

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Debbie Russo, Acting Chief, 1317 Winewood Blvd. Building 8, Tallahassee, FL 32399

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

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE; RULE NOS. and RULE TITLES. Includes entries for Disease Vector Control, Definitions, Restrictions on Importation of Animals, Animals from Outside the Continental United States where a Foreign Animal Disease or Vector is Present, and Materials.

NOTICE OF CHANGE

Notice is hereby given that the proposed Rule 5C-26, FAC., published in the Florida Administrative Weekly, Vol. 26, No. 10, March 10, 2000, has been modified to include text changes in Rule 5C-26.001(10), FAC., and text addition in Rule 5C-26.001(13), to reflect comments received from the Joint Administrative Procedures Committee.

When modified, Rules 5C-26.001(10) and (13), FAC., shall read:

(10) Official Certificate of Veterinary Inspection (OCVI). An official form recognized by the Division for the purpose of certifying the identification, test requirements, and health of specific animals for movement, exhibition, and other designated purposes for the species of animal; to wit:

(a) Official Certificate of Veterinary Inspection DACS 09001 (10/99) (SN 6000) for movement of cattle, goats, sheep, swine, cervidae, ratites, and other hoofed animals, excluding horses;

(b) Official Equine Certificate of Veterinary Inspection DACS 09002 (10/99) (SN 6001) for movement of horses;

(c) Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species DACS 09086 (10/99) (SN 6002) for interstate Movement of dogs, cats and other non-livestock species, including but not limited to zoo animals and domesticated non-native wildlife;

(d) Official Avian Certificate of Veterinary Inspection AI-23 BPS 6 (1/91) for NPIP participating flocks, hatcheries, and dealers which are required by the country or state of destination to provide an OCVI in addition to a report of sales of hatching eggs, chicks, and poults, or

(e) electronic format as provided by the Division of Animal Industry to licensed accredited veterinarians.

(11) Ratites, Ostriches, emus, and rheas.

(12) Vector. Any invertebrate that is capable of transmitting disease causing organisms.

(13) Forms. Official Certificate of Veterinary Inspection DACS 09001 (10/99) (SN 6000), Official Equine Certificate of Veterinary Inspection DACS 09002 (10/99) (SN 6001), Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species DACS 09086 (10/99) (SN 6002), Official Avian Certificate of Veterinary Inspection AI-23 BPS 6 (1/91), or electronic format as provided by the Division of Animal Industry to licensed accredited veterinarians, are hereby incorporated by reference. Copies may be obtained from the Division of Animal Industry, 407 S. Calhoun Street, Room 331, Tallahassee, Florida 32399-0800.

Specific Authority 570.07(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE NOS. and RULE TITLES. Includes entries for Substance Abuse Program Services - General Policy and Substance Abuse Program Services - Determination of Need.

SECOND 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, and revised by the first notice of change published in Vol. 26, No. 8, February 25, 2000, Florida Administrative Weekly:

33-507.001 Substance Abuse Program Services - General Policy.

(1) The department shall provide substance abuse program services at institutions and facilities to the extent that is permitted by available resources.

(2) Effective July 1, 2000, inmates who meet criteria established by the department shall be mandated to participate in substance abuse program services when such services are available.

(3) No right to substance abuse program services is stated, intended, or otherwise implied by this chapter.

33-507.201 Substance Abuse Program Services – Determination of Need.

(1) through (4) No change.

(5) If an inmate refuses to participate in mandatory substance abuse program services, the classification officer shall ensure that this refusal is documented on Form DC5-705, Statement of Refusal to Participate in Substance Abuse Program Services. Form DC5-705 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is July 1, 2000. Inmates who refuse to participate in mandated substance abuse services shall be subject to disciplinary action.

(6) through (10) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000. These changes are in response to comments received from the Joint Administrative Procedures Committee.

The following change was made to the Home Health Services Coverage and Limitations Handbook, March 2000, which is being incorporated by the reference in the rule. On page A-7, we deleted the requirement for a social security number from the form entitled Confidential Request for Precertification Review Home Health Services.

Copies of the full text of the Home Health Services Coverage and Limitations Handbook, March 2000, may be obtained by contacting: Peggy Stafford, Medicaid Program Development, (850)922-7348.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE NOS.:	RULE TITLES:
59H-1.0035	Definitions
59H-1.0045	County Financial Responsibility
59H-1.0055	Hospital Participation
59H-1.0065	Covered Services
59H-1.008	Determination of a Qualified Indigent Patient
59H-1.013	Procedures for Handling Disputes

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.

The changes were made in response to written comments from the Joint Administrative Procedures Committee.

In each of the rules, where a form is incorporated by reference, the words “Copies of the ... may be obtained from the Agency for Health Care Administration, Bureau of Managed Health Care, 2727 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308.” follow.

In each of the rules, where the words “his/her”, “he/she”, or “him” appears, the reference to gender has been dropped.

The phrase “December 1998” has been added to 59H-1.0035(5), so that when adopted it will read “Application: ... AHCA Form 5220-0001, December 1998, ...”.

The words “but not limited to” in subsection 59H-1.0035(19)(n), have been stricken so that when adopted it will read “Contributions from any source, including any amounts contributed...”

The phrase “AHCA Form 3160-0016 Feb. 00, Revised March 17, 1999” has been added to 59H-1.0035(20), so that when adopted it will read “HCRA Handbook: The Health Care Responsibility Act (HCRA), AHCA Form 3160-0016 Feb. 00, Revised March 17, 1999, ...”.

The phrase “Monthly Caseload and Appeals Report, AHCA Form 3160-0017 Feb. 00, Revised December 1998” has been added and the phrase “as revised by the agency and” has been stricken from subsection 59H-1.0035(25), so that when adopted it will read “Monthly Caseload and Appeals Report: The form, Monthly Caseload and Appeals Report, AHCA Form 3160-0017, Revised December 1998, incorporated by reference...”

The phrase “December 1998” has been added to subsection 59H-1.0035(26) so that when adopted it will read “Notification of Eligibility: The form, Notification of Eligibility, AHCA Form 5220-0002, December 1998, as revised by the agency, in consultation...”

The phrase “in February 1988 and updated” has been stricken from subsection 59H-1.0035(28) so that when adopted it will read “...income levels published annually by the Federal Office...”

The last sentence in subsection 59H-1.0035(28) “For the purposes of this program, new guidelines will be effective on October 1 of each year, subsequent to the publication by OMB.” has been deleted.

The phrase “Quarterly Financial Report, AHCA Form 3160-0018 Feb. 00, Revised Dec. 1998,” has been added to subsection 59H-1.0035(31) and the words “as revised by the agency” were stricken from 59H-1.0035(31) so that when

adopted it will read "...the form, Quarterly Financial Report, AHCA Form 3160-0018 Feb. 00, Revised Dec. 1998, and incorporated by reference..."

The phrase "or current designated form" has been stricken from subsection 59H-1.0035(37) so that when adopted it will read "... Hill-Burton as reported on worksheet C-3a of the hospital's prior year report."

The phrase "AHCA Form 3160-0017 Feb. 00, Revised December 1998," has been added to subsection 59H-1.0045(8) so that when adopted it will read "Each month, each county must complete a Monthly Caseload and Appeals Report, AHCA Form 3160-0017 Feb. 00, Revised December 1998, documenting caseload ..."

The phrase "AHCA Form 3160-0018 Feb. 00, Revised Dec. 1998," has been added to subsection 59H-1.0045(9) so that when adopted it will read "At the end of each quarter, each county must submit a Quarterly Financial Report, AHCA Form 3160-0018 Feb. 00, Revised Dec. 1998, for expenditures ..."

The word "immediately" has been stricken and the phrase "pursuant to the Administrative Procedures Act, Chapter 120, F.S." has been added to subsection 59H-1.0055(5) so that when adopted it will read "...then the hospital's eligibility shall be rescinded pursuant to the Administrative Procedures Act, Chapter 120, F.S...."

The phrase "Revised January 1997" has been added to subsection 59H-1.0065(1) so that when adopted it will read "... and the Medicaid Provider Handbook – Hospital Services, Revised January 1997, ..."

The phrase "Revised January 1997" has been added to subsection 59H-1.0065(2) so that when adopted it will read "...and the Medicaid Provider Handbook – Hospital Services, Revised January 1997, ..."

The phrase "as needed" and the word "needed" have been stricken and the word "modified" has been added to subsection 59H-1.008(2) so that when adopted it will read "... county of residence under the act shall be provided to the agency on an annual basis, and when modified. The agency shall provide such information to the participating hospitals and regional referral hospitals on an annual and as modified basis."

Subsection 59H-1.008(10) has been changed so that when adopted it will read "... that certifies the applicant's income includes:"

The phrase "if appropriate" has been stricken from subsection 59H-1.008(13) so that when adopted it will read "... provided to verify income, assets and spend-down provision eligibility." Subsection 59H-1.013(2) has been deleted.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Responsibility Program

RULE NOS.:	RULE TITLES:
59H-2.003	Definitions
59H-2.006	Covered Services
59H-2.007	Determination of Eligibility

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.

The changes were made in response to written comments from the Joint Administrative Procedures Committee.

In each of the rules, where the words "his/her", "him" or "he/she" appears, the reference to gender has been dropped.

The phrase "December 1998" has been added to 59H-2.003(4), so that when adopted it will read "Current through September 1, 1998 Application: ... AHCA Form 5220-0001, December 1998, ...".

The phrase "December 1998" has been added to subsection 59H-2.003(24) so that when adopted it will read "Notification of Eligibility: The form, Notification of Eligibility, AHCA Form 5220-0002, December 1998, and incorporated by reference..."

The phrase "Revised January 1997" has been added to subsection 59H-2.006(1) so that when adopted it will read "...and the Medicaid Provider Handbook – Hospital Services, Revised January 1997, ..."

The phrase "Revised January 1997" has been added to subsection 59H-2.006(2)(a) so that when adopted it will read "...and the Medicaid Provider Handbook – Hospital Services, Revised January 1997, ..."

The phrase "December 1998" has been added to subsection 59H-2.007(6) so that when adopted it will read "...AHCA Form 5220-0001, December 1998."

The phrase "December 1998" has been added to subsection 59H-2.007(9) so that when adopted it will read "...AHCA Form 5220-0001, December 1998, signed by..."

The phrase "the most current" has been stricken from subsection 59H-2.007(18) and the phrase "December 1998" has been added so that when adopted it will read "...disposition of the application using AHCA Form 5220-0002, December 1998, within 10 days..."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-1.0051	Probable Cause Panel

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00 a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-4.001	Written Examination Designated; General Requirements
61G17-4.002	Content of Examination
61G17-4.004	Grading

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00 a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-5.001	Continuing Education Requirements for Reactivation of Inactive License
61G17-5.0031	Continuing Education Credit for Biennial Renewal

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00 a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.:	RULE TITLE:
61G17-5.0043	Obligations of Continuing Education Providers

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. 9, issue of the Florida Administrative Weekly. The change is due to an error of omission when the rule was published.

Rule 61G17-5.0043, Subsection (6) shall now read as follows:

(6) Notify the Board within thirty (30) days of any change in the address or telephone number of the provider;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors And Mappers

RULE NO.:	RULE TITLE:
61G17-8.0011	Fees

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of an additional public hearing on the above-referenced rule to be held on May 18-19, 2000 at 9:00

a.m., at the Sheraton Suites, 2001 S. Roosevelt Blvd., Key West, Florida 33040. The rule was originally published in Vol. 26, No. 9, of the March 3, 2000, Florida Administrative Weekly. This hearing is in response to comments received from the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Greenways and Trails**

DOCKET NO.: 99-25R

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62S-1 Acquisition and Designation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 36, (September 10, 1999), issue of the Florida Administrative Weekly:

THE CHANGED TEXT OF THE PROPOSED RULE IS:

Purpose and Scope	62S-1.100
Definitions	62S-1.100200
Florida Greenways and Trails Council. [Reserved.]	62S-1.200300
Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails	62S-1.300400
Modification of Approved Acquisition Projects	62S-1.350450
Objectives of Designation Process	62S-1.600
Designation of Public Conservation or Recreation Lands and Waterways	62S-1.400620
Designation Process for Private Lands and Waterways	62S-1.450640

~~62S-1.100 Purpose and Scope:~~

~~To interpret and implement the legislative intent and statutory directives of the Florida Greenways and Trails Act (Sections 260.011-018, Florida Statutes), the Department adopts the rules of Chapter 62S-1, F.A.C., as the standards and procedures by which lands and waterways of the Florida Greenways and Trails System will be acquired, designated,~~

~~administered, used and maintained. The two principal procedural rules describe the criteria and processes by which the Department of Environmental Protection will acquire or designate lands and waterways as part of the statewide system of greenways and trails. Primary funding for the land acquisition program is provided by the Florida Forever Trust Fund under the program described in Section 259.105, Florida Statutes (1999). Title to lands and waterways acquired under the Florida Greenway and Trail Program vests in the Board of Trustees of the Internal Improvement Trust Fund, which is responsible for the administration, management, control, protection, and disposition of state owned lands under Chapter 253, Florida Statutes.~~

~~Specific Authority 260.016(1)(c) FS. Law Implemented 253.03, 253.034, 253.04, 253.05, 253.781, 253.782, 253.7829, 259.03, 259.032, 259.04, 259.041, 259.101, 259.105, 260.012-018 FS. History New _____.~~

~~62S-1.100200 Definitions.~~

Whenever used in this chapter or in the forms prescribed for use with this chapter, the words defined in Section 260.013, F.S., shall have the same meaning and the following terms (whether or not capitalized) shall have the meanings stated below unless the context clearly indicates otherwise:

(1) through (5) No change.

~~(6) "Florida Greenways and Trails System" means the statewide aggregation of individual, interconnected or interrelated greenways and trails established by Chapter 260, Florida Statutes, to provide open space for the benefit of environmentally sensitive lands and wildlife and to provide people with access to healthful outdoor activities.~~

(7) through (12) renumbered (6) through (11) No change.

~~(13) "Multiple use" means the harmonious and coordinated management of timber, recreation, conservation of fish and wildlife, forage, archaeological and historic sites, habitat and other biological resources, or water resources so that they are utilized in the combination that will best serve the people of the state, making the most judicious use of the land for some or all of these resources and giving consideration to the relative values of the various resources. In this chapter, the term "multiple use" can also refer to and shall be deemed to include the use of land or resources by more than one state agency, or by one or more state agencies and private sector land managers. In any case, lands identified as multiple use lands in the land management plan shall be managed to enhance and conserve the lands and resources for the enjoyment of the people of the state.~~

(14) through (21) renumbered (12) through (19) No change.

~~(22) "Single use" means management for one particular purpose to the exclusion of all other purposes; provided, however, that single use properties may be managed for compatible secondary purposes which will not detract from or interfere with the primary management purpose. Examples of single use management include the use of agricultural lands for~~

production of food and livestock, the use of improved sites and grounds for institutional purposes, and the use of lands for parks, preserves, wildlife management, archaeological or historic sites, or wilderness areas where the maintenance of essentially natural conditions is important. All submerged lands shall be considered single-use lands and shall be managed primarily for the maintenance of essentially natural conditions, the propagation of fish and wildlife, and public recreation, including hunting and fishing where deemed appropriate by the managing agency.

(23) through (24) renumbered (20) through (21) No change.

Specific Authority 260.016(1)(c) FS. Law Implemented ~~253.034, 253.781, 259.032, 259.041, 259.101, 259.105, 259.1051, 260.011, 260.012, 260.013, 260.0142, 260.015, 260.016, 375.045~~ FS. History—New _____.

62S-1.200300 Florida Greenways and Trails Council. [Reserved.]

62S-1.300400 Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails. Section 260.015, Florida Statutes, authorizes the Department to acquire the fee simple title or any lesser interest in land for the purpose of facilitating the establishment of a statewide system of greenways and trails. Funding for the Department's acquisition of lands for the Florida Greenways and Trails System is provided through the sale of bonds under the "Florida Forever Act" (Section 259.105, Florida Statutes). Section 260.016, Florida Statutes, authorizes the Department to adopt rules for the evaluation, selection, designation, operation and maintenance of greenways and trails. Accordingly, The Department will follow the guidelines established by this rule to solicit, evaluate and select lands to be acquired for the Florida Greenways and Trails System.

(1) No change.

(2) Voluntary Nature of Acquisitions. The acquisition of lands for the Florida Greenways and Trails program is accomplished through voluntary arms-length transactions; The Department is not authorized to acquire lands through the use of condemnation proceedings (eminent domain), based on a landowner's willingness to sell his or her property to the state for its fair market value. The Florida Greenways and Trail Act does not authorize The Department is not authorized to acquire lands through the use of condemnation proceedings (eminent domain). Therefore, the owners of real property upon or over which a proposed greenway or trail would pass must be willing to negotiate with representatives of the Department (or its designee) regarding the potential sale of their lands to the State of Florida.

(3) Funding Limitations. Acquisition funding for the Florida Greenways and Trails program is limited to one and five tenths percent (1.5%) of the annual bond proceeds deposited in the Florida Forever Trust Fund. To ensure that the best possible value is obtained for each funding dollar, the Department must carefully weigh and compare the individual

and relative values of all proposed acquisition projects. In some cases, the exemplary natural resources or multiple use recreational opportunities offered by one or two projects could result in large awards that could effectively preclude funding of other projects for a particular year.

(3)(4) Solicitation and Submission of Project Proposals. The Department will solicit and accept applications for acquisition funding in the following manner:

(a) No change.

(b) All requests for land acquisition funding under the Florida Greenways and Trails program must be submitted on The Department's "Application for Acquisition of Land," DEP Form #OGT-1, effective [effective date of rule] (the "Application"), which is prescribed for use with these rules and is hereby incorporated by reference. The Application may be obtained by writing to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, FL 32399-2400 at the address stated in paragraph (e) below, by telephoning (850)488-3701 (SunCom 278-3701), or by e-mail through the Department's website address to <http://www.dep.state.fl.us/gwt>.

(c) Applications, together with attached and supporting documentation, must be mailed or delivered to the following address: Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, FL 32399 2400. To obtain a precise office location for document delivery, applicants should call the Office of Greenways and Trails at (850)488-3701 (SunCom 278-3701). Faxed copies of the Application, attachments or other supporting documentation will not be accepted, and only those documents received by 5:00 p.m. on the deadline date stated in the published notice will be considered during the project evaluation and selection process.

(d) Applicants must submit an original Application, one (1) original set of the items listed in paragraph (5)(j) below and any other supporting documentation, together with twenty-four (24) first generation copies of the Application, required attachments and supporting documentation.

(5) (Delete entire subsection. See proposed rule publication for original text.)

(4)(6) No change.

(5)(7) Evaluation and Selection Criteria and Scoring. Within one hundred twenty (120) days after the Application submission deadline, Department staff will evaluate all timely submitted Applications for conformity with the criteria set forth in this subsection and determine the individual and relative merits of proposed acquisition projects. Taking into account the limited amount of funding available, Department staff may recommend a higher or lower funding level than requested by the sponsor of a project and may also determine that a large project should be acquired or developed in phases to permit a broader allocation of available acquisition funds among projects. During the 120-day evaluation period,

Department staff may conduct site visits or request technical advisory comments from other state agencies, regional planning councils, water management districts, nonprofit conservation or recreation organizations, or other public or private groups generally recognized as authorities on issues related to the acquisition, development and management of greenways and trails. For scoring purposes, Department staff will utilize the information contained within the Application and its attachments, unless such information is contradicted or superseded by data obtained during a site visit or documentary evidence received from one of the technical advisory bodies mentioned above. If a particular criterion does not apply to a proposed project, the applicant should indicate "Not Applicable" in response to the criterion on the Application. Because projects only accumulate points during the evaluation process, no points will be deducted if a particular criterion does not apply to a project. Since some criteria relate to features or activities that would be mutually exclusive within the same project, it is highly unlikely that a project can achieve points in every category.

(a) Importance and Function of Project Within Statewide System. ~~The Florida Greenways and Trails System was established to conserve, develop and use the state's natural resources for healthful and recreational purposes. The relative importance of proposed greenways and trails corridors within the statewide system and the conservation and recreation functions to be served by proposed projects are factors that must be considered in the evaluation of Applications for the limited funds available under the Florida Greenways and Trails program.~~ A maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to the importance and function of the project within the statewide system of greenways and trails:

1. through 2. No change.

3. Whether the project creates, enhances or encourages the development, extension or connection of local, regional or national greenways or trails and, if so, whether the project is being pursued in conjunction and collaboration with other state, federal, local or non-profit agencies that will provide part of the funding necessary to acquire, develop, operate or maintain the project. ~~Preference shall be given to projects that connect multiple jurisdictions, serve low income or other disadvantaged populations, or promote the six principles of sustainability described in Section 163.3244(1), Florida Statutes.~~

4. through 6. No change.

(b) No change.

(c) Costs of Project Acquisition, Development, Operation and Maintenance. The estimated acquisition costs and proposed budgets for the development, operation and maintenance of each project will be carefully scrutinized by Department staff. Questionable or unsupported figures or calculations will be so noted by Department staff in the

evaluation report prepared for the Florida Greenways and Trails Council. Some of the factors that influence total project cost are the number of parcel owners, approximate land values based on county tax assessment values, the availability of less-than-fee acquisition alternatives, and whether existing improvements on the site could be used by the project or would have to be demolished and removed. A maximum of thirty-five (35) points can be awarded to a proposed project on the basis of the following cost-related factors:

1. Whether fee simple acquisition is necessary to achieve the recreational and conservation purposes for which the project is being established and if not, the type(s) of less-than-fee acquisition alternatives available for the project. Preference shall be given to projects that can be acquired, in whole or in part, using less-than-fee acquisition alternatives such as the purchase of development rights, the lease of hunting, agricultural, silvicultural or mineral rights or the granting of conservation or flowage easements.

2. through 4. No change.

(d) Environmental Protection and Ecosystem Management. ~~The Florida Greenways and Trails System not only provides open space to benefit environmentally sensitive lands and wildlife, but also serves as an implementation tool for concepts of ecosystems management. The manner and extent to which a proposed project conserves important natural resources and protects or enhances existing ecosystems within or adjacent to the project site are indicators of the project's value to the statewide system.~~ A maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to environmental benefits to be derived from the project:

1. through 3. No change.

(e) Recreational / Educational / Historical / Cultural Opportunities. ~~A primary purpose of the Florida Greenways and Trails Act is to improve the health and welfare of people by providing healthful outdoor recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging and historical or archaeological interpretation. To that end, A~~ maximum of fifty (50) points can be awarded to a proposed project on the basis of the following factors that relate to recreational, educational, historical and/or cultural opportunities that would be provided by acquisition of the project for the statewide system of greenways and trails:

1. through 4. No change.

(f) Project Management. All state lands managed under the provisions of Chapter 259 and Section 253.034, Florida Statutes, must be "managed for public outdoor recreation which is compatible with the conservation and protection of public lands . . . and the purposes for which the lands were acquired." Similarly, the Florida Forever Act provides that all lands acquired under the Act must be managed for multiple-use purposes where compatible with the land's resource values and management objectives. While all greenways and trails

projects are not expected to provide a full complement of conservation and recreational opportunities, preference shall be given to projects that provide multiple uses. A maximum of fifty (50) points can be awarded to a proposed project based on the following management-related factors:

1. through 5. No change.

~~6. Whether the project will promote innovative management techniques or facilitate the coordinated management of multi-jurisdictional greenways and trails.~~

6.7. Whether the proposed project would permit or support any of the following additional uses described in ~~upon authorization by the Board of Trustees under Section 253.034(10), Florida Statutes, where compatible with the land's resource values and management objectives:~~ water resource development projects, water supply development projects, stormwater management projects, linear facilities or sustainable agricultural and forestry activities.

(8) through (9) renumbered (6) through (7) No change.

~~(8)(10) Council Review and Recommendation of Projects. Although the Department is charged with the responsibility of evaluating acquisition projects and compiling a prioritized list of greenways and trails suitable for acquisition, the Florida Greenways and Trails Council is directed by statute to review project applications and recommend to the Secretary of the Department the projects that should be acquired. Accordingly, Within sixty (60) days after its receipt of the project evaluation report and prioritized list of evaluated projects from Department staff, the Council shall prepare its recommendation to the Secretary in accordance with the following provisions:~~

(a) through (b) No change.

(c) Following the close of testimony at the final public meeting held for purposes of project review, the Council shall consider the information submitted and either:

1. Endorse the prioritized list prepared by Department staff; or

2. Modify the prioritized list based on the Council's review of all project Applications submitted and evaluated during the current funding cycle, oral presentations by Department staff, and written or verbal testimony by project sponsors, supporters or the general public.

a. The Council may award up to fifteen (15) additional points to any project whose characteristics may not have been adequately addressed under the evaluation criteria stated in Section 62S-1.400~~300~~(7), F.A.C. The Council must itemize any additional characteristics or features contemplated under this paragraph and state with particularity the reason(s) for awarding the additional points.

b. Taking into account the limited amount of funding available. ~~t~~The Council may recommend a higher or lower funding level than requested by the sponsor of a project and it may also determine that a large project should be acquired or developed in phases to permit a broader allocation of available

acquisition funds among projects. Each Council modification of a project's total point score or level of funding must be supported by an affirmative majority vote of Council members present and voting at the public meeting; a quorum must be present when each modification vote occurs. Any condition(s) recommended by Department staff in its written evaluation report shall be deemed ratified by the Council unless deleted or amended by the modification process described herein.

(d) No change.

(11) through (12) renumbered (9) through (10) No change.

Specific Authority 260.016(1)(c) FS. Law Implemented ~~163.3244(1), 253.034, 253.781, 782, 253.7829, 259.03, 259.032, 259.04, 259.101, 259.105, 260.012, 260.0125, 260.013, 260.0142, 260.015, 260.016, 380.05(22)~~ FS. History--New

62S-1.350~~450~~ Modification of Approved Acquisition Projects.

Modification of approved greenways and trails projects shall be considered by the Department in accordance with the criteria and procedures established by this rule.

(1) Eligibility. To be eligible for modification, a project must be identified and ranked as either a "Primary Project" or "Contingent Project" on an approved acquisition list at the time that the modification notice or proposal is submitted (see Sections 62S-1.300~~400~~(9)-(11), F.A.C.). Changes described in Section 62S-1.350~~450~~(3), F.A.C., only require written notice to the Department, but the types of project modifications described in Section 62S-1.350~~450~~(4), F.A.C., shall be submitted to and approved by the Department. Changes to projects that have been evaluated by the Department but are not ranked as either a Primary Project or a Contingent Project on an approved acquisition list shall be incorporated in a new application package and re-submitted to the Department for evaluation and ranking during an advertised funding cycle.

(2) Prescribed Forms. The following forms are prescribed for use with Section 62S-1.350~~450~~, F.A.C., and are incorporated herein by this reference:

(a) The Department's "Notice of Change", DEP Form #OGT-4, effective [effective date of rule], shall be used for notifying the Department of project modifications described in Section 62S-1.350~~450~~(3), F.A.C.; and

(b) The Department's "Request for Modification", DEP Form #OGT-5, effective [effective date of rule] ("RFM"), shall be used for submitting requests for Primary and Contingent Project modifications described in Section 62S-1.350~~450~~(4), F.A.C.

The forms may be obtained by writing to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. Alternatively, interested parties can request the forms by telephone to (850)488-3701 (SunCom 278-3701) or through the Department's website address by e-mail to ~~http://www.dep.state.fl.us/gwt~~. To obtain a precise office

location for document delivery, applicants should call the Office of Greenways and Trails at (850)488-3701 (SunCom 278-3701).

(3) Changes Requiring Notice to Department. Written notice of the following types of changes to Primary and Contingent Projects shall be provided to the Department within ten (10) days after the event:

(a) No change.

(b) Acquisition of adjacent, additional or alternative lands located outside the original planned project corridor but within the original project boundary submitted for the project;

(c) through (f) No change.

The Notice of Change shall be mailed or delivered to the Office of Greenways and Trails at the address stated in Section 62S-1.350450(2), F.A.C., and shall include a description of each modification being made to the project, the reason(s) for each change and the effective date thereof (if any). If the modification includes substitution of the project's managing entity, a "Willing Management Certificate", DEP Form #OGT-3, effective [effective date of rule], shall be completed and signed by the new managing entity and submitted with the Notice of Change.

(4) Modifications Requiring Department Approval. The following types of changes to Primary Projects shall be submitted to and must be approved by the Department using the criteria in subsections 9 and 10 of this section:

(a) Acquisition of adjacent, additional or alternative lands located outside the original planned project corridor but within the original project boundary submitted for the project;

(b) through (f) renumbered (a) through (e) No change.

~~(5) Additions to Primary or Contingent Projects. The Department may approve the acquisition of lands located outside the original planned project corridor of a Primary or Contingent Project, if the additional lands or waterways were identified within the original project boundary submitted for the project. Any proposed acquisition of lands or waterways lying outside the original project boundary of a Primary or Contingent Project will be considered a separate acquisition project and must be submitted to the Department for evaluation and ranking during a regularly advertised funding cycle.~~

(6) Submission of Modification Proposal. For any modification requiring Department approval, the completed RFM must be received by the Department at least ninety (90) days prior to the public hearing during which it will be considered by the Florida Greenways and Trails Council. The party seeking the modification must mail or deliver an original and twenty-four (24) first-generation copies of the RFM, together with required attachments and other supporting documentation, to the Office of Greenways and Trails at the address stated in Section 62S-1.350450(2), F.A.C. Faxed copies of required documents will not be accepted or returned.

(7) No change.

(8) Review for Completeness. Within ten (10) days after receipt of an RFM, Department staff will provide the submitting party with written notice regarding the sufficiency and clarity of the documentation submitted. If the RFM is incomplete or otherwise inadequate, the notice will describe the additional information or clarification required and indicate the date by which it must be received by the Office of Greenways and Trails at the address stated in Section 62S-1.350450(2), F.A.C. Failure of the submitting party to timely provide the information requested in the notice shall be deemed a request to withdraw the RFM from further consideration.

(9) through (10) No change.

~~62S-1.600 Objectives of Designation Process.~~

~~Chapter 260, Florida Statutes, directs the Department to establish and expand a statewide system of greenways and trails for recreational and conservation purposes. The primary tools for developing additional links in the Florida Greenways and Trails System are the Department's land acquisition program and its designation of public and private lands and waterways as part of the statewide system. Subsection 260.016(2), Florida Statutes, directs the Department to develop a designation process and instructs the Department to implement the five year plan for greenways and trails adopted by the Florida Greenways Coordinating Council in September 1998 (the "Plan"). The designation process described in the Plan contemplates that both public and private lands would be designated as components of the statewide system, and encourages voluntary participation by private landowners and public land managers. A copy of the Plan, which includes six (6) maps that depict existing and potential greenways and trails, and all forms incorporated by reference in Sections 62S 1.620 through 62S 1.680, F.A.C., may be obtained from the Office of Greenways and Trails, Florida Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399 2400; Telephone: (850)488 3701; Fax: (850)922 6302.~~

~~Specific Authority 260.016(1)(c)1, FS. Law Implemented 260.012, 260.014, 260.016, FS. History New _____.~~

~~62S-1.400620 Designation of Public Conservation or Recreation Lands and Waterways.~~

(1) No change.

(2) Initiation of Process. The designation process for Public Conservation or Recreation Lands and Waterways can be initiated in one of two ways:

(a) No change.

(b) The owner or managing entity of Public Conservation or Recreation Lands or Waterways can contact the Department's Office of Greenways and Trails at the address stated in Rule 62S-1.350600(2)(b), F.A.C., to request designation of the property as part of the statewide system of greenways and trails.

In either case, the owner of the Public Conservation or Recreation Lands or Waterways proposed for designation must provide the Department with written consent to designation of the property as part of the Florida Greenways and Trails System.

(3) Submission of Project Proposals. To confirm its desire to pursue designation of the Public Conservation or Recreation Lands or Waterways as part of the Florida Greenways and Trails System, the owner or managing entity of the property must complete and file with the Department a "Certificate of Qualification," DEP Form #OGT-6, effective [effective date of rule], which is hereby incorporated by reference. The following documents must be attached to the Certificate of Qualification at the time of submittal:

(a) No change.

(b) A "Management Certificate", DEP Form #OGT-8, effective [effective date of rule], and hereby incorporated by reference, signed by the managing entity of the property. The forms can be obtained by writing to the Office of Greenways and Trails, or interested parties can request the forms by telephone to (850)488-3701 (SunCom 278-3701) or through the Department's website. All required documentation must be submitted to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. To obtain a precise office location for document delivery or the current website address, applicants should call (850)488-3701 (SunCom 278-3701). ~~The forms can be obtained by writing to the Office of Greenways and Trails, or interested parties can request the forms by telephone to (850)488-3701 (SunCom 278-3701) or by e-mail to <http://www.dep.state.fl.us/gwt>.~~

(4) through (6) No change.

(7) Council Review and Recommendation. The Florida Greenways and Trails Council shall review each proposal for designation of Public Conservation or Recreation Lands or Waterways as part of the Florida Greenways and Trails System. At the meeting noticed under Section 62S-1.620400(6)(c), F.A.C., Department staff will present to Council members a verbal summary of the relevant information submitted for each proposed designation project and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties. Following the close of testimony, the Council shall consider the information submitted and either recommend approval or disapproval of the designation proposal to the Secretary of the Department. The Council's recommendation shall be ratified by a majority of members present and voting at the public meeting; a quorum shall be present when the ratification vote is taken. Department staff shall forward the Council's recommendation to the Secretary of the Department.

(8) through (9) No change.

Specific Authority 260.016(1)(c)1. FS. Law Implemented 260.012, 260.013, 260.014, 260.0142, 260.016 FS. History—New _____.

62S-1.450640 Designation Process for Private Lands and Waterways.

(1) No change.

(2) Initiation of Process. The sponsor of a greenways or trails project located or to be located on private lands or waterways may initiate the designation process for the subject property by filing with the Department an "Application for Designation," DEP Form #OGT-9, effective [effective date of rule], which is hereby incorporated by reference. The Department's Office of Greenways and Trails will accept Applications for Designation at any time throughout the year.

All forms described in this rule can be obtained by writing to the Office of Greenways and Trails, Department of Environmental Protection, Mail Station 795, Tallahassee, Florida 32399-2400. Alternatively, interested parties can request the Application for Designation by telephone to (850)488-3701 (SunCom 278-3701) or through the Department's website ~~by e-mail to <http://www.dep.state.fl.us/gwt>.~~

(3) No change.

(4) Submission of Designation Proposal. The Application for Designation, which must be submitted to the Department's Office of Greenways and Trails at the address stated in Section 62S-1.450640(2), F.A.C., shall contain the following information:

(a) through (h) No change.

(5) No change.

(6) Preparation of Designation Agreement. At a minimum, a proposed designation agreement shall include or address the following items:

(a) through (g) No change.

(h) Compilation of available information on and field verification of the characteristics of the lands and waterways as they relate to the criteria contained in Section 62S-1.450640(1), F.A.C.;

(i) through (l) No change.

(7) No change.

(8) Council Review and Recommendation. The Florida Greenways and Trails Council shall review each Application for Designation of private lands or waterways as part of the Florida Greenways and Trails System. At the meeting noticed under Section 62S-1.450640(7)(c), F.A.C., Department staff will present to Council members a verbal summary of the relevant information submitted for each proposed designation project and respond to members' questions. Thereafter, the Council shall permit oral or written testimony by project sponsors, supporters and members of the general public, which testimony shall be limited in duration if necessary to ensure equal time for all interested parties. Following the close of

testimony, the Council shall consider the information submitted and either recommend approval or disapproval of the designation proposal to the Secretary of the Department. The Council's recommendation must be ratified by a majority of members present and voting at the public meeting; a quorum must be present when the ratification vote is taken. Department staff shall forward the Council's recommendation to the Secretary of the Department.

(9) through (10) No change.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-2.0015
RULE TITLE: Delinquent Fee
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 Vol. 26, No. 9, March 3, 2000, issue of the Florida Administrative Weekly. Rule 64B1-2.0015(1) shall read as follows:

64B1-2.0015 Delinquent Fee.

(1) The delinquent fee applicable to any licensed acupuncturist who fails to renew on a timely basis shall be \$200. The delinquency fee shall be due and payable at the time the licensee shall apply for active or inactive status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-8.004
RULE TITLE: Disposal of Biohazardous Waste
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 Vol. 26, No. 8, February 25, 2000, issue of the Florida Administrative Weekly.

Rule 64B1-8.004 shall read as follows:

64B1-8.004 Disposal of Biohazardous Waste.

Biohazardous waste must be managed pursuant to the provisions of Chapter 64E-16, Florida Administrative Code, effective June 3, 1997.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NO.: 64B2-16.0075
RULE TITLE: Citations
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 7, February 18, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (4) shall now read as follows:

(4) First time failure to complete the required continuing education during the biennial license period; s. 455.624(3), F.S.

(a) failure to complete less than 10 hours shall result in a penalty of \$500;

(b) failure to complete 10 or more hours will result in a penalty of \$1000.

In addition, licensees shall make up all continuing education hours in deficiency, and shall take one additional hour of continuing education for each hour of continuing education deficiency. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-3.005
RULE TITLE: Fees for Application, Examination, Initial and Renewal Licensure
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. 6, issue of the Florida Administrative Weekly. The change is due to an error of omission when the rule was published. Subsection (3) shall now read as follows:

(3) The initial licensure fee for a person who becomes licensed shall be \$110.00.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.003	Training
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 41, October 15, 1999, Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.061	Specific Regulations for Type I Wildlife Management Areas – South Region

NOTICE OF CHANGE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraph 68A-15.061(3)(b) of this proposed rule which was published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000, so that when adopted, it will read as follows:

68A-15.061 Specific Regulations for Type I Wildlife Management Areas – South Region.

(3) Green Swamp Wildlife Management Area – West Unit

(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 or size limits on wild hogs. Fish and frogs throughout the year.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.062	Specific Regulations for Type I Wildlife Management Areas – Northeast Region

NOTICE OF CHANGE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.062(7)(d)9. of this proposed rule which was published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000, so that when adopted, it will read as follows:

68A-15.062 Specific Regulations for Type I Wildlife Management Areas – Northeast Region.

(7) Osceola Wildlife Management Area

(d) General regulations:

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 285; 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.065	Specific Regulations for Type I Wildlife Management Areas – Central Region

NOTICE OF CHANGE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.065(6)(a)7. and paragraph 68A-15.065(29)(b) of this proposed rule which was published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000, so that when adopted, it will read as follows:

68A-15.065 Specific Regulations for Type I Wildlife Management Areas – Central Region.

(6) Ocala Wildlife Management Area

(a) Open season:

7. Spring turkey – March 22-25, March 29 – April 1, April 5-8 and 12-15, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

(29) Lake Panasoffkee Wildlife Management Area

(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 or size or bag limits on wild hogs. Fish and frogs throughout the year.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.032
RULE TITLE: Regulations Governing the Establishment of Alligator Management Programs on Private Lands

NOTICE OF CHANGE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraphs 68A-25.032(2)(d) and (e) of this proposed rule which was published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000, so that when adopted, it will read as follows:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(d) Alligators greater than nine feet in length and alligators less than six feet in length may be taken from April 1 through August 31 and non-hatchling alligators may be taken from September 1 through March 31.

(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 March 31. The use of firearms other than bang sticks and gig-equipped bang sticks is prohibited from sunset to sunrise.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.003
RULE TITLE: Management Provisions

NOTICE OF CHANGE

Notice is hereby given that, in response to written comment, timely received, the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraph 68D-24.003(4)(f) of this proposed rule which was published in Vol. 26, No. 8, Florida Administrative Weekly, February 25, 2000, so that when adopted, it will read as follows:

68D-24.003 Management Provisions.

(4) The executive director may approve for adoption rules establishing boating restricted areas. This delegation of authority is subject to the following criteria:

(f) No written objection to the establishment of the proposed restricted area has been received from the United States Coast Guard, the Army Corps of Engineers, or a Navigation District established under chapter 374, Florida Statutes.

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5BER00-3
RULE TITLE: Citrus Canker Eradication

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Citrus canker, *Xanthomonas axonopodis pv. citri*, Asian strain is one of the most destructive bacterial diseases of citrus. It is found in Africa, Asia, Central America, and South America. Severe infections of citrus canker cause fruit to blemish which makes it difficult to market for fresh consumption, and the disease causes premature fruit drop, thereby reducing commercial citrus production. If not eradicated from the state, Florida's citrus industry valued at \$8.5 million will be in jeopardy due to lost production and lost markets resulting from quarantine action. Recent tropical storms and hurricanes have resulted in disease spread from infested areas into non-infested areas ever closer to major citrus production areas. Statewide decontamination of personnel and equipment moving between citrus groves is necessary to prevent additional disease spread. In view of these specific facts and reasons and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by, Sections 570.07(21) (to declare an emergency), 120.54(a), 581.031(6)(7), and 581.111, Florida Statutes, the Commissioner hereby finds that an immediate serious danger to the public health, safety or welfare exists, declares that an emergency to the agricultural and horticultural interests of this state exists and declares a quarantine on certain Florida citrus plants and plant parts, citrus fruit and other material as set forth in the emergency rule hereby promulgated. **REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** This action is necessary and fair under this emergency because immediate action must be taken to prevent the spread of Asian strain citrus canker. If immediate action is not taken, eradication costs will rise phenomenally due to the increased area which must be quarantined and in which citrus trees must be removed. If Asian strain citrus canker continues to spread unchecked, it will cause substantial damage to citrus production in home gardens and to the \$8.5 billion citrus industry.