligator CITES harvest tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S. at all times until validated in accordance with the provisions of Rule 68A-25.021, F.A.C. No person shall possess any untagged alligator hide.

~~(h) The possession of any alligator hide not validated as prescribed in Rule 68A-25.021, F.A.C., is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under provisions of s. 372.73, F.S. For the purposes of hide validation under Rule 68A-25.021, F.A.C., the non-hatchling alligator harvest period shall end on October 31.~~

(h)(+) An alligator harvest report form (FWC GFC form 1001AT, effective _____ April 12, 1998, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), provided by the Commission, must be completed by the permittee within 24 hours of taking each alligator and prior to the any transfer of the carcass to another person to a permitted alligator processing facility. The permittee shall submit a legible A copy

of each completed ~~the~~ alligator harvest report form to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year shall accompany the alligator hide at all times until validation.

(i) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.

(a) Alligator eggs and hatchlings may only be collected from properties containing more than 1,000 acres of alligator habitat as described in an alligator habitat inventory submitted as part of ~~FWC GFC~~ form 1000PW.

(b) Designees who wish to harvest alligator eggs shall submit an alligator nest survey to the Commission by August 1 of each year, and designees who wish to harvest alligator hatchlings shall submit to the Commission an alligator hatchling pod inventory by November 1 of each year, as specified in the Alligator Management Program Application (~~FWC GFC~~ form 1000PW).

(c) Commission biologists shall assess the status of the alligator population based on available habitat and survey information provided by the applicant's designee and recommend to the executive director or his designee the number of alligator eggs and/or hatchlings to be collected.

(d) Upon approval of quotas by the Executive Director or his designee, the Commission shall issue the applicant's designee a harvest permit and alligator hatchling tags or an Alligator Egg Fee Assessment Record (~~FWC GFC~~ form 1007AF) following receipt of hatchling tag or egg permit fees. Alligator hatchling tags provided under this subsection shall be fixed, pursuant to s. 372.6674, F.S., at a cost of \$5-~~00~~ each and alligator egg fee permits provided under this subsection shall be fixed, pursuant to s. 372.6673, F.S., at a cost of \$2-~~00~~ each.

(e) No change.

(f) Alligator eggs and/or hatchlings may be taken only at the times and under the conditions set forth in the collection permit. Hatchlings shall be tagged immediately upon capture with an alligator hatchling tag provided by the Commission, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. An Alligator Egg Fee Assessment Record (~~FWC GFC~~ form 1007AF, effective April 1, 1996, which is incorporated herein by reference and may be obtained at the Commission's Tallahassee office) must be completed and signed by the permittee to document all retained eggs on the day of collection and prior to transporting the eggs from the property or to a licensed farm facility. A copy of such Alligator Egg Fee Assessment Records must remain with the eggs until the eggs are transferred to a licensed farm facility.

(g) No change.

(h) Persons issued permits shall maintain complete records of eggs or hatchlings taken, and shall complete and return within 15 days an alligator transfer document (~~FWC GFC~~ form 1003AF, effective April 10, 1994) provided by the Commission for eggs or hatchlings transferred to alligator farm facilities permitted under Rule 68A-25.004, F.A.C.

(i) No change.

(4) No change.

(5) All Harvest tags issued under this rule shall and ~~hatchling tags~~ remain the sole property of the Commission until used as provided herein, and may be possessed only by the permittee, licensees he has authorized to take alligators, or his licensed agent(s) prior to such use. The permittee shall be strictly liable in ensuring that all unused ~~harvest tags and hatchling tags~~ remain in his possession, the possession of licensees he has authorized to take alligators, or the possession of his licensed agent(s), and that all unused ~~hatchling~~ tags are returned to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600, within 15 days following permit expiration ~~the close of the harvest period designated in the harvest permit.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 372.6672 FS. History--New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

RULE NO.:

68A-25.042

PURPOSE AND EFFECT: The purpose and effect of the proposed rule changes are as follows:

- 1) Changes are proposed to provide for establishment of management units by executive order and harvest quotas by the Executive Director or his designee. The effect will be to streamline administrative processes and increase program efficiency.
- 2) Changes are proposed to allow for establishment of harvest quotas based on habitat inventories. The effect will be to provide consistency on quota establishment with other alligator management rules and make more areas available for harvest.

- 3) Changes are proposed to require that applicants indicate their preferred harvest periods on the harvest permit application. The effect will be to minimize participant dissatisfaction with assigned harvest periods.
- 4) Changes are proposed to set the number of tags issued with each permit at two. The effect will be to increase the number of harvest permits available for issuance.
- 5) Changes are proposed to establish four harvest periods, each inclusive of the period October 1 through October 7. The effect will be to spread hunting pressure evenly over the harvest periods while providing permittees additional time to harvest unused quotas in cases of inclement weather or other unforeseen circumstances.
- 6) Changes are proposed to establish new permit issuance procedures and requirements. The effect will be to maximize the number of permits issued.
- 7) Changes are proposed to provide for the issuance of CITES tags in lieu of harvest tags, except for those management units that require the issuance of uniquely colored harvest tags to indicate that the tagged carcass potentially has levels of mercury that make the sale of its meat illegal. The effect will be to validate hides for export and mark carcasses which might have elevated mercury concentrations.
- 8) Changes are proposed to require permittees to return unused CITES tags for a refund or legible copies of completed alligator harvest report forms no later than 15 days after the close of their assigned harvest period. The effect will be to account for CITES tag usage and ensure timely reporting of harvest information.
- 9) Changes are proposed to eliminate references to hide validation requirements. The effect will be to provide for consistency with the proposed elimination of Rule 68A-25.021, FAC.

SUMMARY: The proposed rule would make the following changes:

- 1) Provide for establishment of management units by executive order and harvest quotas by the Executive Director or his designee.
- 2) Allow for establishment of harvest quotas based on habitat inventories.
- 3) Require that applicants indicate their preferred harvest periods on the harvest permit application.
- 4) Set the number of tags issued with each permit at two.
- 5) Establish four harvest periods, each inclusive of the period October 1 through October 7.
- 6) Establish new permit issuance procedures and requirements.
- 7) Provide for the issuance of CITES tags in lieu of harvest tags, except for those management units that require the issuance of uniquely colored harvest tags to indicate that the tagged carcass potentially has levels of mercury that make the sale of its meat illegal.

8) Require permittees to return unused CITES tags for a refund or legible copies of completed alligator harvest report forms no later than 15 days after the close of their assigned harvest period.

9) Eliminate references to hide validation requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$944 for administrative preparation and \$213 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) ~~Only M~~ management units comprised of specified wetlands, lakes, rivers, or other water bodies that may be reasonably grouped for the purposes of study, analysis, or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be open to harvest and such units shall be established by executive order ~~Commission order~~.

(b) Annual harvest quotas for each management unit shall be established by ~~order of the executive director, or his designee,~~ and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population

levels and shall not exceed 15 percent of the projected estimated harvestable population of alligators greater than 4 feet in length for that unit.

(2) ~~Application procedures: Only those persons licensed as required by s. 372.6673, F.S., and possessing a valid alligator harvest permit and alligator harvest tags may take alligators under this section. Alligator harvest permits and harvest tags shall be issued in accordance with the following:~~

(a) ~~Alligator harvest permit applications (FWC GFC form 1000AT, effective _____ April 1, 1996, is incorporated to this rule by reference and may be obtained at the Commission's Tallahassee and regional offices) must be received at the address indicated on the application Commission's Wildlife Research Laboratory, 4005 South Main Street, Gainesville, FL 32604 by 5 p.m., June 1 of each year. Applications received after June 1 shall will not be accepted irrespective of the postmark date. Only those alligator harvest permit applications delivered to the address on the application Wildlife Research Laboratory via electronic mail, U.S. mail, or a commercially established messenger or courier service shall will be accepted.~~

(b) Applicants for alligator harvest permits shall:

1. No change.
2. Submit only one completed harvest permit application.
3. No change.
4. Identify their preferred management units harvest areas on the harvest permit application.
5. Identify their preferred harvest periods on the harvest permit application.

~~(c) Alligator harvest permits will be issued and harvest phases assigned based on a random drawing of qualified applicants.~~

~~(d) Applicants selected to receive alligator harvest permits shall:~~

~~1. Submit fee payment and a completed application to the Commission for an alligator trapping license as required by s. 372.6673, F.S., by July 15. Alligator harvest permits for which alligator trapping license fee payment and a completed license application are not received by the Commission at its Tallahassee office by July 15, irrespective of postmark date, will be forfeited. Forfeited alligator harvest permits will be assigned to alternates selected by random drawing, provided the selected alternates meet the criteria established in this section.~~

~~2. If desired, request in writing the issuance of alligator trapping agent's licenses, at a cost of \$50 each (as required by s. 372.6673, F.S.).~~

~~(e) Alligator harvest permits and up to 15 alligator harvest tags shall be issued to selected applicants following purchase of an alligator trapping license and such permits shall be valid only for the area, date and quota indicated thereon. Selected applicants shall only be issued one harvest permit, and harvest permits and harvest tags are not transferable.~~

(3) Procedures governing the selection of applicants and the issuance of harvest permits:

(a) A subset of applicants meeting the requirements of subsection (2), above, shall be selected by random drawing.

(b) To be eligible for permit issuance, selected applicants must submit \$20 for two CITES tags, pursuant to s. 372.6674, F.S., and

1. evidence that they are in possession of an alligator trapping license valid through the harvest period they were assigned, or

2. fee payment and a completed application for an alligator trapping license as required by s. 372.6673, F.S. These submittals must be received, irrespective of the postmark date, by 5 p.m. July 15 at the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600.

(c) Secondary random drawings of applicants meeting the requirements of paragraph (3)(b), above, shall be made for each management unit and harvest period. Applicants so selected shall be issued harvest permits for their assigned management unit and harvest period; remaining applicants shall be issued refunds for fees submitted.

(d) Two CITES tags shall be issued with each harvest permit, except that two harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(e) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferrable.

~~(4)(3)~~ Alligator trapping requirements:

(a) No change.

(b) Alligators may be taken from 1/2 hour before sunset to 1/2 hour after sunrise during the harvest period specified in the harvest permit. Harvest periods shall be from 1/2 hour before sunset on October 1 through midnight October 7, and from either 1/2 hour before sunset on September 1 through 1/2 hour after sunrise on midnight September 8, 15 or 1/2 hour before sunset on September 8 through 1/2 hour after sunrise on September 15, or 1/2 hour before sunset on September 15 through 1/2 hour after sunrise on September 22, or and from 1/2 hour before sunset on September 22 16 through midnight September 30, except as otherwise provided in the harvest permit.

(c) through (e) No change.

(f) The permittee's agents licensed pursuant to s. 372.6673, F.S., subsection (2)(d)2., above, and any licensed alligator trapper may take alligators as provided in the harvest permit but only in the presence of the permittee. Persons licensed as alligator trapping agents other than those licensed under the permittee's alligator trapping license are not authorized to take alligators pursuant to this section.

(g) No change.

(h) Immediately upon killing, ~~a CITES an alligator harvest tag issued by the Commission and a harvest tag, if issued,~~ shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. ~~The CITES alligator harvest 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. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of s. 372.73, F.S. at all times until validation. No person shall possess any untagged alligator hide.~~

(i) An alligator harvest report form (~~FWC GFC~~ form 1001AT, effective _____ ~~April 12, 1998~~) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person ~~to a permitted alligator processing facility. The permittee shall submit a legible~~ A copy of the alligator harvest report form ~~to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt no later than October 22 shall accompany the alligator hide at all times until validation.~~

(j) ~~Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.~~

(k) ~~All unused CITES tags shall be refundable and shall be returned by the permittee to the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600, no later than October 22. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section after October 22. Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.~~

~~(5)(4)~~ Alligator processing and sale of parts.

(a) No change.

(b) ~~The possession of any alligator hide not validated as prescribed in Rule 68A-25.021, F.A.C., is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under provisions of s. 372.73, F.S.~~

(c) ~~All hides from alligators taken under this section shall be validated by the Commission under the provisions of Rule 68A-25.021, F.A.C.~~

~~(b)(4)~~ No change.

~~(5) Alligator harvest tags issued under this section shall remain the property of the Commission until affixed as provided herein. Harvest tags issued pursuant to this section may be possessed only by the permittee or his licensed agents~~

~~prior to use. The permittee shall be strictly liable in ensuring that possession of unused harvest tags is limited to persons authorized under this rule.~~

(6) No change.

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, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tim Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: July 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Regulations Governing the Harvest of Alligators

on Special-opportunity Alligator Hunt Areas 68A-25.047

PURPOSE AND EFFECT: The purpose of the proposed change is to repeal this rule. The effect will be to streamline the alligator management rules.

SUMMARY: The proposed rule would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$118 for administrative preparation and \$113 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.047 Regulations Governing the Harvest of Alligators on Special-opportunity Alligator Hunt Areas.

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, 4-15-99, Formerly 39-25.047, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tim Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE:

Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

RULE NO.:

68A-25.052

PURPOSE AND EFFECT: The purposes of the proposed changes are to provide consistency with changes proposed to other rules concerning alligator tagging, possession and validation requirements. The effect will be to simplify the rule.

SUMMARY: The proposed rule would provide consistency with changes proposed to other rules concerning alligator tagging, possession and validation requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$472 for administrative preparation and \$82 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

(1) ~~Alligator M~~eat from legally acquired alligators that is not discarded and not processed for sale shall be packaged and labeled to indicate the ~~harvest tag or~~ CITES tag number and license holder's name in indelible ink on each package.

(2) ~~Alligator M~~eat from alligators taken pursuant to Rule ~~68A-25.042~~ ~~68A-25.047~~, F.A.C., ~~to which harvest tags have been affixed bearing the letters "MER" as part of the tag numbers 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."

(3) ~~Skinned alligator carcasses may only be sold if skinned in a permitted alligator processing facility, and A~~alligator meat may only be sold if imported or if processed from carcasses skinned in a permitted alligator processing facility and processed and packaged in such a ~~permitted alligator processing~~ facility as provided in this section.

(4) No change.

(5) Provisions for the operation of alligator processing facilities:

(a) Alligator processors and their designated employees as provided by permit may receive and possess legally acquired, tagged, unskinned alligator carcasses and ~~or~~ skinned alligator carcasses with the CITES tag number and, if applicable, the harvest tag number recorded on an attached tag for processing of meat and hides provided:

1. ~~The alligators are lawfully acquired from a licensed alligator processor as provided in this section or from a licensed alligator farmer, licensed alligator trapper or their licensed agent(s) as provided in Rules 68A-25.003, 68A-25.004, 68A-25.032, 68A-25.042, and 68A-25.047, F.A.C.~~

2. For alligators taken pursuant to rules 68A-25.003, 68A-25.032, and 68A-25.042, F.A.C., ~~(The~~ alligator harvest report form (FWC ~~GFC~~ form 1001AT, effective April 12, 1998) shall be completed and signed immediately upon receipt ~~of alligators taken from the wild to indicate receipt,~~ and shall be further completed upon processing to indicate the amount of meat packaged.

3. ~~Alligator processors may sell alligator carcasses to other permitted processors provided that, for any skinned carcass transferred to another processor, the CITES hide tag number shall be recorded on a tag attached to the carcass, receipt of the carcass and the harvest tag or CITES tag number shall be documented on a harvest report form, and A~~ a copy of the harvest report form shall accompany the carcass until processing.

~~2.4.~~ Written records of the number, source, and disposition of all alligator carcasses received, bought, sold, or transferred, including copies of Alligator Harvest Report Forms (FWC ~~GFC~~ form 1001AT), shall be maintained for a period of one year following sale, transfer, or disposal of the carcass, meat, hides, or parts thereof.

~~5. Alligator processing facility permittees shall have the hides of alligators taken from the wild validated as required by Rule 68A-25.021, F.A.C.~~

(b) through (c) No change.

(d) Meat processed or re-processed for sale must be packaged in a sealed, tamper-proof package (a package that must be permanently and noticeably altered if opened to remove or add meat). Each package must be permanently labeled to indicate the name of the processor processing the alligator(s), the ~~harvest tag or~~ CITES tag number(s) from the alligator(s) from which the meat was taken, the date packaged, and the number of pounds of meat enclosed. Each package and label shall be used to package meat only one time.

(6) through (10) No change.

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, 4-15-99, Formerly 39-25.052, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Breault

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Designation of Candidate Species; Prohibitions, Permits 68A-27.0021

PURPOSE AND EFFECT: The purpose of this advertisement is to notify interested parties that at its March 2000 meeting, the Fish and Wildlife Conservation Commission (FWC) will: (1) hold a workshop to discuss the results of FWC's biological status review for the flatwoods salamander (*Ambystoma cingulatum*); (2) solicit additional public input on the species's status; and (3) render a decision on the staff's recommendation relative to a petition to add the species to Florida's threatened species list. The biological status report developed for the species indicates that it meets the criteria in rule 68A-1.004 for listing as a species of special concern, but not for listing as threatened. Following the process outlined in rule 68A-27.0012, staff intend to recommend that the flatwoods salamander be added to the state's candidate species list until a

management plan is adopted through subsequent FWC commission action, at which point it would be added to the state's list of species of special concern.

SUMMARY: A review of the biological status of the flatwoods salamander has revealed that it meets the state's criteria for designation as a species of special concern. The purpose of this advertisement is to notice a workshop to discuss the FWC staff's status review, solicit additional public comment on the matter and render a decision as to whether or not to add the species to the state's candidate species list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIMES AND DATES: 1:30 p.m., March 29, 1000; 9:00 a.m., March 30-31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT 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:

68A-27.0021 Designation of Candidate Species; Prohibitions, Permits.

(1) through (2) No change.

(3) The following species are hereby declared to be candidate species: Flatwoods salamander (*Ambystoma cingulatum*)

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-23-99, Formerly 39-27.0021, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Brian Millsap

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout

RULE TITLES:	RULE NOS.:
Definitions	68B-37.002
Size Limits	68B-37.003
Regional Bag Limits; Closed Seasons	68B-37.004

PURPOSE AND EFFECT: The purpose of these proposed rule amendments is to adjust Florida’s program for the recovery of the state’s spotted seatrout resources. Scientific assessments show that current rules for the species are not likely to result in sufficient abundance for a healthy fishery. An additional purpose of these rule amendments is to lessen the confusion over spotted seatrout regulations by establishing a statewide bag and size limit for recreational harvesters, while accounting for regional differences with season closures where needed. The effect of these changes should be to increase the abundance of the resource in the water, while allowing continued access to this popular fish.

SUMMARY: Rule 68B-37.002, FAC., is amended to move slightly the border of the Northwest Region as defined in subsection (6), recast the definition of the “South Region” as the “Southeast Region” instead and provide a new definition of a new region, the “Southwest Region.” Subsection (1) of Rule 68B-37.003, FAC., is amended to provide a uniform statewide size limit for recreationally-harvested spotted seatrout of 15 to 20 inches, with one larger trophy fish allowed.

Subsection (1) of Rule 68B-37.004, FAC., is amended to establish a statewide 5-fish daily bag and possession limit for recreationally-harvested spotted seatrout. Subsection (2) is amended to establish a December – February closure annually for seatrout harvest in the new Southwest Region of Florida. The annual closure in the Northeast Region is deleted and a February closure is continued in the Northwest and established in the new Southeast Region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Current management includes different regulations for three areas in Florida: the northeast, the northwest and the south. The management goal is to create a quality fishery in the sense that the twelve year classes would each contain a reasonable proportion of animals. The effect of regulations to date has been to shift fishing pressure from one year old fish (1986-1989) to two year old fish (1990-1998). The proposal was discussed during eleven workshops as well as three full Commission meetings. Measures include size limits, daily bag limit and closed seasons. The northeast region has achieved the goal, so the closed season there will be repealed. The southeast will change from a two month to a February closure. The southwest will expand its closure by thirty days and the northwest will have a more restrictive size and bag limit. The greatest negative effects will be felt in the southwest where the season change may reduce landings by up

to 10% and the northwest where landings will be reduced by 7% and 6% due to bag and size limit changes. The proposal will not increase reporting or paperwork. The proposal may affect the employment and revenues of small businesses that provide support services to recreational anglers. Transactional costs are determined by the resource value anglers place on spotted seatrout. The proposal will affect small local governments.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, on either March 30 or 31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-37.002 Definitions.
As used in this rule chapter:

(1) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(3) "Harvest for commercial purposes" means the taking or harvesting of any spotted seatrout for purposes of sale or with intent to sell. The harvest of spotted seatrout in excess of the applicable recreational bag limit shall constitute harvest for commercial purposes.

(4) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(5) "Northeast Region" means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(6) "Northwest Region" means all state waters north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35'N., 82°48.398'W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(7) "~~South~~ Southeast Region" means state waters lying between the Flagler-Volusia County Line and the Dade-Monroe County Line on the Atlantic Ocean and the Pinellas-Pasco County Line on the Gulf of Mexico and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) "Southwest Region" means state waters lying between the Dade-Monroe County Line on the Atlantic Ocean and a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35'N., 82°48.398'W.), which is approximately 1.17 miles south of the Pasco Pinellas County Line, on the Gulf of Mexico, and adjacent federal Exclusive Economic Zone waters.

(9)(8) "Spotted seatrout" means any fish of the species *Cynoscion nebulosus*, or any part thereof.

(10)(9) "Total length" means the length of a fish as measured from the most forward point of the head to the hindmost point of the tail.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended.

68B-37.003 Size Limits.

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to ~~the a regional~~ bag limit specified in Rule 68B-37.004(1) shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length ~~smaller or larger than the regional size limits indicated in this paragraph:~~

~~1. In the Northeast Region and South Region, a total length less than 15 inches or greater than 20 inches.~~

~~2. In the Northwest Region, a total length less than 15 inches or greater than 24 inches.~~

(b) A person harvesting under the bag limit established in Rule 68B-37.004(1) may harvest, possess while in or on the waters of the state, and land no more than one spotted seatrout per day with a total length greater than 20 inches ~~the applicable regional maximum size limit specified in paragraph (a) of this subsection.~~

(2) Commercial Size Limit – A person harvesting for commercial purposes shall not harvest, possess while in or on the waters of the state, or land any spotted seatrout with a total length less than 15 inches or greater than 24 inches. No person shall buy, sell, or exchange any spotted seatrout with a total length less than 15 inches or greater than 24 inches.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended.

68B-37.004 ~~Regional~~ Bag Limits; Closed Seasons.

(1) ~~Bag Limit Regional bag limits.~~ – Except as provided in Rule 68B-37.005 and subject to the closed seasons specified in subsection (2), no person shall harvest more than five (5) spotted seatrout per day or possess at any time, while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than five (5) spotted seatrout ~~than the specified bag limit established in this subsection within the following identified regions:~~

~~(a) Northeast Region and South Region — Five (5) spotted seatrout.~~

~~(b) Northwest Region — Seven (7) spotted seatrout.~~

(2) Regional season closures – No person shall harvest any spotted seatrout within the specified region during the closed seasons established in this subsection. During the specified

closed season, the possession of spotted seatrout while in or on the waters of the specified region or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters is prohibited.

(a) ~~Southwest~~ ~~Northeast~~ Region – Beginning on December 1 of each year and continuing through the last day of February of the following year, the season for harvest of spotted seatrout is closed in the ~~Southwest~~ ~~Northeast~~ Region. During this closed season, no person shall land any spotted seatrout harvested in any other region ~~the South or Northwest Region~~ in the ~~Southwest~~ ~~Northeast~~ Region.

~~(b) South Region — Beginning on November 1 and continuing through December 31 each year, the season for the harvest of spotted seatrout is closed in the South Region. During this closed season, no person shall land any spotted seatrout harvested in the Northeast or Northwest Region in the South Region.~~

~~(b)(c)~~ Northwest and Southeast Regions Region – Beginning on February 1 and continuing through the last day of February each year, the harvest of spotted seatrout is closed in the Northwest and Southeast Regions Region. During this closed season, no person shall land any spotted seatrout harvested in any other region ~~the Northeast or South Region~~ in the Northwest or Southeast Regions Region.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Vessel Registration and Boating Safety

RULE TITLE: Management Provisions RULE NO.: 68D-24.003

PURPOSE AND EFFECT: Through this rulemaking, the Fish and Wildlife Conservation Commission (FWC) will delegate to the Executive Director the authority to approve establishment of certain boat speed and wake restrictions. This authority will be limited to noncontroversial restricted areas that meet the criteria discussed below. The effect will be to lessen the time that the boating public is exposed to a demonstrable public safety hazard while a consensus driven rule awaits Commission approval.

SUMMARY: This rule delegates to the Executive Director of the Fish and Wildlife Conservation Commission the authority to approve and file rules for adoption establishing or amending boating restricted areas necessary for the protection of public safety on waters of the state. This delegation will be subject to the following criteria: a local government has endorsed the establishment of the proposed restricted area; the area is designed to protect public safety; the requested area is in the immediate vicinity of a bridge, public boat ramp, public dock, public marina, public fueling facility, public sewage pump-out facility, or a specific navigational hazard (such as a sharp corner or blind curve that obstructs visibility); FWC Division of Law Enforcement personnel confirm that the proposed area presents a danger to public safety if it remains unregulated; the area will be regulated at one of the following levels – "Idle Speed No Wake," "Slow Speed Minimum Wake," or "30 miles per hour"; neither the United States Coast Guard nor the Army Corps of Engineers has objected to the establishment; no timely request for a public hearing is received and no timely challenge to the proposed rule is filed; no correspondence or other communication is received showing organized public opposition.

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

Any person who wishes to provide information regarding the statement of 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: 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan S. Richard, Boating Law and Waterway Management, Office of Enforcement Policy and Planning, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.003 Management Provisions.

(1) through (3) No change.

(4) The executive director may approve for adoption rules establishing boating restricted areas. This delegation of authority is subject to the following criteria:

(a) A local government has passed a resolution requesting or endorsing a request that a boating restricted area be established;

(b) The area is designed to protect public safety;

(c) The requested area is in the vicinity of a bridge, public boat ramp, public dock, public marina, public fueling facility, public sewage pump-out facility, or a specific navigational hazard;

(d) Personnel from the Fish and Wildlife Conservation Commission's Division of Law Enforcement confirm that the proposed area presents a danger to public safety if it remains unregulated;

(e) The rule regulates the boating restricted area at one of the following levels - "Idle Speed No Wake," "Slow Speed Minimum Wake," or "30 miles per hour";

(f) Neither the United States Coast Guard nor the Army Corps of Engineers has objected in writing to the establishment of the proposed restricted area;

(g) No timely request for a public hearing is received and no timely challenge to the proposed rule is filed;

(h) No correspondence or other written communication is received showing organized public opposition to the proposed rule.

Specific Authority 327.46 FS. Law Implemented 327.46 FS. History--New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Captain Alan S. Richard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, PhD., Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE CHAPTER NO.: 4-127
RULE CHAPTER TITLE: Fees and Procedures Regarding Department Information and Services

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., Florida Statutes, published in Vol. 25, No. 42, October 22, 1999, of the Florida Administrative Weekly.

4-127.001 Database Information will be changed to read as follows:

The cost for the Annual Report of the Department of Insurance, pursuant to 624.313(1), Florida Statutes, is \$30.00.

~~(1) This rule establishes procedures for individuals and entities purchasing certain data contained in the Department's computer database. These data are: the Department's annual report; other special reports; lists; labels; and bar codes.~~

~~(2) All insurers, firms, individuals, or other entities requesting the information described in subsection (1) from the Department's computer database system shall submit their request in writing to the Bureau of Data Control, Division of Insurer Services, Department of Insurance, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0300.~~

The remainder of the rule will read as published.

PUBLIC SERVICE COMMISSION

DOCKET NO. 981104-EU

RULE NO.: 25-6.049
RULE TITLE: Measuring Customer Service
NOTICE OF PUBLIC SERVICE COMMISSION
AGENDA ON MARCH 28, 2000

The Public Service Commission notifies all interested persons that the above rule has been rescheduled for the agenda conference for the following time and place:

TIME AND DATE: 9:30 a.m., Tuesday, March 28, 2000

PLACE: Florida Public Service Commission, Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

PURPOSE AND EFFECT: To consider the record of the rulemaking proceeding for the amendments to the rule and to adopt, reject, or modify the proposed amendments to the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Anne Helton, (850)413-6096

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF CORRECTIONS

RULE NOS: 33-507.001, 33-507.201, 33-507.401
RULE TITLES: Substance Abuse Program Services - General Policy, Substance Abuse Program Services - Determination of Need, Confidentiality of Substance Abuse Program Services Records

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. 26, No. 3, January 21, 2000, issue of the Florida Administrative Weekly: