

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

**RULE TITLE:** Noncompliance **RULE NO.:** 1S-1.008

**PURPOSE AND EFFECT:** Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules in 1999 to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rule is no longer necessary and is adequately addressed in another rule. It is therefore, being repealed.

**SUMMARY:** Repeals Rule 1S-1.008, Florida Administrative Code.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A SERC has not been prepared.

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

**SPECIFIC AUTHORITY:** 120.55(1)(d) FS.

**LAW IMPLEMENTED:** 120.54(3)(e), 120.55(1)(d) FS.

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

**TIME AND DATE:** 9:00 a.m., May 16, 2000

**PLACE:** Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

**THE FULL TEXT OF THE PROPOSED RULE IS:**

1S-1.008 Noncompliance.

Specific Authority 120.55(1)(d) FS. Law Implemented 120.54(3)(e), 120.55(1)(d) FS. History—New 5-29-80, Formerly 1-7.01, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bucky Mitchell

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** L. Clayton Roberts, Division Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 7, 2000

### DEPARTMENT OF STATE

#### Division of Elections

**RULE TITLES:** Petition Criteria **RULE NOS.:** 1S-2.0081

Certification of Supervisors of Elections 1S-2.011

**PURPOSE AND EFFECT:** Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rules were no longer supported by adequate rulemaking authority and were unnecessary. Thus, the rules are being repealed.

**SUMMARY:** Repeals Rules 1S-2.0081 and 1S-2.011, Florida Administrative Code.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A SERC has not 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:** 15.13, 97.012, 189.405 FS.

**LAW IMPLEMENTED:** 97.012(1), 145.09 FS.

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

**TIME AND DATE:** 9:00 a.m., May 16, 2000

**PLACE:** Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

**THE FULL TEXT OF THE PROPOSED RULES IS:**

1S-2.0081 Petition Criteria.

Specific Authority 189.405 FS. Law Implemented 97.012(1) FS. History—New 10-3-90, Repealed \_\_\_\_\_.

1S-2.011 Certification of Supervisors of Elections.

Specific Authority 15.13, 97.012 FS. Law Implemented 145.0 FS. History—New 2-3-81, Amended 10-7-82, Formerly 1C-7.11, Amended 7-7-86, 11-20-88, Formerly 1C-7.011, Amended 1-25-96, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bucky Mitchell

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** L. Clayton Roberts, Division Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 7, 2000

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE:

RULE NO.:

In-Kind Contributions

1S-3.004

PURPOSE AND EFFECT: Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules in 1999 to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rule is no longer supported by adequate rulemaking authority. In addition, the subject is addressed in the underlying statute, section 106.055, Florida Statutes. It is therefore, being repealed.

SUMMARY: Repeals Rule 1S-3.004, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A SERC has not 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: 106.22(9) FS.

LAW IMPLEMENTED: 106.055 FS.

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

TIME AND DATE: 9:00 a.m., May 16, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-3.004 In-Kind Contributions.

Specific Authority 106.22(9) FS. Law Implemented 106.055 FS. History—New 9-12-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bucky Mitchell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2000

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:

RULE NO.:

Approval of Preservice Teacher Preparation Programs

6A-5.066

PURPOSE AND EFFECT: The purpose of this rule revision is to incorporate the recommendations of the Teacher Preparation Program Committee regarding core curricula for teacher preparation programs and to incorporate statutory changes. The effects of the rule revision are that admission and completion requirements for state approved teacher preparation programs are increased; subject matter content standards for teacher preparation are updated; core curriculum courses and experiences in general education, content knowledge, professional education, methodology, and internship are prescribed; teacher preparation program faculty are required to have recent experience in PK-12 classrooms.

SUMMARY: This rule revision changes program admission, program completion, curricula, and faculty qualification requirements for state approved teacher preparation programs to ensure that programs focus on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards.

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 the notice.

SPECIFIC AUTHORITY: 231.546, 240.529 FS.

LAW IMPLEMENTED: 231.546, 240.529 FS.

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

TIME AND DATE: 9:00 a.m., May 23, 2000

PLACE: County Administration Building, County Commission Chamber, 1660 Ringling Boulevard, 1st Floor, Sarasota, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.066 Approval of Preservice Teacher Preparation Programs.

(1) General Criteria.

(a) The Department of Education is authorized to approve preservice teacher preparation programs and to grant extensions of approvals in accordance with the provisions of this rule. Each approval or extension shall be for the period of time determined by the Department of Education but shall not exceed five (5) years.

(b) Each institution seeking initial approval of a teacher preparation program shall submit a request in writing from the chief executive officer to the Commissioner and include

documentation of all components prescribed in subsection (3) of this rule. The request shall specify the certification areas and levels for which approval is sought.

(c) Public and nonpublic colleges and universities requesting approval of a preservice teacher preparation program(s) shall meet the following conditions:

1. Have legal authority to grant appropriate baccalaureate or post-baccalaureate degrees for an area of certification specified in Chapter 6A-4, FAC., and meet requirements for recognition as prescribed in Rule 6A-4.003(1), FAC.

2. State ~~the its~~ qualitative and quantitative requirements for graduation and provide an endorsement of transcripts for students who complete an approved teacher preparation program.

3. Submit annually to the Department a list of students admitted to each teacher preparation program which documents that at least ninety (90) percent of the students admitted to a teacher preparation program meet ~~one of~~ the following admission requirements:

~~a. Attain a score at the 40th percentile or above on the Scholastic Aptitude Test or an equivalent score on the American College Test;~~

~~a.b.~~ Have a grade point average of at least 2.5 on a 4.0 scale for the general education courses of the undergraduate studies, or

~~e.~~ ~~H~~have completed requirements and been awarded a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined in Rule 6A-4.003, FAC., and

b. Demonstrate mastery of general knowledge, including the ability to read, write, and compute by passing the College Level Academic Skills Test (CLAST) or the Praxis I: Academic Skills Test. Passing standards for the College-Level Academic Skills Test are prescribed in Rule 6A-10.0312, FAC. Passing standards for the Praxis I are prescribed in Rule 6A-4.0021, FAC. For graduate level teacher preparation programs, a total Quantitative-Verbal Graduate Record Examination (GRE) score of one thousand (1000) may be accepted.

4. Submit annually to the Department a list of the program graduates of each teacher preparation program.

5. Provide each program participant a clinical program which includes, as a minimum, instruction in the ~~Florida minimum essential teaching competencies~~, subject matter content standards area competencies, and the educator accomplished practices prescribed in paragraph (3)(b) of this rule. Completion of the program shall require demonstration of the subject matter content standards essential teaching and subject area competencies and the educator accomplished practices as prescribed in paragraph (3)(b) of this rule.

6. Designate to a college, school, department, or division, the responsibility for coordinating the planning and administering of all teacher preparation programs offered by the institution.

7. Be responsible for travel, food, and lodging expenses for members of the evaluation committee, as necessary.

(2) Relationship of teacher preparation program approval and teacher certification.

(a) Programs may be approved only in areas and levels for which state certification coverage is available.

(b) Requirements and activities in an approved teacher education program may vary significantly from the descriptions contained in Chapter 6A-4, FAC.

(c) A candidate who completes an approved preservice program shall be eligible for the appropriate teaching certificate of the type and coverage for which the program has been approved provided that the candidate meets other requirements for teacher certification as specified in Section 231.17, Florida Statutes, and Chapter 6A-4, FAC.

(3) Components of each approved program shall include, but not be limited to, the following:

(a) Program philosophy and objectives which respond to needs projected for Florida teachers.

(b) Curricular offerings in general education, professional education, and subject specialization designed to enable program participants, as a minimum, to demonstrate the competencies contained in the subject matter content standards specified by the Education Standards Commission in the document "Subject Matter Content Standards for Florida Teachers," which is hereby incorporated by reference and made a part of this rule, Chapter 231.17(5)(a), Florida Statutes; the professional skills and subject competencies in the "Competencies and Skills Required for Teacher Certification in Florida, Fifth Edition," pursuant to Rule 6A-4.0021, FAC.; and the educator accomplished practices at the preprofessional level contained in Rule 6A-5.065, FAC. In those specialization areas for which the Education Standards Commission has not specified subject matter content standards, the subject area competencies in the "Competencies and Skills Required for Teacher Certification in Florida, Sixth Edition," pursuant to Rule 6A-4.0021, FAC., shall be used. Curricular offerings shall address the importance of democratic values and institutions, the contributions of various ethnic groups to society and stress character development which encourages appreciation of diversity in a pluralistic society. Beginning with students entering their freshman year of college in or after the 2000-2001 academic year, the following curricular requirements are in effect for approved teacher education programs.

1. General education requirements for students shall include the following:

a. Nine (9) semester hours in English to include writing, literature, and speech.

b. Nine (9) semester hours in science to include earth science, life science, and physical science, with a minimum of one associated laboratory.

c. Nine (9) semester hours in mathematics to include college algebra or above and geometry.

d. Twelve (12) semester hours in social sciences to include American history and general psychology.

e. Six (6) semester hours in humanities to include philosophy and fine arts.

2. Subject area specialization requirements for students shall include the following:

a. A degree major or thirty (30) semester hours in the specialization area.

b. Content preparation to enable students to demonstrate mastery of the subject matter content standards as specified in paragraph (3)(b) of this rule.

3. Professional education requirements for students shall include the following:

a. Reading-literacy acquisition.

(I) Students in prekindergarten-primary education and elementary education teacher preparation programs shall successfully complete twelve (12) semester hours to include:

(A) At least six (6) semester hours in assessment, identification, prescription, instruction, and teaching reading across the content areas for primary and intermediate grades.

(B) Foundations of reading and selection of appropriate literature for primary and intermediate grades.

(II) Students in middle and secondary teacher preparation programs shall successfully complete three (3) semester hours in methods of teaching reading to include strategies, assessment, and teaching reading in the content area.

(III) Students in grades K-12 teacher preparation programs shall successfully complete twelve (12) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(I) of this rule for those areas that are the primary providers of reading instruction. Students in other grades K-12 teacher preparation programs shall successfully complete three (3) semester hours as specified in sub-sub-subparagraph (3)(b)3.a.(II) of this rule.

b. Three (3) semester hours which integrates classroom management, school safety, professional ethics, and educational law.

c. Three (3) semester hours in human development and learning.

d. Three (3) semester hours in assessment to include understanding of the content measured by state achievement tests, reading and interpreting data, and using data to improve student achievement.

e. Credit in sociological foundations of education.

(c) A planned series of clinical experiences beginning early in the program and culminating with a final internship. The final internship shall:

1. Provide a full-time field based experience of at least ten (10) weeks in duration.

2. Be conducted under the supervision of high-performing educators.

3. Provide the prospective teacher with experiences of progressive responsibility for student learning and classroom management.

4. Require demonstration of competency at the preprofessional level on the twelve (12) educator accomplished practices specified in Rule 6A-5.065, FAC.

(d) A cohesive program delivery system and a variety of instructional procedures. Courses and school-based experiences shall include instruction, observation, practice and competency demonstration in the following:

1. Instructional strategies that address various learning styles, exceptionalities, and other specialized circumstances.

2. Assessment of student learning.

3. Appropriate use of technology in instruction.

4. Teaching strategies for the instruction of Limited English Proficient (LEP) students which meet the requirements set forth in the ESOL Consent Decree for instructional personnel who teach Limited English Proficient students.

(e) Allocated resources and facilities which are sufficient to support the program.

(f) Admission standards and procedures which promote the acceptance of quality teacher education candidates. Strategies shall be implemented to ensure that students admitted under a waiver of the conditions specified in subparagraph (1)(c)3., of this rule receive assistance to demonstrate competencies to meet requirements for certification.

(g) Continuous screening processes.

(h) Program completion requirements, including competency assessment processes. Program completion requirements shall include:

1. Passing the basic skills, professional knowledge and subject area tests which are required for teacher certification.

2. Demonstration of competency at the preprofessional level on the educator accomplished practices.

(i) Student services, including at least academic counseling and placement.

(j) A process for internal program evaluation that makes use of performance data gathered from interns, beginning teachers, and school system supervisors used for program improvement.

(k) Mechanisms for teacher preparation program decision-making and problem resolution.

(l) Sufficient faculty with educational background and training appropriate for the roles to which they are assigned. Beginning with the 2000-2001 academic year, teacher preparation unit faculty shall have recent experience working in prekindergarten through grade 12 public schools to include

at least fifty (50) full school days, or the equivalent, during each five (5) year period. At least ten (10) days of this experience must be completed during the first year of the five-year period. Acceptable experience to satisfy this requirement shall include observing and delivering instruction in prekindergarten through grade twelve classrooms. School districts are expected to collaborate with colleges and universities to provide opportunities for teacher preparation unit faculty to engage in meaningful experiences.

(m) A governance structure that involves faculty and students.

(n) A process for the delivery of support and assistance to graduates in the first year of employment.

(4) Program documentation must be available for appropriate review to include, but not be limited to, the following:

(a) Overall program description, structure, content, sequence, delivery system, and operational procedures.

(b) Evidence of the relationship of program components to professional literature on teacher preparation program development.

(c) Evidence of the relationship of program components to standards recommended by professional teacher education associations.

(d) Evidence of collaboration with school system personnel in program planning, delivery and evaluation.

(e) Descriptions of program clientele.

(f) Staffing requirements.

(g) Teacher preparation program budget by object classification.

(h) Faculty preparation.

(i) Facilities, instructional equipment and materials.

(j) Faculty assignments.

(k) Faculty-student ratio.

(l) Evaluation of faculty performance, including student evaluation.

(m) Established priorities of the chief executive officer.

(n) Current list of students admitted to an approved program.

(o) Evidence of competency demonstration and verification process.

(p) Description of a formal governance structure.

(5) Each teacher preparation program shall be measured against quality indicators related to the components cited in subsection (3) of this rule and the program documentation cited in subsection (4) of this rule. These indicators of quality shall be logically derived from empirical study and professional consensus related to teacher preparation program design, pedagogical practice and subject specialization.

(6) Based on the recommendation of a review team, the Commissioner shall notify the institution of the approval or denial of approval for each teacher preparation program

included in the request. A denial of approval shall include identification of specific areas of program weakness that must be corrected prior to reconsideration of approval. For approved programs, the institution shall be apprised of the requirements for continued approval.

(7) Continued program approval criteria.

(a) Continued approval of a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education using procedures and criteria outlined in an institutional program evaluation plan that must be approved by the Department. The institutional program evaluation plan must be submitted to the Department annually and include provisions for involving primary stakeholders in the evaluation process. The plan must document continuous improvement of graduates' performance and program processes and provide evidence that the following standards for continued program approval are met:

1. Standard One – Demonstration of knowledge and skills at the point of preservice program completion. All students who complete the program will demonstrate the 12 educator accomplished practices at the preprofessional level as described in the institutional evaluation plan.

2. Standard Two – Performance on the Florida Teacher Certification Examination. ~~Ninety (90) Eighty (80)~~ percent of the students in each program will pass the college level academic skills test, and the professional education and subject matter subtests of the Florida Teacher Certification Examination.

3. Standard Three – Inclusion of program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule. The unit will have complied with program components mandated by Section 240.529, Florida Statutes, and subsection (3) of this rule.

4. Standard Four – Diversity of student population. The diversity of student population enrolled in each program will, over each five (5) year period, increase in both the number of minority students and the number of students in underrepresented groups appropriate to an institution's mission.

5. Standard Five – Satisfaction of employing districts. Feedback from employing Florida school districts will verify that ninety (90) percent of the program graduates who complete their first year of teaching will be rehired or in the case of downsizing will be eligible for rehiring.

(b) The institutional program evaluation plan shall include, but shall not be limited to, the following sections:

1. Evaluation section. This section includes the institution's methods for evaluating compliance with the continued program approval standards.

2. Data section. The data section reports the evidence accumulated through the annual review process to document that the standards for continued program approval are met.

3. Improvement section. This section provides a report of improvements and plans for continuing improvement of program processes and graduates' performance.

(c) The Department shall review the institutional program evaluation plan annually and may provide recommendations for program and plan improvements. The Department shall provide notification to the institution of non-compliance with the ninety (90) ~~eighty (80)~~ percent criterion specified in Standard Two. An institution upon receipt of notification of non-compliance shall include in the next institutional program evaluation plan a description of the action taken to determine the causes of the poor performance and the actions taken by the institution to correct the problems identified. If the passing rate falls below ninety (90) ~~eighty (80)~~ percent for two (2) years in succession, the Department will, based on its review of the institution's report of actions taken and problems identified, report to the Commissioner who will make a decision concerning continued approval.

(d) During the last year of the program approval period, the Department shall examine the results of the institution's annual reviews for each year of the approval period and recommend to the Commissioner continued approval or denial of approval for each teacher preparation program. The institution shall be notified in writing of the continued approval decision. A denial of approval shall include identification of specific areas of program weakness.

(8) Reinstatement of Program Approval. The approval of a program may be reinstated by the Department at the request of the chief executive officer of the institution upon documentation of compliance with the requirements for initial approval of teacher preparation programs, as provided in this rule.

Specific Authority Chapter 97-4, Laws of Florida., 231.546, 240.529 FS. Law Implemented Chapter 97-4, Laws of Florida., 231.546, 240.529 FS. History-New 7-2-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Stewart, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: General Description and Address of Agency  
PURPOSE AND EFFECT: To adopt rule with the general description and address of agency.

RULE NO.: 6C-1.0001

SUMMARY: As required by Chapter 120, F.S., the Uniform Rules prescribe the practice procedures for each agency. Each agency is required to adopt a rule identifying where its statement of organization and operations may be located.

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

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

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 120.54(5)(b)6. FS.

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-1.0001 General Description and Address of Agency.

(1) The Statement of Organization and Operation of the Board of Regents may be obtained upon request from the Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(2) The public may obtain information or make submissions or requests regarding the Board of Regents by calling the Office of the Chancellor (850)201-7100, or by writing: Office of the Chancellor, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

(3) Service of process on the Board is made by serving the General Counsel, State University System of Florida, Florida Education Center, 325 W. Gaines Street, Tallahassee, Florida 32399-1950.

Specific Authority 240.209(1) FS. Law Implemented 120.54(5)(b)6. FS. History-New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Vice Chancellor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLES:	RULE NOS.:
Definitions	6C-1.0005
Offices	6C-1.001
Service of Process	6C-1.002
Officers	6C-1.004
Meetings	6C-1.005
Meetings, Hearings and Workshops by Means of Telephone Conference Calls and other Communications Media Technology	6C-1.0055
Agenda	6C-1.006
Appearances before the Board	6C-1.007
Committees	6C-1.008
Liaison	6C-1.009
Chancellor	6C-1.010
Declaratory Statements	6C-1.011
Standard Forms of the State University System	6C-1.012
Inspectors General	6C-1.014

**PURPOSE AND EFFECT:** Adoption of the Uniform Rules of Procedure by the Administration Commission obviated the need for agency rules of organization, operation and practice. These rules are no longer needed.

**SUMMARY:** Adoption of the Uniform Rules obviated the need for each agency to have its own rules of organization and practice. The Board of Regents will adopt a rule of general description describing the location of its offices and where the public may obtain the Statement of its Organization and Operation. These rules in Chapter 6C-1 are no longer needed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory cost was prepared.

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

**SPECIFIC AUTHORITY:** 240.209(1) FS.

**LAW IMPLEMENTED:** 120.54(5)(b)6. FS.

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

**TIME AND DATES:** 10:00 a.m., May 17-18, 2000

**PLACE:** Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULES IS:

**6C-1.0005 Definitions.**

Specific Authority 240.209(1),(3)(m) FS. Law Implemented 240.209(1),(3)(m) FS. History--New 8-11-85, Formerly 6C-1.005, Repealed.

**6C-1.001 Offices.**

Specific Authority 240.209(1), (3)(r) FS. Law Implemented 240.209(1) FS. History--Formerly 6C-1.01 and 6C-1.13, 11-18-70, Amended and Renumbered 12-17-74, Amended 12-13-77, 8-11-85, Formerly 6C-1.01, Amended 10-10-95, Repealed.

**6C-1.002 Service of Process.**

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 48.111, 240.205, 240.209(1) FS. cf. Rule 1.080. Florida Rules of Civil Procedure. History--Formerly 6C-1.10, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-1.02, Amended 10-10-95, Repealed.

**6C-1.004 Officers.**

Specific Authority 240.209(1),(3)(m) FS. Law Implemented 120.53(1)(d), 240.205(2), 240.209(1),(3)(m), 286.011 FS. History--Formerly 6C-1.07, 11-18-70, Amended and Renumbered 12-17-74, Amended 12-11-79, 8-11-85, Formerly 6C-1.04, Repealed.

**6C-1.005 Meetings.**

Specific Authority 120.53(1)(d), 240.209(1), 286.011 FS. Law Implemented 120.53(1)(d), 286.011, 240.209(1) FS. History--Derived from 6C-1.11, 11-18-70, Amended and Renumbered 12-17-74, Amended 10-25-77, 11-7-79, 8-11-85, Formerly 6C-1.05, Amended 8-12-96, Repealed.

**6C-1.0055 Meetings, Hearings and Workshops by Means of Telephone Conference Calls and other Communications Media Technology.**

Specific Authority 240.209(1), 120.53(6) FS. Law Implemented 240.209(1),(3)(m), 120.52(5), 120.53(6) FS. History--New 8-11-85, Formerly 6C-1.055, Repealed.

**6C-1.006 Agenda.**

Specific Authority 120.53(1)(d), 240.209(3)(m) FS. Law Implemented 120.53(1)(d), 240.209(3)(m) FS. History--Derived from 6C-1.11 and 6C-1.12, 11-18-70, Amended and Renumbered 12-17-74, Amended 10-25-77, 8-11-85, Formerly 6C-1.06, Repealed.

**6C-1.007 Appearances before the Board.**

Specific Authority 120.53(1)(d), 240.209(1), (3)(m) FS. Law Implemented 120.53(1)(d), 240.209(1),(3)(m), 877.13 FS. History--Adopted 2-9-73, Amended and Renumbered 12-17-74, Amended 10-25-77, 8-11-85, Formerly 6C-1.07, Repealed.

**6C-1.008 Committees.**

Specific Authority 120.53(1)(a),(c),(d), 240.209(1),(3)(r) FS. Law Implemented 20.05(1)(b), 120.53(1)(a),(c),(d) FS. History--Formerly 6C-1.08 and 6C-1.09, 11-18-70, Amended 9-17-71, Amended and Renumbered 12-17-74, Amended 4-20-80, 8-11-85, Formerly 6C-1.08, Amended 10-10-95, Repealed.

**6C-1.009 Liaison.**

Specific Authority 20.05(1)(b), 240.209(1),(3)(m) FS. Law Implemented 20.05(1)(b), 240.209(1),(3)(m) FS. History--Formerly 6C-2.04 and 6C-2.05, 11-18-70, Amended and Renumbered 12-17-74, Amended 8-11-85, Formerly 6C-1.09, Repealed.

6C-1.010 Chancellor.

Specific Authority 240.209(1),(3)(r),(4) FS. Law Implemented 240.209(1),(2) FS. History-Derived from 6C-1.14 and 6C-1.15, 11-18-70, Amended 9-19-72, 12-8-72, Amended and Renumbered 12-17-74, Amended 5-27-75, 2-22-76, 6-22-76, 3-21-77, 7-31-77, 8-5-79, 4-2-80, 8-11-85, Formerly 6C-1.10, Amended 1-24-89, 10-10-95, 5-28-97, Repealed.

6C-1.011 Declaratory Statements.

Specific Authority 240.209(3)(m), 120.53(1) FS. Law Implemented 120.53(1), 120.54(9), 120.565, 240.209(3)(m) FS. History-New 2-22-76, Amended 8-11-85, Formerly 6C-1.11, Repealed.

6C-1.012 Standard Forms of the State University System.

Specific Authority 240.209(3)(r), 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History-New 3-21-77, Amended 8-11-85, Formerly 6C-1.12, Amended 10-10-95, Repealed.

6C-1.014 Inspectors General.

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 240.209(1), 20.055 FS. History-Formerly 6C-9.14, Amended 8-11-81, 8-11-85, Formerly 6C-1.14, Amended 7-29-87, 7-2-91, 10-10-95, 5-28-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Patricia C. Haynie, Vice Chancellor  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost  
 RULE NO.: 6C-7.001  
 PURPOSE AND EFFECT: Section 240.209(3)(e), Florida Statutes, requires the Board of Regents to set the tuition and matriculation fees which will generate revenues as established in the General Appropriations Act. It further provides that the Board of Regents may set the Student Financial Aid Fee up to five percent of the tuition and matriculation fee. Proposed legislation authorizes the Board of Regents to approve university requests to implement matriculation and out-of-state tuition fee schedules which vary from the standard Systemwide schedule. Amendments are included in the rule to implement

the proposed change in the statutes. In the event the legislation is not enacted, the amendments related to it will be excluded from the rule.

SUMMARY: Rule 6C-7.001 implements the provisions of Section 240.209(3)(e), Florida Statutes, regarding the establishment of tuition and matriculation fees for students in the public universities, as approved by the Legislature in the General Appropriations Act.

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

SPECIFIC AUTHORITY: 240.209(1),(3)(e) FS.

LAW IMPLEMENTED: 240.209(3)(e),(h), 240.235(1) FS., Conference Committee Report on General Appropriations Act, 2000

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

TIME AND DATES: 10:00 a.m., May 17-18, 2000

PLACE: Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-7.001 Tuition, Fee Schedule and Percentage of Cost.

(1) through (3) No change.

(4) The following tuition shall be levied and collected effective the fall semester indicated for each student regularly enrolled, unless provided otherwise in this chapter.

(a) Students enrolled in programs other than the MD, DMD or DVM in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per credit hour:

Fall 2000

	<u>Undergraduate</u>		<u>Graduate</u>		<u>Law</u>	
<u>Fee</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
<u>Matriculation</u>	<u>\$49.33</u>	<u>\$49.33</u>	<u>\$118.68</u>	<u>\$118.68</u>	<u>\$134.88</u>	<u>\$134.88</u>
<u>Matriculation</u>						
<u>10% Maximum</u>	<u>\$4.93</u>	<u>\$4.93</u>	<u>\$11.86</u>	<u>\$11.86</u>	<u>\$13.48</u>	<u>\$13.48</u>
<u>Differential</u>						
<u>Non-Resident</u>		<u>\$221.86</u>		<u>\$343.56</u>		<u>\$357.85</u>



<u>Non-Resident</u>						
<u>10% Maximum</u>		<u>\$22.18</u>		<u>\$34.35</u>		<u>\$35.78</u>
<u>Differential</u>						
<u>Student Financial Aid</u>	<u>\$2.46</u>	<u>\$2.46</u>	<u>\$5.93</u>	<u>\$5.93</u>	<u>\$6.74</u>	<u>\$6.74</u>
<u>Student Financial Aid</u>						
<u>10%</u>	<u>\$0.25</u>	<u>\$0.25</u>	<u>\$0.59</u>	<u>\$0.59</u>	<u>\$0.67</u>	<u>\$0.67</u>
<u>Maximum</u>						
<u>Differential</u>						
<u>Non-Resident</u>						
<u>Student</u>		<u>\$11.09</u>		<u>\$17.17</u>		<u>\$17.89</u>
<u>Financial Aid</u>						
<u>Non-Resident</u>						
<u>Student</u>						
<u>Financial Aid</u>						
<u>10%</u>		<u>\$1.11</u>		<u>\$1.72</u>		<u>\$1.79</u>
<u>Maximum</u>						
<u>Differential</u>						
<u>Capital Improvement</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>	<u>\$2.44</u>
<u>Trust Fund</u>						
<u>Building</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>	<u>\$2.32</u>
<u>Activity and Service</u>						
<u>Health</u>			<u>Varies by University per Rule 6C-7.003</u>			
<u>Athletic</u>			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total<sup>a</sup></u>	<u>\$56.55</u>	<u>\$289.50</u>	<u>\$129.37</u>	<u>\$490.10</u>	<u>\$146.38</u>	<u>\$522.12</u>
<u>Total<sup>ab</sup></u>	<u>\$61.73</u>	<u>\$317.97</u>	<u>\$141.82</u>	<u>\$538.62</u>	<u>\$160.53</u>	<u>\$573.84</u>

<sup>a</sup> Excludes fees that vary by university per Rule 6C-7.003.

<sup>b</sup> Total including the maximum differential charges.

Fall 1999 – includes the maximum university differential fee increase of 5%

Fee	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Matriculation	\$49.33	\$49.33	\$118.68	\$118.68	\$134.88	\$134.88
Non-Resident		\$221.86		\$343.56		\$357.85
Student Financial Aid	\$2.46	\$2.46	\$5.93	\$5.93	\$6.74	\$6.74
Non-Resident						
Student		\$11.09		\$17.17		\$17.89
Financial Aid						
Capital Improvement	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Trust Fund						
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service			<u>Varies by University per Rule 6C-7.003</u>			
Health			<u>Varies by University per Rule 6C-7.003</u>			
Athletic			<u>Varies by University per Rule 6C-7.003</u>			
Total <sup>a</sup>	\$56.55	\$289.50	\$129.37	\$490.10	\$146.38	\$522.12

<sup>a</sup> Excludes fees that vary by university per Rule 6C-7.003

Fall 1999						
	Undergraduate		Graduate		Law	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Fee						
Matriculation	\$46.99	\$46.99	\$113.03	\$113.03	\$128.46	\$128.46
Non-Resident		\$211.30		\$327.20		\$340.81
Student Financial Aid						
	\$2.44	\$2.44	\$5.65	\$5.65	\$6.42	\$6.42
Non-Resident						
Student		\$10.56		\$16.36		\$17.04
Financial Aid						
Capital Improvement						
Trust Fund	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44	\$2.44
Building	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32	\$2.32
Activity and Service			Varies by University per Rule 6C-7.003			
Health			Varies by University per Rule 6C-7.003			
Athletic			Varies by University per Rule 6C-7.003			
University						
Matriculation			Varies by University			
University						
Non-resident			Varies by University			
Total*	\$54.09	\$275.95	\$123.44	\$467.00	\$139.64	\$497.49

\*Excludes fees that vary by university per Rule 6C-7.003

(b) Students enrolled in the MD, DMD or DVM programs in the University of Florida College of Medicine, College of Dentistry, or College of Veterinary Medicine, or in the MD program in the University of South Florida College of Medicine will be assessed the following fees per student for the academic year as defined by each university:

Fall 2000						
	Medical		Dental		Veterinary	
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident
Fee						
Matriculation	\$9,683.98	\$9,683.98	\$8,420.86	\$8,420.86	\$7,073.48	\$7,073.48
Matriculation						
10% Maximum						
Differential	\$968.38	\$968.38	\$842.08	\$842.08	\$707.34	\$707.34
Non-Resident		\$17,651.04		\$15,348.72		\$12,892.94
Non-Resident						
10% Maximum						
Differential		\$1,765.10		\$1,534.86		\$1,289.28
Student Financial Aid	\$484.18	\$484.18	\$421.04	\$421.04	\$353.66	\$353.66
Student Financial Aid						
10% Maximum	\$48.42	\$48.42	\$42.10	\$42.10	\$35.38	\$35.38
Differential						

<u>Non-Resident Student Financial Aid</u>						
		<u>\$882.54</u>		<u>\$767.42</u>		<u>\$644.64</u>
<u>Non-Resident Student Financial Aid 10% Maximum Differential</u>						
		<u>\$88.26</u>		<u>\$76.74</u>		<u>\$64.46</u>
<u>Capital Improvement</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>
<u>Trust Fund</u>						
<u>Building</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>
<u>Activity and Service</u>						
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total<sup>a</sup></u>	<u>\$10,358.56</u>	<u>\$28,892.14</u>	<u>\$9,032.30</u>	<u>\$25,148.44</u>	<u>\$7,617.54</u>	<u>\$21,155.12</u>
<u>Total<sup>ab</sup></u>	<u>\$11,375.36</u>	<u>\$31,762.30</u>	<u>\$9,916.48</u>	<u>\$27,644.22</u>	<u>\$8,360.26</u>	<u>\$23,251.58</u>

<sup>a</sup> Excludes fees that vary by university.

<sup>b</sup> Total including the maximum differential charges.

Fall 1999 – includes the maximum university differential fee increase of 5%

	<u>Medical</u>		<u>Dental</u>		<u>Veterinary</u>	
<u>Fee</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
<u>Matriculation</u>	<u>\$9,683.98</u>	<u>\$9,683.98</u>	<u>\$8,420.86</u>	<u>\$8,420.86</u>	<u>\$7,073.48</u>	<u>\$7,073.48</u>
<u>Non-Resident Student Financial Aid</u>	<u>\$484.18</u>	<u>\$484.18</u>	<u>\$421.04</u>	<u>\$421.04</u>	<u>\$353.66</u>	<u>\$353.66</u>
<u>Non-Resident Student Financial Aid</u>						
		<u>\$882.54</u>		<u>\$767.42</u>		<u>\$644.64</u>
<u>Capital Improvement</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>	<u>\$97.60</u>
<u>Trust Fund</u>						
<u>Building</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>	<u>\$92.80</u>
<u>Activity and Service</u>						
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
			<u>Varies by University per Rule 6C-7.003</u>			
<u>Total<sup>a</sup></u>	<u>\$10,358.56</u>	<u>\$28,892.14</u>	<u>\$9,032.30</u>	<u>\$25,148.44</u>	<u>\$7,617.54</u>	<u>\$21,155.12</u>

<sup>a</sup> Excludes fees that vary by university per Rule 6C-7.003

Fall 1998

	<u>Medical</u>		<u>Dental</u>		<u>Veterinary</u>	
<u>Fee</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
<u>Matriculation</u>	<u>\$9,222.84</u>	<u>\$9,222.84</u>	<u>\$8,019.88</u>	<u>\$8,019.88</u>	<u>\$6,736.66</u>	<u>\$6,736.66</u>
<u>Non-Resident Student Financial Aid</u>	<u>\$461.14</u>	<u>\$461.14</u>	<u>\$400.98</u>	<u>\$400.98</u>	<u>\$336.82</u>	<u>\$336.82</u>

<b>Non-Resident</b>						
<b>Student</b>						
<b>Financial Aid</b>		\$882.54		\$767.42		\$644.64
<b>Capital Improvement</b>	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60	\$97.60
<b>Trust Fund</b>						
<b>Building</b>	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80	\$92.80
<b>Activity and Service</b>			Varies by University per Rule 6C-7.003			
<b>Health</b>			Varies by University per Rule 6C-7.003			
<b>Athletic</b>			Varies by University per Rule 6C-7.003			
<b>University</b>			Varies by University			
<b>Matriculation</b>			Varies by University			
<b>University</b>			Varies by University			
<b>Non-resident</b>			Varies by University			
<b>Total<sup>†</sup></b>	\$9,874.38	\$27,525.42	\$8,611.26	\$23,959.98	\$7,263.88	\$20,156.82

<sup>†</sup>Excludes fees that vary by university.

Specific Authority 240.209(1),(3)(e),(f) FS. Law Implemented 240.209(3)(e),(h), 240.235(1), 240.124, 240.117 FS., Conference Committee Report on Senate Bill 2500, 1999, Conference Committee Report on General Appropriations Act, 2000. History—Adopted 4-8-79, Renumbered 12-16-74, Amended 6-28-76, 7-4-78, 8-6-79, 9-28-81, 12-14-83, 7-25-84, 10-2-84, 10-7-85, Formerly 6C-7.01, Amended 12-25-86, 11-16-87, 10-19-88, 10-17-89, 10-15-90, 9-15-91, 1-8-92, 11-9-92, 7-22-93, 8-1-94, 11-29-94, 4-16-96, 8-12-96, 9-30-97, 12-15-97, 8-11-98, 9-30-98, 8-12-99.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
 Judy Hample, Vice Chancellor of Planning, Budgeting and Policy Analysis  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Adam W. Herbert, Chancellor, State University System  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 12, 2000  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** March 31, 2000

**DEPARTMENT OF EDUCATION**

**Board of Regents**

**RULE TITLE:** Fee Assessment and Remittance  
**RULE NO.:** 6C-7.002  
**PURPOSE AND EFFECT:** Changes made by the Federal Higher Education Amendments of 1998 focus on the amount of Title IV program funds to be returned by schools and/or students when a student withdraws from an institution prior to completing an academic term. The U.S. Department of Education is no longer dictating institutional refund policies for students receiving federal student aid under new rules published November 1, 1999. Therefore, systemwide refund requirements previously promulgated to comply with federal requirements are being deleted.  
**SUMMARY:** Rule 6C-7.002(9)(d) is amended to delete paragraph (9)(d) because the U.S. Department of Education no longer dictates institutional refund policies for students receiving federal student aid.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory cost was prepared.

**SPECIFIC AUTHORITY:** 240.209(1),(3)(e) FS.

**LAW IMPLEMENTED:** 240.209(1),(3)(e), 240.227(20) FS.

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

**TIME AND DATES:** 10:00 a.m., May 17-18, 2000

**PLACE:** Touchdown Terrace, Ben Hill Griffin Stadium, University of Florida, Gainesville, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

**THE FULL TEXT OF THE PROPOSED RULE IS:**

6C-7.002 Fee Assessment and Remittance.

(1) through (8) No change.

(9) Tuition Refund/Release of Liability – Each university shall establish, by rule, procedures for the refund or release of liability of tuition assessed and paid pursuant to this Rule. As a minimum, such rule shall provide for the refund/charge adjustment of the following:

(a) through (c) No change.

~~(d) Notwithstanding the provisions of paragraph (b) above, for the first term in which a student is enrolled at the university for the first time, regardless of whether the student receives financial aid, a pro rata refund of tuition, room and board, and other charges shall be made. Such pro rata refunds shall be made using the process for the first time students as specified in Public Law 102-325, the Higher Education Amendments of 1992.~~

(10) No change.

Specific Authority 240.209(1), (3)(e),~~(f)~~ FS. Law Implemented 240.209(1), (3)(e), 240.227(20), 240.233(1)(b), 240.235(7)~~(6)~~, 240.2805, 240.291, 240.531 FS. History—Adopted 4-8-74, Amended 7-19-74, Amended and Renumbered 12-17-74, Amended 6-26-75, 2-28-76, 11-1-76, 3-21-77, 9-28-81, 12-13-83, 10-2-84, Formerly 6C-7.02, Amended 4-9-87, 9-15-91, 11-9-92, 8-1-94, 10-2-94, 5-17-95, 4-16-96, 12-28-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carl W. Blackwell, Vice Chancellor of Administration and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Division of Planning and Budgeting**

RULE CHAPTER TITLE: Florida Single Audit Act                      RULE CHAPTER NO.: 27D-1

RULE TITLES: Applicability and Definitions                      RULE NOS.: 27D-1.001

Types of State Financial Assistance                      27D-1.002

Recipient/Subrecipient and Vendor Relationships                      27D-1.003

Catalog of State Financial Assistance                      27D-1.004

State Projects Compliance Supplement                      27D-1.005

Criteria for Major State Projects                      27D-1.006

Criteria for Selecting State Projects for Audit Based on Inherent Risk                      27D-1.007

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide guidance to state agencies, recipients, subrecipients, and independent auditors of state financial assistance relating to the requirements of the Florida Single Audit Act. The effect of this proposed rule is to ensure that the Florida Single Audit Act is uniformly implemented and applied.

SUMMARY: The rule establishes the types of state financial assistance subject to the Florida Single Audit Act; provides guidance in distinguishing between a vendor and a recipient/subrecipient; requires the assignment of responsibility for the timely update of information for the Catalog of State Financial Assistance and the State Projects Compliance Supplement; and provides independent auditors with the criteria for determining major state projects and for selecting state projects for audit based on inherent risk.

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: 216.3491(3) FS.

LAW IMPLEMENTED: 216.3491 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., May 17, 2000

PLACE: Room 1602, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor, Room 1603, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-0104

THE FULL TEXT OF THE PROPOSED RULES IS:

27D-1.001 Applicability and Definitions.

(1) These rules are applicable to state agencies awarding financial assistance, recipients and subrecipients of state financial assistance, and independent auditors of state financial assistance.

(2) For purposes of this Chapter, the following terms shall have the meaning indicated:

(a) “Auditee” means a nonstate organization expending state awards in excess of the audit threshold as defined by Section 216.3491(2)(a), Florida Statutes.

(b) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; state attorneys, public defenders, the capital collateral regional counsel, and the Justice Administrative Commission as defined by Section 216.011, Florida Statutes.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History—New \_\_\_\_\_.

27D-1.002 Types of State Financial Assistance.

(1) State financial assistance is financial assistance from state resources to nonstate organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified nonstate entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the nonstate organization to comply with laws, rules and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the nonstate organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance

expended when the laws, rules and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New\_\_\_\_\_.

27D-1.003 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under Section 216.3491, Florida Statutes, Florida Single Audit Act. Procurement contracts used to buy goods or services from vendors are outside the scope of the Act. The guidance provided in (2) through (4) of this section shall be considered in determining whether the nonstate organization has a recipient or vendor relationship with the state agency. This guidance may also be used by recipients providing subawards of state financial assistance to subrecipients.

(2) Characteristics indicative of a recipient relationship are when the nonstate organization:

(a) Is established or created by State law to carry out a state project.

(b) Determines final eligibility.

(c) Receives funds for a project established by state statute and for which the state agency is authorized to provide funding.

(d) Provides matching funds.

(e) Makes programmatic decisions on behalf of the state.

(f) Uses the funds to carry out its own program or operations.

(g) Receives federal funds under a similar program for which it is designated a recipient by the state agency.

(h) Is organized primarily for a public purpose.

(3) Characteristics indicative of a vendor relationship are when the nonstate organization:

(a) Provides services within normal business operations.

(b) Operates in a competitive environment.

(c) Provides similar services to many different purchasers.

(d) Receives payment on a per unit or per deliverable basis.

(e) Is awarded the contract based on free and open competition.

(f) Receives federal funds under a similar program for which it is designated a vendor by the state agency.

(4) There may be circumstances or exceptions to the listed characteristics as set forth above in (2) and (3). It is not expected that all of the characteristics will be present in all cases.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History–New \_\_\_\_\_.

#### 27D-1.004 Catalog of State Financial Assistance.

The Catalog of State Financial Assistance (CSFA) is a comprehensive listing of state projects that includes the administering state agency, CSFA number, project title, legal authorization, and description of the state project, including objectives, restrictions, application and awarding procedures, and other relevant information determined necessary. To ensure that the CSFA is timely updated, state agencies shall assign a person responsible for providing information on new or revised state projects for the CSFA to the Executive Office of the Governor, Office of Policy and Budget.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History–New \_\_\_\_\_.

#### 27D-1.005 State Projects Compliance Supplement.

The State Projects Compliance Supplement (Supplement) identifies significant compliance, eligibility, and matching requirements for state projects as well as suggested audit procedures and other relevant information. To ensure that this Supplement is timely updated, state agencies shall assign a person responsible for providing information for the Supplement to the Executive Office of the Governor, Office of Policy and Budget (OPB). This responsibility includes ensuring that project objectives, procedures, and compliance requirements, noncompliance with which could have a direct material effect on the individual state project, are provided to the OPB for inclusion in the Supplement.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History–New \_\_\_\_\_.

#### 27D-1.006 Criteria for Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in paragraphs (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in

at least one of the two most recent audit periods and, in the most recent audit period, should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 27D-1.007, F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk. The auditor shall consider the criteria enumerated in Rule 27D-1.007, F.A.C., in applying professional judgment in determining whether a Type B Project is high-risk. However, the independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or 1 percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected in accordance with the criteria enumerated in Rule 27D-1.007, F.A.C.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History–New \_\_\_\_\_.

#### 27D-1.007 Criteria for Selecting State Projects for Audit Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in paragraphs (2) through (4) below, to identify risk in state projects. Also, as

part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor shall consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor shall consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A newer project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amount of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. When the major project determination is performed and documented in accordance with these rules, the auditor's professional judgment in applying the risk-based approach to determine major projects is presumed to be correct. However, state agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 216.3491(3) FS. Law Implemented 216.3491 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Nancy Tucker, Senior Governmental Analyst, Office of Policy and Budget, Executive Office of the Governor

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra C. Sartin, Deputy Director, Office of Policy and Budget, Executive Office of the Governor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2000

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Food Services – Definitions	33-204.002
Food Services – Standards of Operation	33-204.003
Control of Food Services Equipment	33-204.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to provide clarification of food services procedures such as the serving of holiday meals, the maintenance of sanitation in food preparation areas, the maintenance of equipment, the handling of sensitive food items, and the provision of therapeutic diets. The proposed rules also provide correct food services staff titles and incorporate by reference forms utilized in conjunction with food services operations.

SUMMARY: The proposed rules set forth guidelines for the serving of holiday meals, the maintenance of sanitation in food preparation areas, the maintenance of equipment, the handling of sensitive food items, and the provision of therapeutic diets. The proposed rules also provide correct food services staff titles and incorporate by reference forms utilized in conjunction with food services operations.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 24, 2000

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



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

THE FULL TEXT OF THE PROPOSED RULES IS:

### 33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all ~~facilities institutions~~ to provide uniformity in items served to each inmate. The master menu shall be prepared under the direction of the department’s master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian. The master menu shall provide all Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences.

(2) “Therapeutic diet” means a diet that is prescribed for medical reasons and is designed to meet the requirements of a given medical condition. Therapeutic diets are planned, prepared and served modifying the regular menus as little as needed in order to avoid unjustified budgetary and operational burdens while reasonably accommodating individual therapeutic and nutritional needs. All menus for therapeutic diets shall be planned, analyzed and certified for nutritional adequacy ~~nutritionally adequate~~ by a licensed registered dietitian.

(3) No change.

(4) “Master Menu Committee” consists of the central office’s Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service coordinators, and the field public health nutrition consultants ~~regional food service operations and management consultants, the regional public health nutrition consultants and central office food service staff which includes the bureau chief and the central office dietitian.~~ The chief of food services has the authority to invite other staff.

(5) “Centers” refers to work release centers, probation and restitution centers and drug treatment centers.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended.

### 33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden or work release center major ~~shall be allowed to~~ authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals.

Holiday substitutions that deviate from the master menu must be approved in advance by the food service coordinator. An altered holiday meal schedule for therapeutic diets may only be implemented if the chief health officer is on duty on the day that the alternate schedule is to be served. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

(2) No change.

(3) Menus. The Recommended Dietary Allowances of the National Research Council – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances of the National Research Council are hereby incorporated by reference. A copy of the Recommended Dietary Allowances may be obtained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is January 18, 1989.

(a) The master menus prepared by the master menu committee shall be used by all institutions and facilities within the department. The master menus shall be reviewed at least annually by the department’s master menu committee to determine the need for adjustments based upon cost, nutritional value, equipment capabilities, product availability, ~~cost~~ and staff determined inmate preferences.

(b) through (d) No change.

(4) Sanitation.

(a) All food service areas shall meet the standards of the State Sanitary Code, Department of Health, chapter 64E-11, Florida Administrative Code. Food and beverages shall not be consumed in food preparation areas.

(b) No change.

(c) The individual responsible for food service at the institution or facility ~~shall be assigned by the warden, report to the warden or his designee, and~~ shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. A current copy of these instructions shall be forwarded to the regional food service coordinator for review initially and as revised to check for compliance with the State Sanitary Code, Department of Health rule 64E-11.005, Florida Administrative Code.

2. Preparing a frequency chart for the regular periodic cleaning of the physical plant, equipment and utensils, and ensuring that cleaning is done according to the frequency chart; and

3. Daily inspection of the food service areas, including the recording of the temperatures of coolers, freezers, dishwashers, and hot tap water on the Master Menu Production Log, Form DC2-404. Form DC2-404 is hereby incorporated by reference.

A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(d) No change.

(5) Maintenance of Equipment. The person responsible for food service at each institution or facility shall, with the participation of the person in charge of after consultation with the maintenance department, prepare a schedule for periodic, preventative maintenance of the physical plant and equipment. The preventative maintenance program for equipment shall include inspection, lubrication, replacement of parts as necessary, and any other maintenance to extend equipment life as suggested by manufacturer's instructions. The person responsible for food service shall monitor the program to ensure that preventative maintenance is performed. He or she will also ensure that equipment is utilized properly, abuse of equipment is minimized, and that sanitation standards are maintained. It will be the responsibility of the person in charge of maintenance to ensure that the preventative maintenance program operates effectively. He or she will maintain a file on each piece of major equipment denoting when and what was done and at what cost.

(6) No change.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_. Non-standard modified diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the modified diet. The Bureau of Food Services shall be responsible for providing training and consultation to health and food service personnel regarding therapeutic diets.

(8) Religious Diets. The alternate entree program is designed to meet the needs of inmates whose religions require a pork-free, lacto-ovo, or lacto-vegetarian, or vegan diets. The vegan (strict vegetarian) meal pattern meets the religious requirements of inmates who must avoid all animal products.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended \_\_\_\_\_.

33-204.004 Control of Food Service Equipment.

(1) through (3) No change.

(4) Special attention shall be given to the control of sensitive food items such as yeast, mace, nutmeg, fruits and fruit juices. Food items are considered sensitive when they can be utilized to produce contraband, either individually or in combination with other products, they can be used to assault staff or inmates, or they can be used to aid in an escape. Inmates using yeast in food preparation shall be closely supervised until the yeast is thoroughly incorporated as an ingredient in the item being prepared.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Formerly 33-30.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Thurber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

**DEPARTMENT OF CORRECTIONS**

RULE TITLES:	RULE NOS.:
Staff Housing – Definitions	33-208.501
Staff Housing – Administrative Responsibilities	33-208.503
Criteria for Assignment to Staff Housing	33-208.504
Staff Housing – Rent and Utilities	33-208.505
Staff Housing Agreement Form	33-208.506
Responsibilities of Staff Housing Occupants	33-208.507
Staff Housing Inspections	33-208.508
Termination of Staff Housing Agreement	33-208.510
Staff Housing – Transition Provision	33-208.511
Staff Housing Rules – Effective Date	33-208.512

PURPOSE AND EFFECT: The proposed rules are needed in order to provide corrections in titles and assignments of administrative responsibilities related to staff housing, to clarify responsibilities of staff housing occupants, and to delete unnecessary provisions.

SUMMARY: The proposed rules delete references to staff housing committees and place responsibility for staff housing decisions with the warden; require staff leasing spaces for personally owned mobile homes provide proof of ownership; provide for the furnishing of lodging to volunteers and interns; clarify provisions related to residents and long and short term guests, incorporate new forms related to staff housing, and repeal unnecessary provisions.

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: 20.315, 216.262(1), 944.09(1), 945.025(1) FS.

LAW IMPLEMENTED: 20.315, 216.262(1), 944.09(1), 945.025(1) FS.

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

TIME AND DATE: 9:00 a.m., May 25, 2000

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (3) No change.

(4) “Warden,” unless specified, means the senior administrative officer both Wardens in charge of major institutions and any Wardens in charge of each region’s smaller satellite units administratively attached facilities in the Department.

(5) through (6) No change.

(7) “Approving Authority” –

(a) For institutions means the deputy secretary, assistant secretaries, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, assistant secretaries, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, 33-602.501, Amended \_\_\_\_\_.

33-208.503 Staff Housing – Administrative Responsibilities Committees.

(1) Committee Membership.

(a) ~~The warden of each major institution having staff housing shall appoint a Staff Housing Committee which will include an Assistant warden, Business Manager, Correctional Officer Chief and Personnel Manager, but also may include other department heads.~~

~~(b) The warden of each region’s smaller facilities having staff housing shall appoint a Staff Housing Committee which will include all of the Correctional Officer Chiefs of the smaller facilities having staff housing and the Regional Personnel Manager, but also may include other regional staff.~~

(1)(2) The warden is primarily responsible for administering the department’s staff housing program. The warden’s duties include Committee Responsibilities. A Staff Housing Committee shall:

(a) With support from service center staff, Recommend to the warden the issuance of institutional operating procedures to ensure accurate records of staff housing, state-owned equipment and furnishings, occupants, rent and utilities, as well as proper maintenance and condition of staff housing and grounds.

(b) No change.

(c) Evaluate all Staff Housing Agreements for ~~the warden’s~~ approval or disapproval of assignment to staff housing in accordance with Section 33-208.504 herein.

(d) Review all complaints from and against occupants and recommend ~~to the warden~~ corrective action as needed regarding staff housing, state-owned equipment and furnishings, grounds and occupants.

(e) No change.

(f) Coordinate other staff housing activities ~~as directed by the warden.~~

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.003, 33-602.503, Amended \_\_\_\_\_.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain key staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its key staff may be allocated such housing at a nearby institution by the Regional Director. The following key staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by ~~the an institution’s Staff Housing Committee and~~ warden. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

1. through 3. No change.

~~4. Institution Investigator.~~

5. through 8. renumbered 4. through 7. No change.

(b) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on the staff housing agreement.

~~(c)(b)~~ No change.

(3) No change.

(4) Housing Assignments for Volunteers and Interns.

(a) The approving authority is authorized to approve the furnishing of lodging at a department facility or institution, when available, to a volunteer or intern whose presence is determined to be necessary to the department in the performance of department related duties. However, assignment of permanent employees shall be a higher priority than assignment of volunteers or interns. Only after all permanent employees desiring staff housing have been accommodated will housing be assigned to any volunteers or interns.

(b) Written approval must be obtained from the approving authority prior to any commitment to the intern or volunteer.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, 9-5-89, Formerly 33-26.004, 33-208.504, Amended.

33-208.505 Staff Housing – Rent and Utilities.

The Department of ~~Management Services Administration~~ is required by law to approve all perquisites and sales of goods and services, including staff housing and utilities, effective each July 1st. Any rent or utility charges approved for the Department of Corrections at fixed rates shall be paid by payroll deduction.

Specific Authority 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. Law Implemented 20.315, 944.09(1), 945.025(1), 216.262(1)(e),(f) FS. History--New 9-1-88, Formerly 33-26.005, 33-602.505, Amended.

33-208.506 Staff Housing Agreement Form.

(1) Any employee who is required or requests to occupy staff housing shall submit a completed Staff Housing Agreement, Form ~~DC2-808A DC2-619~~, for processing in compliance with the assignment criteria in Section 33-208.504 herein. This form is hereby incorporated by reference, and a copy may be obtained from the Forms Control Administrator, any institution Personnel Office of the General Counsel in the Department or from the Bureau of Personnel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ September 1, 1988.

(2) No change.

(3) All Staff Housing Agreements shall be submitted to the assistant warden for operations appropriate Personnel Manager for processing by the ~~Staff Housing Committee~~ and warden, with subsequent filing in the service center Personnel Office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, 33-602.506, Amended.

33-208.507 Responsibilities of Staff Housing Occupants.

(1) Emergency Duty.

(a) No change.

(b) Occupants of all staff housing, except officer quarters, shall immediately install a telephone upon occupancy and furnish the number to the Chief Correctional Officer and ~~service center p~~Personnel office Manager.

(2) General.

(a) through (b) No change.

(c) Occupants shall not alter the physical structure of staff housing unless a written request is approved in advance by the ~~warden Staff Housing Committee~~ based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution.

(d) Occupants shall not install structures or buildings such as carports, portable pools, utility buildings, storage shelters and fences unless a written request is approved in advance by the ~~warden Staff Housing Committee~~ based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. Any such structure or building that is not designed as a permanent addition to the state-owned housing may be removed by the installing occupant at any time through his last day of occupancy.

(e) through (g) No change.

(h) Occupants of non-metered staff housing shall raise the thermostat setting or turn off air conditioners when nobody is present in staff housing. During winter months heat thermostat settings shall be lowered when no one is present.

(i) Occupants shall make an immediate written report to the ~~assistant warden for operations Personnel Manager~~ of any damage to staff housing or state-owned equipment or furnishings.

~~(j) Occupants of all staff housing, except officer quarters, shall not permit persons other than their immediate families to reside in staff housing unless approved in advance by the Staff Housing Committee. Occupants of officer quarters shall not permit family or other persons to reside in their rooms.~~

(k) Occupants of staff housing (other than officer quarters) shall be permitted to have short term (less than 30 days in length) guests without approval of the warden. Any occupant who is interested in having a guest remain beyond 30 days shall be required to obtain written approval from the warden. If the guest will be residing at the warden's residence, written approval shall be obtained from the regional director. Approval of the warden or regional director shall be based upon criminal history information. A guest who has been convicted of a felony will not be allowed to remain in staff housing and will be required to vacate the premises within 48 hours.

(l) Employees shall not allow guests to circumvent the 30 day duration provision by temporary breaks in residence.

~~(m)(k)~~ No change.

~~(n)(4)~~ Occupants of officer quarters may utilize small electrical devices such as clocks, radios, televisions, computers, coffee makers and compact refrigerators provided the electrical service is sufficient for the load and use does not create a disturbance to other occupants or present a safety hazard electric clocks and radios in their rooms, but other electrical appliances such as television sets, coffee pots and refrigerators must be approved in advance by the Staff Housing Committee based upon the adequacy of the room's size, insulation, ventilation, and electrical wiring.

~~(o)(m)~~ No change.

(3) Pets.

(a) No change.

(b) Only household pets may be kept by occupants of staff housing other than officer quarters. Such pets, including those owned by family members and guests, are the occupant's full responsibility and are subject to the following restrictions:

1. through 3. No change.

4. Occupants shall not install a house or pen for pets unless approved in advance by the warden Staff Housing Committee based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution.

5. Occupants shall promptly remove from the premises any pet that the warden Staff Housing Committee determines to be a nuisance based upon any of the following pet-related conditions:

a. through f. No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended.

33-208.508 Staff Housing Inspections.

(1) All staff housing shall be inspected by the warden Staff Housing Committee and a representative of the service center at least once annually, but more often if needed. ~~Inspections are conducted for property accountability and to ensure compliance with sanitation, maintenance and fire safety standards, as well as with laws, rules, policy and procedure directives and institutional operating procedures. Inspection reports shall address include any violations of the foregoing in addition to:~~

~~(a) the cCondition of the staff housing;~~

~~(b) the cCondition of the grounds;~~

~~(c) and the cCondition of state-owned equipment and furnishings. A copy of an inspection report shall be furnished to the occupant for correction of deficiencies. Form DC2-808B, Residential Inspection for Staff Housing, shall be used for this purpose. Form DC2-808B 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 forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_.

(2) The appropriate service center Business Office shall keep a current inventory of all staff housing and state-owned equipment and furnishings which shall be used during inspections.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.008, 33-602.508, Amended.

33-208.510 Termination of Staff Housing Assignment.

(1) Expiration.

(a) An assignment to staff housing shall expire automatically under any of the following conditions:

1. No change.

2. An occupant's resident family members change from those in the Staff Housing Agreement and approved by the warden Staff Housing Committee so that the staff housing currently assigned, or possibly any staff housing assignment, is no longer in the best interests of the institution;

3. through 5. No change.

(b) No change.

(c) Written notice to or from an occupant regarding any of the personnel actions under subparagraphs (1)(a)3., 4., or 5. above shall constitute notice of the expiration of the assignment to staff housing and the warden shall ensure that Form DC2-808C, Termination of Staff Housing Agreement, is completed and submitted to the service center personnel office no separate notice shall be necessary. Form DC2-808C 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 \_\_\_\_\_. Expiration shall be effective at the end of the last day of the occupant's employment in the class series or at the institution.

(2) through (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, 33-208.510, Amended.

33-208.511 Staff Housing – Transition Provision.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.011, 33-602.511, Repealed.

33-208.512 Staff Housing Rules – Effective Date.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.012, 33-602.512, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Thurber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 19, 1999 (Note: These proposed rules appeared in the notice of rule development as 33-602.501-512; they have since been re-numbered as 33-208.501-512.)

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Division of Medicaid**

RULE TITLE: Prescribed Drug Services  
PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations, and Reimbursement Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999.

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: 409.906(20), 409.908 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2000  
PLACE: Conf. Room D, Bldg 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, July 1999 ~~August 1998~~, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(18)(20), 409.908 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue C. Preacher

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Reexaminations  
RULE NO.: 61G8-16.005

PURPOSE AND EFFECT: To accommodate the realities of administering examinations on-line by removing unenforceable limitations and restrictions on reexaminations.

SUMMARY: Language has been stricken from this rule because it is no longer necessary.

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: 455.0114, 470.055 FS.

LAW IMPLEMENTED: 455.0114 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-16.005 Reexaminations.

(+) Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Such application shall be accompanied in each instance by a new full application fee as established in Rule 61G8-17.001, F.A.C.

~~(2) The applicants for licensure who fail to pass either the examination prepared by the Conference of Funeral Service Examining Boards or the examination prepared by the Department shall be required to retake only that examination failed, provided however that the applicant shall only be allowed to take three retakes of that examination failed within a two-year period from the date of original failure. If the applicant fails to achieve a passing grade within those three retakes as provided above, the applicant shall be required to retake and successfully complete the full examination applicable to the respective license in order to qualify for licensure.~~

Specific Authority 455.0114, 470.055 FS. Law Implemented 455.0114 FS. History—New 11-11-79, Formerly 21J-16.05, 21J-16.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: RULE NO.:

Inspection Criteria 61G8-21.003

PURPOSE AND EFFECT: The Board deemed it necessary to clarify the text in Subsection (3)(d) of this rule.

SUMMARY: The language in this rule has been changed for definition of interpretation.

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: 470.005 FS.

LAW IMPLEMENTED: 470.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-21.003 Inspection Criteria.

The Department shall inspect funeral establishments on the basis of the following:

(1) through (2) No change.

(3) The requirements of 61G8-21.003(1) may be satisfied by the use of a centralized embalming facility provided that:

(a) through (c) No change.

(d) The centralized facility is within 75 miles a reasonable distance of the establishments served and available for use on a continuous full-time basis.

(4) through (6) No change.

Specific Authority 470.005 FS. Law Implemented 470.024 FS. History—New 2-13-80, Amended 5-21-81, 9-28-83, 3-26-84, Formerly 21J-21.03, Amended 12-11-88, Formerly 21J-21.003, Amended 3-30-94, 2-20-95, 3-24-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: RULE NO.:

Application for Licensure; Consequences of 61G8-22.001  
Operating Prior to Licensure

PURPOSE AND EFFECT: To require review of cinerator facility applications be performed by a member of the Board.

SUMMARY: The Board has determined a Board member review cinerator facility applications.

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: 470.005 FS.

LAW IMPLEMENTED: 455.213(2), 470.021(1), 470.025(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-22.001 Application for Licensure; Consequences of Operating Prior to Licensure.

(1) Applications for cinerator facility licensure shall be filed with the Department at least 30 days prior to the date the facility is scheduled to open for business. The Board shall designate a board member ~~or the executive director~~ to review all applications for cinerator facility licensure. The Department shall issue a license to any applicant the designee certifies as having met the licensure requirements specified in this rule and in Section 470.025, F.S., received a satisfactory rating on an inspection pursuant to Rule 61G8-22.002, F.A.C., and paid the fee specified in Rule 61G8-22.003, F.A.C.

(2) through (3) No change.

Specific Authority 470.005 FS. Law Implemented 455.213(2), 470.021(1), 470.025(2) FS. History—New 2-13-80, Formerly 21J-22.01, Amended 5-19-92, Formerly 21J-22.001, Amended 10-29-97, 2-17-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: Examination Requirements  
RULE NOS.: 61G8-23.002

Direct Disposal Establishments 61G8-23.004

PURPOSE AND EFFECT: Subsection (2)(c) in Rule 61G8-23.002 is being changed to update Code, Rule, and Statutory citations, and text is being stricken in Rule 61G8-23.004 to establish the requirement of an inspection in the event of consumer complaint.

SUMMARY: Citations are being updated in Rule 61G8-23.002, and text in Rule 61G8-23.004 has been stricken.

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: 470.005, 470.017 FS.

LAW IMPLEMENTED: 455.219(6), 470.017, 470.021 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-23.002 Examination Requirements.

(1) No change.

(2) The area of competency to be covered by the examination as provided above shall be:

(a) through (b) No change.

(c) With respect to disposition of dead human bodies, the following state and federal laws and rules, or relevant portions thereof will be included: Chapter 245, Chapter 382, Chapter 406, Chapter 455, Chapter 470, Section 872.06 of the Florida Statutes; Chapter 10D-49, Chapter 11G-2, Chapter 61G8-20, Chapter 61G8-22, Chapter 61G8-23 of the Florida Administrative Code; 10 U.S.C. 1481-1488 ~~Chapters 10S-14.81 through 10S-14.88 of the U.S. Code of Federal Regulations.~~

(3) No change.

Specific Authority 470.017 FS. Law Implemented 470.017 FS. History—New 2-13-80, Amended 7-2-81, 8-23-83, Formerly 21J-23.02, 21J-23.002, Amended 10-13-97, 2-16-98,\_\_\_\_\_.



61G8-23.004 Direct Disposal Establishments.

(1) through (2) No change.

(3) A direct disposal establishment shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before items (a) or (b) occur:

(a) through (b) No change.

(c) When a consumer complaint is made regarding a specific direct disposal establishment, ~~and an inspection is required.~~

(4) through (9) No change.

Specific Authority 470.005 FS. Law Implemented 455.219(6), 470.021 FS. History—New 2-13-80, Amended 11-8-82, 8-16-83, Formerly 21J-23.04, Amended 6-5-90, Formerly 21J-23.004, Amended 4-10-94, 9-17-97, 1-4-98, 2-16-98, 5-17-98, 2-17-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities	61G8-24.010
Requirements for Inspection	61G8-24.021

PURPOSE AND EFFECT: Obsolete text has been stricken from Rule 61G8-24.010, and text in Rule 61G8-24.021 has been revised for further clarification.

SUMMARY: Unnecessary language is being deleted from Rule 61G8-24.010, and text has been added in Rule 61G8-24.010 for further definition of the rule.

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: 470.005, 470.0301(1)(b),(2) FS.

LAW IMPLEMENTED: 455.01(5), 470.0301(1)(b),(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-24.010 Application for Registration of Removal Services; Refrigeration Facilities; Centralized Embalming Facilities.

(1) No change.

(2) The Board shall be notified in writing ~~within 30 days of the effective date of this rule,~~ or within ten (10) days when any of the information required in the application changes.

(3) No change.

Specific Authority 470.005, 470.0301(1)(b),(2) FS. Law Implemented 455.01(5), 470.0301(1)(b),(2) FS. History—New 7-19-94, Amended 11-20-96, \_\_\_\_\_.

61G8-24.021 Requirements for Inspection.

(1) Removal services shall at all times be subject to inspection of all its buildings, grounds, and vehicles used in the conduct of its business by the Department, or any of its designated representatives and agents, or local Department of Health inspectors ~~make available to Department inspectors at any time requested its buildings, grounds and vehicles used in the conduct of its business.~~

(2) through (6) No change.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New 5-21-95, Amended 9-18-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES: RULE NOS.:

Licensure by Endorsement; Embalmers 61G8-25.001

Licensure by Endorsement; Funeral Directors 61G8-25.002

PURPOSE AND EFFECT: To remove unnecessary references to Florida Statutes and further explain the requirements of licensure by endorsement with regard to acceptance of scores on exams given in other states or by the Conference of Funeral Service Examining Boards.

SUMMARY: Unnecessary statute citations have been stricken, and text was added to further define and clarify the rule.

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: 470.005, 470.011 FS.

LAW IMPLEMENTED: 470.011 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-25.001 Licensure by Endorsement; Embalmers.

(1) No change.

(2) Pursuant to Section 470.007(1)(a), Florida Statutes (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course, embracing at least the subjects specified in Section 470.006(1)(d), Florida Statutes (1983), at a school or college approved by the American Board of Funeral Service Education or by this Board and who have passed an embalmer examination administered by a licensing agency of another state or The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who holds a current valid license to practice embalming in the original state of licensure are considered to have met standards substantially equivalent to the requirements of this state.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.01, 21J-25.001, Amended \_\_\_\_\_.

61G8-25.002 Licensure by Endorsement; Funeral Directors.

(1) No change.

(2) Pursuant to Section 470.011(1)(a), F.S. (1983); The Board of Funeral Directors and Embalmers determines that persons who have successfully completed a course in mortuary science prior to 1979 at a school or college approved by the American Board of Funeral Service Education and who have passed a Funeral Director Examination administered by a licensing agency of another state or the examination administered by The Conference of Funeral Service Examining Boards with a score of at least 75% on all sections of the examination and who hold a current valid license to practice funeral directing in the original state of licensure; or

(3) No change.

Specific Authority 470.005, 470.011 FS. Law Implemented 470.011 FS. History—New 6-4-80, Amended 12-24-81, 8-10-83, 10-16-85, Formerly 21J-25.02, Amended 7-30-86, Formerly 21J-25.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: RULE NO.:

Qualifications 61G8-26.002

PURPOSE AND EFFECT: To remove ambiguous language from the rule.

SUMMARY: Indefinite and unclear text has been stricken from the rule.

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: 455.11(3), 455.217, 470.005 FS.

LAW IMPLEMENTED: 455.11(3), 455.217, 470.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-26.002 Qualifications.

The Board shall accept for examination any applicant applying pursuant to Section 455.11(3), F.S., who:

(1) Provides ~~adequate~~ documentation that the applicant was licensed or otherwise authorized by law to practice as a funeral director in, and was a resident national of the Republic of Cuba and who, upon July 1, 1977, was a resident of this State; and

(2) through (6) No change.

Specific Authority 455.11(3), 455.217, 470.005 FS. Law Implemented 455.11(3), 455.217, 470.005 FS. History--New 6-3-81, Amended 7-2-85, Formerly 21J-26.02, 21J-26.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLES:	RULE NOS.:
Confirmation of Completion of Courses	61G8-32.004
Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases	61G8-32.007

PURPOSE AND EFFECT: Subsection (2) of Rule 61G8-32.004 has been rewritten for clarity and definition of the rule text, and Subsection (11) has been stricken from Rule 61G8-32.007 because it is duplicative of disciplinary guidelines.

SUMMARY: Language in Rule 61G8-32.004 has been rewritten, and in Rule 61G8-32.007, text has been stricken.

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: 455.2226(6),(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.219(2), 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-32.004 Confirmation of Completion of Courses.

For the purpose of providing confirmation of completion of an approved course pursuant to Section 455.2226(2) ~~or (5)~~, Florida Statutes, each licensee or applicant shall:

(1) No change.

(2) A licensee or applicant shall make available, upon request of the Board or the Department, a certificate of completion obtained from the course provider. The licensee or applicant shall retain the certificate of completion for a minimum of two years after he or she has submitted confirmation of completion of the Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases courses. Obtain from the course provider a certificate of completion which shall be maintained by the licensee or applicant and made available upon request for a minimum of two years after the date upon which the licensee or applicant is required to submit confirmation of completing an approved course as described in Section 61G8-32.002.

Specific Authority 455.2226(6), 470.005 FS. Law Implemented 455.2226 FS. History--New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, Amended.

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

(1) through (10) No change.

~~(11) Failure to complete such a board approved educational course within the biennium or within the six-month period discussed in subsection (9) shall result in a fine of \$500.00 and suspension of licensure until the licensee appears before the Board and demonstrates that he or she has paid the fine and taken such board approved course.~~

Specific Authority 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.219(2), 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History--New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 61G18-30.001  
PURPOSE AND EFFECT: The Board is amending this rule to update the rule text with regard to kickbacks.

SUMMARY: The Board proposes to amend the disciplinary guidelines, in particular Subsection (2)(k) which addresses paying or receiving kickbacks.

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: 455.2273(1) FS.  
LAW IMPLEMENTED: 455.2273, 474.213, 474.214 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: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G18-30.001 Disciplinary Guidelines.
- (1) No change.
- (2) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.214(1), Florida Statutes, it shall issue a Final Order imposing appropriate penalties which are set forth in 474.214(2) and include revocation of license and a fine of up to one thousand dollars (\$1,000.00) per offense.

- (a) through (j) No change.
- (k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.
- (l) through (oo) No change.
- (3) through (7) No change.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History--New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Formulary  
RULE NO.: 64B8-30.008  
PURPOSE AND EFFECT: The proposed rule amendment is intended to make additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUMMARY: The proposed rule amendment makes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

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

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

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)3. FS.

LAW IMPLEMENTED: 458.347(4)(e), (f) 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., May 18, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.008 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467. through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. No change.

Specific Authority 458.309, 458.347(4)(f)3. FS. Law Implemented 458.347(4)(e), (f) FS. History—New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Formulary Committee

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Standard of Practice for Licensed Optometrists 64B13-3.010

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify standards of practice with regard to the existing formulary.

SUMMARY: The proposed rule amendments delete subsections (4),(5),(6),(12) and (13) as these are inconsistent with the existing formulary.

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: 463.005(1) FS.

LAW IMPLEMENTED: 463.005(1), 463.0135(1), 463.016(1) 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.010 Standard of Practice for Licensed Optometrists.

(1) through (3) No change.

~~(4) The pharmaceutical agents listed in 64B13-18.002(7) shall not be used to treat endogenous uveitis.~~

~~(5) If the pharmaceutical agents listed in 64B13-18.002(7) fail to obtain the desired medical result within a reasonable and prudent time frame consistent with Section 463.0135(1), Florida Statutes, the certified optometrist shall consult with a physician skilled in the treatment of diseases of the eye and licensed under Chapter 458 or Chapter 459, Florida Statutes.~~

~~(6) Certified optometrists shall in a manner consistent with Section 463.0135(1), Florida Statutes, exercise caution and reservation in the use of Norfloxacin, Ofloxacin 0.3% and Ciprofloxacin, reserving their use to that of third tier agents whenever appropriate.~~

(7) through (10) renumbered (4) through (7) No change.

~~(8)(11)~~ Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, F.S. ~~rule 64B13-4.004~~ may delegate to residents or interns of said school, educational functions or duties beyond the restrictions of section 463.009, F.S. Such delegated duties or functions shall be in accordance with section 463.002(6), F.S. For purposes of this rule, residents or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

~~(12) Certified optometrists shall, in a manner consistent with Section 463.0135(1), Florida Statutes, use Iopidine .5% only as short term adjunctive therapy.~~

~~(13) Certified optometrists shall use Trusopt in a manner consistent with Section 463.0135, Florida Statutes.~~

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History—New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Formulary of Topical Ocular 64B13-18.002  
Pharmaceutical Agents

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the topical ocular pharmaceutical formulary.

SUMMARY: The proposed rule amendment clarifies the topical ocular pharmaceutical agents in the formulary.

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: 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include ~~only commercially available over the counter preparations and non-scheduled commercially available preparations~~ of the following legend drugs alone or in combination:

(1) through (10) No change.

Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Formulary  
 RULE NO.: 64B15-6.0038

PURPOSE AND EFFECT: The proposed rule amendment is intended to make additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUMMARY: The proposed rule amendment makes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

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

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

SPECIFIC AUTHORITY: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.0038 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467. through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History—New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99, 3-9-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Establishment Orders  
 RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide for establishment of public small-game hunting areas within Type I and Type II Wildlife Management Areas (WMAs), wildlife and environmental areas (WEAs), and fish management areas for the purpose of designating dove-hunt only areas.

SUMMARY: The proposed rule would provide for establishment of public small-game hunting areas within Type I and Type II Wildlife Management Areas (WMAs), wildlife and environmental areas (WEAs), and fish management areas (FMA) pursuant to rule 13.007, FAC., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area would supercede regulations for the Type I and II WMA, WEA, or FMA within which it occurs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$41 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: 8:30 a.m., each day, May 24-26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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-14.001 Establishment Orders.

(1) through (2) No change.

(3) Public small-game hunting areas may be established within Type I and Type II wildlife management areas, wildlife and environmental areas, and fish management areas pursuant to Section 68A-13.007, FAC., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area so established shall supercede regulations for the Type I wildlife management area, Type II wildlife management area, wildlife and environmental area, or fish management area within which it occurs.

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 39-14.01, Amended 10-28-97, 6-30-99, Formerly 39-14.001, Amended 12-19-99, \_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Florida Waterfowl Stamp Design Contest RULE NO.: 68A-28.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete the rule. The result should cause no adverse effect to the participants since the language contained in the rule will be provided in the packets mailed to the participants each year.

SUMMARY: The language contained in this rule provides instruction and direction to the participants of the contest. This change eliminates costs associated with administrative changes through a rule process and allows flexibility in the future.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATES: 8:30 a.m., each day, March 24-26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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-28.002 Florida Waterfowl Stamp Design Contest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-84, Formerly 39-28.02, Amended 6-15-87, 8-18-88, 4-11-90, 4-14-92, 7-1-94, Formerly 39-28.002, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wright

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2000

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



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Miscellaneous

RULE TITLE: RULE NO.:

Landing of Finfish with Heads and Tails 68B-5.005  
 Intact; Exception; Definitions

**PURPOSE AND EFFECT:** The purpose of this proposed new rule is to require that all finfish, with two exceptions for species that have special rules, be landed in a whole condition. The effect of the new rule should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

**SUMMARY:** Subsection (1) of new Rule 68B-5.005 requires that all finfish be landed in a whole condition. The subsection prohibits the possession of finfish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned while in or on the waters of the state or on any pier, bridge where fishing is allowed, or jetty. Gutting of finfish or removal of gills is specifically allowed. Subsection (2) states that the rule does not apply to sharks or mullet, which have their own rules on the subject. The term "finfish" is defined in subsection (3).

**A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.**

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

**TIME AND DATES:** 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

**PLACE:** Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-5.005 Landing of Finfish with Heads and Tails Intact; Exception; Definitions.

(1) All finfish 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 finfish that has been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of a finfish, or mere removal of gills before landing is not prohibited.

(2) This rule is not intended to apply to the harvest or landing of mullet or sharks, the handling of which are governed by Rule Chapters 68B-39 and 68B-44, F.A.C., respectively.

(3) For purposes of this rule, "finfish" means any member of the classes Agnatha, Chondrichthyes, or Osteichthyes.

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

**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 4, 2000

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: King Mackerel Resource Renewal

RULE TITLE: RULE NO.:

Size Limit 68B-12.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring king mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-12.0035, FAC., which requires that king mackerel be maintained in a whole condition through landing, is deleted and the remaining subsection is renumbered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-12.0035 Size Limit.

(1) No person shall harvest from the waters of the Gulf-Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

~~(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.~~

~~(2)(3)~~ It is the intent of this rule and Rule 68B-30.0025 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 6-3-96, 10-22-99, Formerly 46-12.0035, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Other Prohibitions RULE NO.: 68B-14.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring reef fish to be landed in a whole condition in favor of a new generic rule

being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (4) of Rule 68B-14.006, FAC., which requires that reef fish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-14.006 Other Prohibitions.

(1) Possession of any fish in excess of any applicable bag limit or smaller than any minimum size limit established by this chapter by any person aboard a vessel fishing in state waters constitutes a violation of this chapter.

(2) No person shall possess, transport, buy, sell, exchange or offer to buy, sell or exchange any fish harvested in violation of this chapter.

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

~~(4) All fish harvested from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters pursuant to the requirements of this chapter, 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 such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed or deboned is prohibited. Mere evisceration or "gutting" of fish, or mere removal of gills from fish, before landing is not prohibited. Preparation of fish for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 7-15-96, 12-31-98, Formerly 46-14.006, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Snook

RULE TITLES: Size Limits  
Restrictions on Gear and Methods Used

RULE NOS.: 68B-21.005

to Take Snook 68B-21.007

PURPOSE AND EFFECT: The purpose of these rule amendments is twofold: to delete provisions requiring snook to be landed in a whole condition in favor of a generic rule being adopted as Rule 68B-5.005, and to apply the gear and method

of take restrictions of this chapter to snook harvested in adjacent federal waters. The effect of these rule amendments should be to increase the understanding of rules for all finfish harvested in Florida and adjacent federal waters and assist in the enforcement of gear and methods rules for snook, Florida's most popular recreational game fish.

SUMMARY: Rule 68B-21.005, FAC., is amended to delete the requirement that snook be maintained in a whole condition through landing. Rule 68B-21.007, FAC., is amended to specifically apply restrictions on the gear used to harvest snook to fish taken in federal, as well as state waters.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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 RULES 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 RULES IS:

68B-21.005 Size Limits.

(+) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 26 inches or greater than 34 inches in total length (measured from the most forward point of the lower jaw to the tip of the tail).

~~(2) All snook harvested from Florida waters shall be landed in a whole condition. The possession, while on state waters, of snook that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of snook, or mere removal of gills from snook, before landing is not prohibited. Preparation of snook for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 12-31-98, Formerly 46-21.005, Amended \_\_\_\_\_.

68B-21.007 Restrictions on Gear and Methods Used to Take Snook.

(1) The taking or attempted taking of snook within or without ~~in or from~~ state waters is prohibited except by use of hook and line gear. For purposes of this chapter, the phrase "hook and line gear" includes any rod and reel or any pole to which such hook and line are attached, as well as any bob, float, weight, lure, plug, spoon and/or standard bait attached thereto. However, the harvest of snook within or without ~~in or from~~ state waters by or with the use of any treble hook in conjunction with live or dead natural bait is prohibited.

(2) It is unlawful to take or attempt to take snook by use of any net, seine or trap, or by use of any gang hook, multiple hooks, snatch hooks, or by spearing, or by any device designed or intended to impale or hook the fish by any part of its body other than its mouth, or by use of any other device not specifically permitted in subsection (1) of this section. What is commonly called snook snatching is prohibited within or without ~~in~~ the waters of this state.

(3) It is unlawful for any person, firm, or corporation while fishing, using, transporting or possessing any net, seine, trap or other fishing device not specifically permitted in subsection (1) of this rule to have in its possession any snook. This prohibition shall not apply to possession aboard a vessel of a single cast net if it is secured and stored off the deck of the vessel. Any snook accidentally taken by any trap, net or seine shall not be deemed to be possessed in violation of this rule if such snook is immediately returned to the water free, alive and unharmed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 1-1-98, Formerly 46-21.007, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE TITLE: Other Prohibitions; Applicability

RULE NO.: 68B-22.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring redfish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (4) of Rule 68B-22.006, FAC., which requires that redfish be maintained in a whole condition through landing, is deleted and the remaining subsections are renumbered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-22.006 Other Prohibitions; Applicability.

(1) The harvest of any redfish in or from state waters by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited. Spearing or snagging (snatch hooking) of redfish in or from state waters is prohibited.

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

(3) No operator of a vessel in or on state waters shall allow the possession aboard the vessel of any redfish not in compliance with established bag limits, size limits, seasons or any prohibited gear as specified in this chapter or in chapter 68B-4, F.A.C.

~~(4) All redfish harvested from Florida waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any redfish that has been deheaded, sliced, divided, filleted, ground, skinned, sealed or deboned is prohibited. Mere evisceration or "gutting" of redfish, or mere removal of gills from redfish, before landing is not prohibited. Preparation of redfish for immediate consumption on board the vessel from which the fish were caught is not prohibited.~~

(5) Provisions of this rule chapter shall not apply to redfish artificially spawned and raised in commercial aquaculture facilities. Failure to maintain appropriate receipt(s), bill(s),

bill(s) of sale, or bill(s) of lading, that such redfish were artificially spawned and raised in commercial aquaculture facilities, shall constitute a violation of this rule.

(5)(6) The simultaneous possession aboard a vessel of any gill net or entangling net together with any redfish is prohibited.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 6-3-91, 1-1-96, 1-1-98, Formerly 46-22.006, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE: Size Limit RULE NO.: 68B-23.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring Spanish mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-23.0035, FAC., which requires that Spanish mackerel be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-23.0035 Size Limit.

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

~~(2) All Spanish mackerel harvested in or from Florida or adjacent federal Exclusive Economic Zone (EEZ) waters shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a Spanish mackerel that has been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of Spanish mackerel, 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 6-1-99, Formerly 46-23.0035, 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 4, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE: Recreational Bag Limit for Spanish Mackerel  
RULE NO.: 68B-23.005

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to increase the recreational bag limit on July 1, 2000, to acknowledge the continued recovery of the species in Florida and adjacent federal waters under conservative management. The effect should be to promote angling for this now abundant fish.

SUMMARY: Paragraph (2)(a) of Rule 68B-23.005, FAC., is amended to increase the daily bag and possession limit from 10 Spanish mackerel to 15. The proposed rule amendment will have an effective date of July 1, 2000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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.

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

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-23.005 Recreational Bag Limit for Spanish Mackerel.

(1) No recreational harvester shall harvest more than 15 ~~40~~ Spanish mackerel per day from waters of the state.

(2)(a) No recreational harvester shall possess, while in or on the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more than 15 ~~40~~ Spanish mackerel, whether harvested from state waters or from adjacent federal waters.

(b) The captain or crew of a charter vessel may each temporarily possess more than the applicable possession limit for Spanish mackerel, once the vessel is docked, for the limited purposes of transporting, cleaning, or storing fish for customers, so long as the fish are segregated in bags or other containers by customer and the customer has given written authorization to the captain to temporarily possess the fish for such limited purposes. The authorization shall remain attached to the bag or container containing the fish until they are returned to the customer.

(3) No recreational harvester, while on any vessel in state waters, shall transfer any Spanish mackerel to any other vessel.

PROPOSED EFFECTIVE DATE: July 1, 2000.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 10-30-86, Amended 12-10-87, 10-1-88, 10-1-90, 11-26-92, 2-14-94, 1-1-98, Formerly 46-23.005, Amended 7-1-00.

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: March 31, 2000  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

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

RULE TITLE: Trap Reduction Schedule  
 RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to postpone until the 2001-2002 license year the scheduled 10% reduction in spiny lobster traps and trap certificates. Without this rule change, the ten percent reduction would take place in the coming spiny lobster season, which begins in August of this year. The effect of this effort will be to allow commercial lobster harvest in the 2000-2001 season, using the same number of traps as used in the 1999-2000 season, while providing an additional year to evaluate the economic and biological impact of the trap reduction program.  
 SUMMARY: Subsection (1) of Rule 68B-24.009, F.A.C., is amended to provide for a 0% reduction in the number of traps being used in the spiny lobster commercial fishery during the coming 2000-2001 license year, and postpone until license year 2001-2002 the scheduled reduction of 10%.

**A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.**

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.

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

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-24.009 Trap Reduction Schedule.**

(1) Beginning with the 1997-1998 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by the percentage specified in this subsection from the total issued for the immediately previous season. These reductions shall apply to all lobster trap certificate holders.

(a) For the license year 1997-1998, the reduction shall be 0 percent.

(b) For the license year 1998-1999, the reduction shall be 10 percent.

(c) For the license year 1999-2000, the reduction shall be 0 percent.

(d) For the license year 2000-2001, the reduction shall be 0 ~~40~~ percent.

(e) For the license year 2001-2002, the reduction shall be 10 percent.

(2) It is the intention of the Fish and Wildlife Conservation Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend, reverse, or extend the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, 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: December 9, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Southwest Florida Shells

RULE TITLE: Live Shellfish, Regulation

RULE NO.: 68B-26.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the prohibition against harvest or possession of any live shellfish in Lee County to include Ft. Myers Beach. The municipality has requested this action. The effect of the rulemaking should be to increase public awareness of the need to conserve live shellfish in Ft. Myers Beach, while not affecting the normal practice of collecting shells that do not contain a living animal.

SUMMARY: Paragraph (1)(b) of Rule 68B-26.003, F.A.C., is amended to add Ft. Myers Beach as a municipality in Lee County within which the harvest of live shellfish is prohibited.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-26.003 Live Shellfish, Regulation.

(1) Lee County Live Shellfish Restrictions –

(a) Except as provided in paragraph (b) for the City of Sanibel and in subsection (3), no person shall:

1. Harvest more than two live shellfish of any single species, per day, within Lee County.

2. Possess, in that area of Lee County between the mean high water line and the county limits in the Gulf of Mexico, more than two live shellfish of any single species at any time.

(b) Except as provided in subsection (3), no person shall:

~~1. harvest any live shellfish within the following named cities, or City of Sanibel.~~

~~2. possess, in that area of the City of Sanibel between the mean high water line and the city limits, any live shellfish at any time;~~

1. The City of Sanibel.

2. The City of Ft. Myers Beach.

(2) Manatee County Live Shellfish Restrictions – Except as provided in subsection (3), beginning July 1, 1996, no person shall:

(a) Harvest more than 2 live shellfish of any single species, per day, within Manatee County.

(b) Possess, in that area of Manatee County between the mean high water line and the seaward extent of state waters within the county, more than two live shellfish of any single species at any time.

(3) Pursuant to Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to harvest or possess more live shellfish of any single species

within Lee County or Manatee County than provided for in subsections (1) and (2) of this rule, for experimental, scientific, or exhibitional purposes.

(4) It is lawful to harvest any shell within Lee County or within Manatee County, so long as such shell does not contain any live shellfish at the time of harvest and so long as a live shellfish is not killed, mutilated, or removed from its shell prior to such harvest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-15-87, Amended 9-1-93, 1-1-95, 4-1-96, Formerly 46-26.003, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: King Mackerel – Atlantic Fishery

RULE TITLE: Size Limit

RULE NO.: 68B-30.0025

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring king mackerel to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-30.0025, FAC., which requires king mackerel to be maintained in a whole condition through landing, is deleted and the remaining subsection is renumbered.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; Chapter 83-134, Laws of Florida., as amended by Chapter 84-121, and Chapter 85-163, Laws of Florida.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-30.0025 Size Limit.

(1) No person shall harvest from the waters of the Atlantic Fishery or land any king mackerel with a fork length less than 24 inches, measured from the tip of the snout to the rear center edge of the tail.

~~(2) All king mackerel shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills before landing is not prohibited.~~

~~(2)(3)~~ It is the intent of this rule and Rule 68B-12.0035 to expressly repeal and replace Section 370.11(2)(a)3., Florida Statutes, and the remainder of Section 370.11(2)(a), Florida Statutes, as these provisions pertain to king mackerel.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, and Chapter 85-163, Laws of Fla. History—New 11-29-93, Amended 7-15-96, 10-22-99, Formerly 46-30.0025, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLE: Size and Bag Limits; Prohibition of Sale RULE NO.: 68B-35.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring pompano, African pompano, and permit to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(c) of Rule 68B-35.003, FAC., which requires that pompano, African pompano, and permit be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a length less than 10 inches, or greater than 20 inches. No person shall purchase, sell, or exchange any pompano or permit with a length less than 10 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a length less than 24 inches.

~~(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or eatwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced,~~

~~divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limits

(a) Except for persons harvesting pursuant to a valid saltwater products license, no person shall harvest in or from state waters more than a total of 10 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 10 such fish. No more than one (1) of such fish shall exceed 20 inches length.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day, however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.003, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW.: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Black Drum

RULE TITLE: Other Prohibitions RULE NO.: 68B-36.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring black drum to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-36.005, F.A.C., which requires that black drum be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-36.005 Other Prohibitions.

(+) The harvest of black drum within or without the waters of the state by or with the use of any multiple hook in conjunction with live or dead natural bait, or the landing of black drum so harvested, is prohibited. Snagging (snatch hooking) of black drum within or without the waters of the state is also prohibited.

~~(2) All black drum shall be landed in a whole condition. The possession, while in or on state waters, of black drum that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of black drum, 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 7-1-89, Formerly 46-36.005, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spotted Seatrout

RULE TITLE: Size Limits

RULE NO.: 68B-37.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring spotted seatrout to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent Federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-37.003, F.A.C., which requires that spotted seatrout be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, Florida

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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-37.003 Size Limits.

(1)(a) Recreational Size Limits – Except as provided in paragraph (b), a person subject to 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 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 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, sealed, 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 \_\_\_\_\_.

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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Dolphin

RULE TITLE: Size Limit, Prohibition of Sale RULE NO.: 68B-41.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring dolphin to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-41.003, FAC., which requires that dolphin commercially harvested be maintained in a whole condition through landing, is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 Kniceley at (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-41.003 Size Limit, Prohibition of Sale.

(1) No person shall buy, sell, or exchange any dolphin with a fork length less than 20 inches.

(2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any dolphin with a fork length less than 20 inches.

~~(3) No person harvesting for commercial purposes shall land any dolphin in other than a whole condition. The possession by such a person, while in or on state waters, of~~

~~dolphin that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of dolphin, 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 1-1-91, Formerly 46-41.003, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Bluefish

RULE TITLE: Size Limit

RULE NO.: 68B-43.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring bluefish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (2) of Rule 68B-43.003, FAC., which requires that bluefish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-43.003 Size Limit; Bluefish To Be Landed in Whole Condition.~~

(1) No person shall harvest, land, or sell or offer for sale any bluefish with a fork length less than 12 inches.

~~(2) All bluefish shall be landed in a whole condition. The possession, while in or on state waters, of such fish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, 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 6-17-93, Amended 8-31-98, Formerly 46-43.003, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Weakfish

RULE TITLE: Size Limits RULE NO.: 68B-47.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring weakfish to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Subsection (3) of Rule 68B-47.002, F.A.C., which requires that weakfish be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-47.002 Size Limits.

(1) No person shall harvest, within or without the waters of the state, possess, or land any weakfish with a total length less than 12 inches.

(2) No person shall purchase, sell, or exchange any weakfish with a total length less than 12 inches.

~~(3) All weakfish shall be landed in whole condition. The possession, while in or on state waters, of weakfish that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of weakfish, 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 7-17-95, Formerly 46-47.002, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Flounder and Sheepshead

RULE TITLE: Size and Bag Limits RULE NO.: 68B-48.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring flounder and sheepshead to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule



amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(b) of Rule 68B-48.003, F.A.C., which requires that flounder and sheepshead be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-48.003 Size and Bag Limits.

(1) Size Limits –

~~(a) No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any flounder or any sheepshead with a total length less than 12 inches.~~

~~(b) All flounder and sheepshead shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limits – Except for persons harvesting pursuant to a valid saltwater products license:

(a) No person shall harvest in or from state waters more than a total of 10 flounder per day, nor possess while in or on state waters more than 10 such fish.

(b) No person shall harvest in or from state waters more than a total of 15 sheepshead per day, nor possess while in or on state waters more than 15 such fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-96, Amended 1-1-97, 8-31-98, Formerly 46-48.003, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tripletail

RULE TITLE: RULE NO.:

Size and Bag Limits, Daily Commercial 68B-49.002  
 Vessel Limit, Designation as Restricted  
 Species

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a provision requiring tripletail to be landed in a whole condition in favor of a new generic rule being adopted, Rule 68B-5.005, that will impose such a requirement for all finfish. The effect of the rule amendment should be to increase understanding of rules for all finfish harvested in Florida and adjacent federal waters and aid enforcement of size and species rules.

SUMMARY: Paragraph (1)(b) of Rule 68B-49.002, F.A.C., which requires tripletail to be maintained in a whole condition through landing, is deleted.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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 DURING ITS REGULAR PUBLIC MEETINGS, AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., or as soon thereafter as the item can be heard, May 25 or 26, 2000

PLACE: Holiday Inn, 7200 Plantation Road, Pensacola, 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 at (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-49.002 Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species.

(1) Size Limits –

~~(a)~~ No person shall harvest in or from state waters, possess while in or on state waters, or sell or offer for sale any tripletail with a total length less than 15 inches.

~~(b) All tripletail shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any tripletail that have been deheaded, sliced, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.~~

(2) Bag Limit and Daily Commercial Vessel Limit.–

(a) Except for persons possessing a valid saltwater products license with a restricted species endorsement, no person shall harvest in or from state waters more than a total of 2 tripletail per day, nor possess while in or on state waters more than 2 such fish.

(b) Each person possessing a valid saltwater products license with a restricted species endorsement, shall be subject to a limit of 10 tripletail per day, provided however, that no more than 10 such fish shall be possessed aboard any vessel while in or on state waters, irrespective of the number of commercial harvesters aboard.

(3) Tripletail is hereby designated a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-96, Amended 8-31-98, Formerly 46-49.002, 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 4, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

RULE CHAPTER TITLE: Manatees  
RULE CHAPTER NO.: 68C-22

RULE TITLE: Duval County and Associated County (Parts of Clay and St. Johns) Zones  
RULE NO.: 68C-22.027

PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise the existing motorboat speed and operation zones to improve manatee protection in portions of Duval County and in the northern portions of Clay and St. Johns counties. The effect of the amendments would be to increase the amount of area where motorboat speed and

operations are regulated for manatee protection in the Trout River and the waters of Duval County south of the Acosta Bridge, and in northern portions of Clay and St. Johns counties. In other portions of Duval County, some existing zones would be reduced in size or scope, including the area of the jetties at the mouth of the St. Johns River, at the intersection of the St. Johns River and the Atlantic Intracoastal Waterway at Sisters Creek, in Mill Cove, and in the St. Johns River between Reddie Point and the Acosta Bridge.

**SUMMARY:** The existing motorboat speed and operation regulations in Duval County would be revised. The 300-foot Slow Speed shoreline buffer in the Trout River would be extended upriver to the I-95 Bridge, while the 300-foot shoreline buffer in the St. Johns River south of the Fuller Warren Bridge would be expanded to 700 feet. New 300-foot buffers would be established in portions of the Ortega River, Julington Creek, and several other smaller waterways. The existing Slow Speed zone at the intersection of the St. Johns River and the Atlantic Intracoastal Waterway at Sisters Creek would be changed to a 300-foot buffer. The 300-foot buffer in most of Mill Cove and around the associated islands would be removed. The existing year-round and seasonal shore-to-shore zones in the St. Johns River between Reddie Point and the Acosta Bridge would also be changed to shoreline buffers. A Slow Speed shoreline buffer zone would be established in Clay County within 700 feet of the shorelines of Doctors Lake and the St. Johns River north of Peter Branch. In St. Johns County, a 700-foot Slow Speed shoreline buffer zone would be established along the shoreline of the St. Johns River north of Natures Hammock Road North and a 300-foot Slow Speed shoreline buffer would be established generally along the southern shoreline of Julington Creek.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

**SPECIFIC AUTHORITY:** 370.12(2)(m) FS.

**LAW IMPLEMENTED:** 370.12(2)(d),(m) FS.

**A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND LOCATION SHOWN BELOW:**

**TIME AND DATE:** 6:00 p.m. – 8:30 p.m., Tuesday, May 2, 2000

**PLACE:** Florida Department of Transportation Training Facility, 2250 Irene Street, Jacksonville, Florida

Commission staff will be available from 5:30 p.m. – 6:00 p.m. to answer questions about the proposal.

**THE FINAL PUBLIC HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION, WHICH IS SCHEDULED FOR THE DATE AND LOCATION SHOWN BELOW:**

**DATE:** Wednesday, May 24, 2000 through Friday, May 26, 2000

**PLACE:** Holiday Inn, 7200 Plantation Road, Pensacola, Florida

Please refer to the Commission's agenda for the specific day and time when this item will be addressed.

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least seven days before the hearing.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399 (telephone (850)922-4330)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

68C-22.027 Duval County and Associated County (Parts of Clay and St. Johns) Zones.

(1) The Commission hereby designates the waters within Duval County, Clay County, and St. Johns County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. This rule will also provide additional habitat protection. All of the zones set forth below are in effect year-round and, unless otherwise stated, all zones exclude all associated waterways (tributaries, lakes, creeks, coves, bends, backwaters, canals, basins, etc.) unless explicitly included. For the purpose of regulating the speed and operation of motorboats within Duval County, the following year-round and seasonal zones are established: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) SLOW SPEED ZONE, SHORE-TO-SHORE CHANNEL INCLUDED (Year-round) –

1. Atlantic Intracoastal Waterway, Sisters Creek, St. Johns River Area – All Those waters of Sisters Creek, including the Atlantic Intracoastal Waterway Channel, shoreline to shoreline, channel included, southerly of an East-West line which bears North 90° 00' 00" East (True) running through Flashing Green Atlantic Intracoastal Waterway Channel Marker "83" (approximate latitude 30° 24' 04" North, approximate longitude 81° 27' 16" West), and northeasterly of a line which bears 310° North 50° 00' 00" West (True) from the southwestern corner of a seawall at the southwesternly tip of Fanning Island (approximate latitude 30° 23' 19" North, approximate longitude 81° 27' 41" West) and including those backwaters easterly of Sisters Creek lying southwestly of a

line which bears 140° South 40° 00' 00" East (True) from the southernmost tip of Shell Island (approximate latitude 30° 23' 52" North, approximate longitude 81° 27' 21" West);

2. Atlantic Intracoastal Waterway, Southerly of the St. Johns River Area – ~~All~~ Those waters of the Atlantic Intracoastal Waterway, ~~shoreline to shoreline~~, channel included, southwesterly of a line which bears 280° North 80° 00' 00" West (True) from the westernmost tip (approximate latitude 30° 22' 44" North, approximate longitude 81° 27' 30" West) of a peninsula west of Sherman Point on the southerly side of the St. Johns River Mile Point Lower Range and Turn of the St. Johns River (latitude 30° 22' 47" North, longitude 81° 27' 22" West), northerly of a line which bears North 62° running through a point 00' 00" East (True) located 600 feet north of and on a bearing of 332° from North 28° 00' 00" West (True) of Flashing Green Atlantic Intracoastal Waterway Channel Marker "9" (approximate latitude 30° 22' 21" North, approximate longitude 81° 27' 01" West), northeasterly of the general contour of the northeasterly shoreline of Great Marsh Island and a line which bears 137° South 47° 00' 00" East (True) from the easternmost tip of Great Marsh Island (approximate latitude 30° 22' 29" North, approximate longitude 81° 27' 17" West), and westerly of a line which bears 360° North 00° 00' 00" East (True) from the northernmost tip (approximate latitude 30° 22' 29" North, approximate longitude 81° 27' 05" West) of ~~the an~~ unnamed island east of Green Atlantic Intracoastal Waterway Channel Marker "7"; (approximate latitude 30° 22' 37" North, approximate longitude 81° 27' 03" West);

3. Julington Creek and Durbin Creek Area – All waters of Julington Creek and Durbin Creek east of a line that bears 180° from a point (approximate latitude 30° 07' 59" North, approximate longitude 81° 36' 02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek and west of a line that bears 180° from a point (approximate latitude 30° 08' 01" North, approximate longitude 81° 35' 43" West) on the northern shoreline of Julington Creek 300 feet east of the southern extension of Hood Landing Road (and extending south across Durbin Creek to its southern shoreline). Training Wall Reach, Mile Point Lower Range and Turn Area Those waters of the St. Johns River, shoreline to shoreline, channel included, westerly of a line which bears North 00° 00' 00" East (True) running through Flashing Red Florida Intracoastal Waterway Channel Marker "22" (latitude 30° 22' 54" North, longitude 81° 26' 55" West), southeasterly of a line which bears North 25° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "25" (latitude 30° 23' 34" North, longitude 81° 28' 30" West), southerly of the general contour of the northerly shoreline of the St. Johns River and northerly of the general contour of the southerly shoreline of the St. Johns River; and

4. Main Street Bridge, Acosta Bridge Area – Those waters of the St. Johns River, shoreline to shoreline, channel included, westerly of the centerline of the Main Street (U.S. Highway 1, State Road 5) Bridge, and northeasterly of the centerline of the Acosta (State Road 13) Bridge.

(b) ~~SLOW SPEED ZONE, SPECIFIED CHANNEL EXEMPT (Year-round)~~

1. Trout River Cut Range, Chaseville Turn Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the main marked channel of the Florida Intracoastal Waterway, southerly of a line which bears approximately South 70° 00' 00" West (True) from a point 300 feet North 00° 00' 00" East (True) from the northernmost tip of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 11" West) to the easternmost tip of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West), and northerly of a line which bears North 55° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "71" (latitude 30° 22' 21" North, longitude 81° 37' 37" West) to include Long Branch Creek and its associated waters, easterly of the centerline of the Buffalo Avenue/Wigmore Street Bridge;

2. Terminal Channel Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the main marked channel (Terminal Channel) of the Florida Intracoastal Waterway, southerly of a line which bears North 90° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "75" (latitude 30° 21' 09" North, longitude 81° 37' 06" West), northeasterly of the centerline of the Hart (Alternate U.S. Highway 1) Bridge, and northwesterly of a line which bears approximately South 45° 00' 00" West (True) from the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West) to a point on the southerly side of the Arlington River, easterly of Empire Point (approximate latitude 30° 18' 57" North, approximate longitude 81° 36' 47" West), excepting therefrom those waters easterly of Exchange Island (not otherwise designated for slow speed regulation under (d)3.) southerly of a line which bears North 90° 00' 00" East (True) from the northernmost tip of said island (approximate latitude 30° 19' 51" North, approximate longitude 81° 36' 54" West), and northeasterly of a line which bears approximately South 63° 00' 00" East (True) from the southernmost tip of said island (approximate latitude 31° 19' 18" North, approximate longitude 81° 37' 04" West) to the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West); and

3. Hart Bridge to Main Street Bridge Area – Those waters of the St. Johns River, shoreline to shoreline, exclusive of the approximate 400 foot wide federally maintained Florida

Intracoastal Waterway Channel (as generally depicted on Map 3 and as marked by appropriate jurisdictional authority), southerly and westerly of the centerline of the Hart (Alternate U.S. Highway 1) Bridge and easterly of the centerline of the Main Street (U.S. Highway 1, State Road 5) Bridge to include those waters of Miller Creek, northerly of the centerline of the Atlantic Boulevard (State Road 10) Bridge.

~~(e) SLOW SPEED ZONE, CHANNEL INCLUDED (November 15 through March 31)/SLOW SPEED ZONE, SPECIFIED CHANNEL EXEMPT (Remainder of Year) — Long Branch Range, Terminal Channel, Chaseville Turn Area: Those waters of the St. Johns River, shoreline to shoreline (inclusive of the Long Branch Range, Terminal Channel and Chaseville Turn from November 15 through March 31), southeasterly of a line which bears North 55° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "71" (latitude 30° 22' 21" North, longitude 81° 37' 37" West), and northerly of a line which bears North 90° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "75" (latitude 30° 21' 10" North, longitude 81° 37' 06" West), but excluding the above-specified channels from April 1 through November 14.~~

~~(b)(4) SLOW SPEED SHORELINE BUFFER ZONE (Year-round) —~~

~~1. St. Johns River, St. Johns Point to Reddie Point Entrance Jetties to Mile Point Lower Range and Turn Area — Those waters of the St. Johns River lying within 300 feet of the general contour of the northern northerly and southern southerly shorelines of the river, excluding the federally-marked channels, westerly of a line that runs from the northeasternmost point of St. Johns Point at the mouth of the river to the southeasternmost point of Wards Bank, drawn across the seaward extremity of the St. Johns River entrance jetties, and easterly of a line which bears 360° from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) across the mouth of the Trout River, and north of a line that runs from said easternmost point of Sandfly Point to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West); included in this zone are those waters lying within 300 feet of the general contour of the shorelines of Blount Island and of the northern shoreline of Quarantine Island (Bartram Island) between the island's easternmost and westernmost points and North 00° 00' 00" East (True) running through Flashing Red Florida Intracoastal Waterway Channel Marker "22" (latitude 30° 22' 54" North, longitude 81° 26' 55" West), to include all waters of Haulover Creek southerly of the centerline of the Hecksher Drive (State Road 105) Bridge, and including those waters leading into Mayport Basin within 300 feet of the general contour of the shorelines, excluding the federally-marked channel, easterly of a line which bears 180°~~

~~South 00° 00' 00" West (True) from the easternmost tip of the peninsula on the northern northerly side of Mayport Basin (approximate latitude 30° 23' 51" North, approximate longitude 81° 24' 16" West); also included in this zone are those waters within 300 feet of the general contour of the shorelines of the Broward River and Dunn Creek south of the centerline of the Hecksher Drive (State Road 105) Bridges, and those waters within 300 feet of the general contour of the shorelines of all associated waterways on the north side of the river that are east of where Nichols Creek and San Carlos Creek enter the river and south of the centerline of the Hecksher Drive (State Road 105) Bridges, except as otherwise designated in (1)(a);~~

~~2. Mill Cove — Those waters within 300 feet of the general contour of the southern shoreline of Mill Cove, west of the westernmost point of Pauline Island and east of the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West);~~

~~3. Trout River — Those waters within 300 feet of the general contour of the shorelines of the Trout River west of a line that bears 360° from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) across the mouth of the Trout River and east of the Interstate 95 Bridge;~~

~~2. Short Cut Turn to Trout River Cut Range Area — Those waters of the St. Johns River, including White Shell Bay, Back River, Mill Cove, the bays around Little Marsh Island and Pine Island, and that part of the St. Johns River surrounding Blount Island, lying within 300 feet of the general contour of the shorelines of the river, excluding the federally-marked channels, westerly of a line which bears North 25° 00' 00" East (True) running through Flashing Green Florida Intracoastal Waterway Channel Marker "25" (latitude 30° 23' 34" North, longitude 81° 28' 30" West), and northerly and easterly (downstream) of a line which bears approximately South 70° 00' 00" West (True) from a point 300 feet North 00° 00' 00" East (True) from the northernmost tip of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) to the easternmost tip of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West); where applicable, the northerly boundary of said 300 foot buffer shall be the centerline of the Hecksher Drive (State Road 105) Bridges; this area shall also include those waters lying within 300 feet of the general contour of the shorelines of Blount Island, Quarantine Island (Bartram Island), Bird, Marion, Pauline, Fip, New Castle, Randolph, William, and Crab Islands and all other unnamed islands in the St. Johns River and Mill Cove, whether natural or manmade, and those waters within 300 feet of the general contour of the northerly and southerly shorelines of Trout River, easterly of the centerline of the U.S. Highway 17 (State Road 5) Bridge;~~

4. St. Johns River, Reddie Point to Fuller Warren Bridge Area – Those waters described below, excluding the federally-marked Florida Intracoastal Waterway channel:

a. Within 300 feet of the general contour of the western (and northern) shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) and north and east (downriver) of the Fuller Warren Bridge, including all associated waterways and all waters of Long Branch Creek easterly of the Buffalo Avenue/Wigmore Street Bridge;

b. Within 900 feet of the general contour of the eastern shoreline of the St. Johns River, south (upriver) of a line that runs from the easternmost point of Sandfly Point (approximate latitude 30° 23' 10" North, approximate longitude 81° 38' 03" West) to the northernmost point of Reddie Point (approximate latitude 30° 23' 22" North, approximate longitude 81° 37' 13" West) and north (downriver) of a line that bears 90° from a point (approximate latitude 30° 19' 57" North, approximate longitude 81° 36' 54" West) in the river located 900 feet from the eastern shoreline of the river, and; all waters of the river east of a line that runs from said point to the northernmost point of Exchange Island (approximate latitude 30° 19' 50" North, approximate longitude 81° 36' 55" West);

c. Within 300 feet of the general contour of the eastern shoreline of the St. Johns River, south of a line that bears 90° from the northernmost point of Exchange Island (approximate latitude 30° 19' 50" North, approximate longitude 81° 36' 55" West) and north of a line that bears 90° from a point (approximate latitude 30° 19' 19" North, approximate longitude 81° 36' 59" West) on the eastern shoreline of Exchange Island;

d. Within 600 feet of the general contour of the southern (eastern) shoreline of the St. Johns River, west of a line that bears 180° from the southernmost point of Exchange Island (approximate latitude 30° 19' 18" North, approximate longitude 81° 37' 05" West) and north and east of the Fuller Warren Bridge, including all waters of Miller Creek north of the Atlantic Boulevard (State Road 10) Bridge, and; all waters of the St. Johns River and the Arlington River east and south of a line that runs from the waterward end of the southern terminus of the 300-foot buffer described in (1)(b)4.c. to the waterward end of the eastern terminus of the 600-foot buffer described in this paragraph, and west and north of a line that bears approximately 225° from the southernmost tip of a peninsula on the northern side of the Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West) to a point on the southern side of the Arlington River, east of Empire Point (approximate latitude 30° 18' 57" North, approximate longitude 81° 36' 47" West);

3. Exchange Island Area – Those waters of the St. Johns River lying within 300 feet of the general contour of the easterly shoreline of Exchange Island and the easterly shoreline of the St. Johns River, southerly of a line which bears North 90° 00' 00" East (True) from the northernmost tip of said island (approximate latitude 30° 19' 51" North, approximate longitude 81° 36' 54" West), and northeasterly of a line which bears approximately South 63° 00' 00" East (True) from the southernmost tip of said island (approximate latitude 31° 19' 18" North, approximate longitude 81° 37' 04" West) to the southernmost tip of a peninsula on the northerly side of Arlington River (approximate latitude 30° 19' 07" North, approximate longitude 81° 36' 38" West); and

5.4. St. Johns River, Fuller Warren Bridge to the South Duval County Line Acosta Bridge to Julington Creek Area – Those waters of the St. Johns River lying within 700 ~~300~~-feet of the general contour of the easterly and westerly shorelines of the river, south St. Johns River, southwesterly of the centerline of the Fuller Warren Acosta (State Road 13) Bridge, northerly of the centerline of the Buckman (Interstate 295) Bridge (the Duval County/Clay County line) on the western westerly shore, and westerly and north of the centerline of the San Jose Boulevard (State Road 13) Bridge crossing Julington Creek on the eastern easterly shore, including all ~~to include:~~ those waters of Big Fishweir Creek east, easterly of the centerline of the Herschel Street Bridge, those waters within 700 feet of the northern side of the centerline of the Ortega (Grand Avenue) Bridge; those waters of the Ortega River lying within 300 feet of the general contour of the northwesterly and southeasterly shorelines, northeasterly of the centerline of the Ortega (Grand Avenue) Bridge, to include all waters within 300 feet north of said bridge; those waters of Pirates Cove (also referred to as the Venetia Yacht Basin), all waters of Mulberry Cove northwest of a line that runs from a point (approximate latitude 30° 13' 05" North, approximate longitude 81° 40' 31" West) on the northern shoreline of the cove to another point (approximate latitude 30° 12' 56" North, approximate longitude 81° 40' 46" West) on the southern shoreline; all waters of Marco Lake; ~~and those all~~ waters of Craig Creek; westerly of the centerline of the Hendricks Avenue (State Road 13) Bridge, and all waters of Goodby's Creek;:-

6. Ortega River Area – Those waters within 300 feet of the general contour of the shorelines of the Ortega River, including all associated waterways, south of the centerline of the Ortega (Grand Avenue) Bridge, north of the centerline of the Timuquana Bridge, and east of a line that runs from the southernmost point (approximate latitude 30° 15' 57" North, approximate longitude 81° 43' 36" West) of the peninsula that forms the northern shoreline of the Cedar River to the northernmost point (approximate latitude 30° 15' 46" North, approximate longitude 81° 43' 28" West) of the peninsula that forms the eastern shoreline of Fishing Creek, including all waters within 300 feet south of the centerline of the Ortega

(Grand Avenue) Bridge, all waters within 300 feet of either side of the Roosevelt Boulevard Bridge, and all waters within 300 feet of the shorelines of Ortega Island;

7. Julington Creek – All waters of Julington Creek within 450 feet of either side of the centerline of the San Jose Boulevard (State Road 13) Bridge and those waters within 300 feet of the general contour of the shorelines of Julington Creek and all associated waterways, east of the centerline of the San Jose Boulevard (State Road 13) Bridge and west of a line that bears 180° from a point (approximate latitude 30° 07' 59" North, approximate longitude 81° 36' 02" West) on the northern shoreline of Julington Creek at the mouth of Oilfield Creek;

8. St. Johns River in St. Johns County, Julington Creek to Nature's Hammock Road North – Those waters within 700 feet of the general contour of the eastern shoreline of the St. Johns River in St. Johns County, west and south of the centerline of the San Jose Boulevard (State Road 13) Bridge, and north of the western extension of Nature's Hammock Road North;

9. St. Johns River in Clay County, Buckman Bridge to Peter Branch – Those waters within 700 feet of the general contour of the western shoreline of the St. Johns River in Clay

County, south of the centerline of the Buckman (Interstate 295) Bridge and north of a line that bears 90° from a point on the shoreline (approximate latitude 30° 06' 05" North, approximate longitude 81° 41' 24" West) located 300 feet south of Peter Branch;

10. Doctors Lake and Doctors Inlet Area – Those waters within 700 feet of the general contour of the shorelines of Doctors Lake, including all waters of Duck Creek and Swimming Pen Creek, and all waters of Doctors Inlet within 700 feet of either side of the centerline of the U.S. Highway 17 Bridge.

(2) The zones described in 68C-22.027(1) ~~above herein~~ are depicted on the following maps, labeled (numbered 1-10 and labeled "Duval and Associated County Manatee Protection Zones") ~~dated October 1992 for identification. The maps~~ Maps provided are intended to be as depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail ~~The October 1992 maps shall become effective for purposes of this rule concurrent with its effective date.~~

( I N S E R T M A P S )

(68C-22.027 – 1 of 4)



( I N S E R T M A P S )

(68C-22.027 – 2 of 4)

( I N S E R T M A P S )

(68C-22.027 – 3 of 4)

( I N S E R T M A P S )

(68C-22.027 – 4 of 4)

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(m) FS. History—New 12-22-92, Amended 6-16-93, Formerly 16N-22.027, 62N-22.027, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. David Arnold, Chief of the Bureau of Protected Species Management, Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services, Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 33-601.209, 33-601.210, 33-601.215, and 33-601.901.

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, March 3, 2000, issue of the Florida Administrative Weekly:

33-601.209 State Classification Office and Institutional Classification Teams Committees.

(1) The inmate classification system is comprised of two primary operational components which have been established to provide uniformity and consistency in both the development and implementation of classification policies and procedures. These two components are the State Classification Office Committee and the Institutional Classification Team Committee. These components have specific authority and responsibility relative to the operation and management of the inmate classification system.

(2) The State Classification Office Committee shall be composed of a chairperson, a vice-chairperson and other members as designated by the Chief of Classification and Central Records.

(a) The State Classification Office (SCO) Committee (SCC) refers to a staff committee or committee member at the central office level who is responsible for the review of inmate overall classification decisions of inmates. Duties include

approving or rejecting Institutional Classification Team (ICT) committee (ICC) recommendations. In addition, the SCC has authority for decision making relating to care, custody, placement or control of inmates within the Florida Department of Corrections as directed by the Chief of the Bureau of Classification and Central Records.

(3) The Institutional Classification Team Committee is responsible for making local classification decisions as defined in rule and procedure. The Institutional Classification Team Committee shall be comprised of the following members:

- (a) through (d) No change.
33-601.210 Custody Classification.
(1) No change.
(2) Custody Grade Classification.
(a) through (b) No change.

(c) The result of completing an automated questionnaire shall be a computer generated numerical score or status custody for the inmate. A status custody is the automatic placement into one of the five custody grades based upon an inmate's sentence, criminal history, time remaining to serve, and other classification factors reflected on the automated custody questionnaire a custody range determined by the inmate's status, i.e. a death row inmate is maximum custody by virtue of his status of having a death sentence.

- (d) No change.
(e) All custody assignments will require the approval of the Institutional Classification Team Committee.

(f) Any modification of the resulting custody grade from on the system generated custody or any assignment to community or minimum custody shall requires the review and approval of a State Classification Office staff Committee member based upon the criteria listed in (l) below.

(g) A member of the State Classification Office Committee shall have the authority to initiate a custody assessment and determine the custody level of an inmate whenever the staff committee member determines that a new assessment is necessary for the safety of the public or the needs of the department.

- (h) through (j) No change.
(k) The following inmates shall not be classified as less than close custody unless approved for assignment to a lower custody by the Chairperson of the State Classification Office Committee as provided in (l) below:

- 1. through 5. No change.
(l) The Chairperson of the State Classification Office Committee may approve an inmate listed in (k) for lower custody after consideration of the following criteria:
1. through 10. No change.

(3) Review of Inmates Who Have Special Needs. The secretary shall appoint a special needs committee in central office to review those cases in which inmates have been determined by medical services as having special medical