

PURPOSE AND EFFECT: The purpose and effect of this chapter is to implement the provisions of s. 394.875(10), F.S., with respect to residential treatment centers for children and adolescents which specify licensure standards for admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraint and time out; rights of patients; use of psychotropic medications; and standards for operation of such centers.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is Section 394.875(10), Florida Statutes. The department, in consultation with the agency, must adopt rules governing a residential treatment center for children and adolescents which specify licensure standards for: admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraints, and time-out; rights of patients under s. 394.459; use of psychotropic medications; and standards for the operation of such centers.

SPECIFIC AUTHORITY: 394.875(10) FS.

LAW IMPLEMENTED: 394.875 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 5:00 p.m., March 9, 2001

PLACE: Department of Children and Families, 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL

THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULE DEVELOPMENT IS: Jim Poindexter, Operations and Management Consultant II, Department of Children and Family Services, Children’s Mental Health Program Office, 1317 Winewood Blvd., Bldg. 6, Room 262, Tallahassee, FL 32399-0700, whose telephone number is (850)410-3036 or Suncom 210-3036 and whose Fax number is (850)413-6886 or Suncom 293-6886

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

SUMMARY: The Anti-Fraud Reward Program is established to pay rewards of up to \$25,000 to persons responsible for providing information leading to the arrest and conviction of persons committing complex and organized crime investigated by the Division of Insurance Fraud.

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

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

SPECIFIC AUTHORITY: 626.9892(1) FS.

LAW IMPLEMENTED: 626.9892 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 p.m., March 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: L. Dave Dempsey, Division of Insurance Fraud, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4K-1.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9892, F.S., to establish an Anti-Fraud Reward Program.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History–New

4K-1.002 Application Process.

(1) Intake Documentation. The “Anti-Fraud Reward Applicant” is a person who calls or writes the Division of Insurance Fraud with information related to an alleged crime involving insurance fraud. Department of Insurance employees, licensed insurance companies, insurance agents and other entities licensed under the Florida Insurance Code and their employees are not eligible to participate in the Anti-Fraud Reward Program.

(a) A Division of Insurance Fraud hotline operator answering calls from the Anti-Fraud Reward Applicant will fill out a “Hotline Anti-Fraud Reward Sheet” which details the information provided by the Anti-Fraud Reward Applicant. The hotline operator will allow the Anti-Fraud Reward

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Division of Insurance Fraud

RULE TITLES:	RULE NOS.:
Purpose and Scope	4K-1.001
Application Process	4K-1.002
Review Process and Reward Criteria	4K-1.003
Reward Disbursement	4K-1.004

PURPOSE AND EFFECT: The proposed rule establishes the Anti-Fraud Program including an application, approval, and disbursement process.

Applicant to give their information anonymously if requested. The written information will be processed in the same manner as information received by a telephone call.

(b) The Division of Insurance Fraud intake operator will assign a "Control Number" which is automatically generated by the entry of the data into a special Fraud Busters database. A control number will be assigned to every reward program call.

(c) If the Anti-Fraud Reward Applicant has not disclosed his or her name or other identifying information and has requested to remain anonymous, the Hotline supervisor or designee will give the Anti-Fraud Reward Applicant instructions and a control number or code regarding a "Call back schedule", which simply tells the Anti-Fraud Reward Applicant what date, in monthly increments to call the supervisor back. This procedure will ensure that the anonymous caller can be notified when the case has reached a disposition.

(d) Information received in any Division of Fraud office located in the State can be nominated for the reward program, by notifying the hotline supervisor to generate the control number.

(2) Case Evaluation and Tracking.

(a) A Division of Insurance Fraud field Lieutenant will review the information and determine if the opening of a criminal case is warranted.

(b) Information resulting in an open case will be evaluated by the Lieutenant for the purpose of determining if the case fits the criteria for Major Case/Complex Case or Organized Crime as described in Rule 4K-1.003, F.A.C. The Lieutenant will document the results of the evaluation in the case-opening document for use in determining reward value. In the event no case is opened, the hotline supervisor will be notified by the field supervisor for documentation in the Reward Program's database.

(3) Case Disposition. A case originating from information received from an Anti-Fraud Reward Program Applicant will be assigned by the Lieutenant to an investigator. Investigations which are declined will not be considered for reward. Investigations which are accepted will be considered for reward provided they are selected for prosecution.

Specific Authority 624.308, 626.9892 FS. Law Implemented 119.07, 624.305, 624.307, 626.989, 626.9892 FS. History--New _____.

4K-1.003 Review Process and Reward Criteria.

(1) All fraud program information resulting in arrest and prosecution will be treated as an "Application for Reward".

(2) Applications will be reviewed by a seven person "Review Committee", consisting of each of the three chapter presidents of the Florida Association of Special Investigation Units or their designee, three Division of Insurance Fraud Regional Captains, and the Division of Insurance Fraud Director or designee.

(3) The review committee will meet quarterly, or as needed to review the applications for reward, to recommend to the Insurance Commissioner if a reward should be given, and to determine the amount of the reward.

(4) Rewards of up to \$25,000 may be awarded regardless of the number of persons arrested and convicted in connection with the investigation.

(5) A single reward amount will be granted per investigation, although this amount can be split between multiple Anti-Fraud Reward Applicants.

(6) The criteria for evaluating the application is based on information submitted to the Division of Insurance Fraud after October 1, 1999, leading to the arrest and conviction of persons committing a complex or organized crime investigated by the Division of Insurance Fraud, arising out of a violation of Sections 440.105, 624.15, 626.9541, 626.989, or 817.234, F.S.

(7) Conviction as used in this rule means a judicial finding of guilt; a judicial finding of guilt in which adjudication is withheld; judicial acceptance of a negotiated plea; or judicial acceptance of a nolo contendere plea.

(8) "Complex Crime" as used in this rule means those cases meeting the Division of Insurance Fraud's "Major Case" definition, which involves one or more of the following characteristics:

(a) Multiple defendants is defined as five or more defendants.

(b) Criminal activity occurring in more than one jurisdiction, whether or not the case is accepted by the Statewide Prosecutor or U.S. Attorney.

(c) A case involving an aggregate value of loss over \$250,000.

(d) A case involving detailed records which require substantial analysis.

(e) Multiple victims or witnesses which includes cases where investigators other than the lead investigator may take witness statements.

(f) Specialized undercover investigations which may operate for more than one month.

(g) Task force operations involving agencies in addition to the Division of Insurance Fraud.

(h) Cases which are prosecuted in federal court.

(i) Insolvency investigations.

(j) Unauthorized entity investigations resulting in an arrest.

(9) Organized Crime means a systematic or on going course of activity involving at least two incidents of criminal conduct, involving violations of the listed offenses in 4K-1.003(8), F.A.C.

(10) Rewards shall be paid pursuant to the following schedule:

(a) A reward of up to \$25,000 may be granted for theft or fraud valued at \$1,000,000 or more.

(b) A reward of up to \$10,000 may be granted for theft or fraud valued at \$100,000 but less than \$1,000,000.

(c) A reward of up to \$5,000 may be granted for theft or fraud valued at \$20,000 but less than \$100,000.

(d) A reward of up to \$1,000 may be granted for theft or fraud valued less than \$20,000 but at least \$5,000.

(11) Actual monetary loss is not required for the information to result in a reward, however verification of the appraised value of the property involved will be a determining factor.

(12) Determination of the value of the property involved can be calculated from the value of the loss prevented or avoided; the value of the loss claimed or reported; or the value of the loss obtained or endeavored to be obtained.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New

4K-1.004 Reward Disbursement.

(1) When a determination has been made by the Insurance Commissioner that a reward should be issued, the Anti-Fraud Reward Applicant will receive a check from the Department of Insurance and Treasurer Revolving Travel Reimbursement Trust Fund. The reward will be presented by a supervisor and at least one investigator as a witness from the Division of Insurance Fraud. At the time the Anti-Fraud Reward Applicant is given the reward he or she will be given a written notice explaining his or her responsibility to report this reward to the Internal Revenue Service.

(2) In the event the Anti-Fraud Reward Applicant wishes to remain anonymous, a supervisor and an investigator within the Division of Insurance Fraud will receive the check from the Department of Insurance and Treasurer Revolving Travel Reimbursement Fund and will negotiate the check for cash which will in turn be paid to the anonymous Anti-Fraud Reward Applicant. At the time the anonymous Anti-Fraud Reward Applicant is given the reward he or she will be given a written notice explaining his or her responsibility to report this reward to the Internal Revenue Service.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Sills, Insurance Fraud, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ron Poindexter, Division Director, Insurance Frauds, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Definition of Qualified Instructional Personnel

RULE NO.: 6A-1.0503

PURPOSE AND EFFECT: The purpose of this amendment is to revise the rule to reflect statutory changes enacted in Chapter 2000-301, Laws of Florida, that expands the options by which a teacher is designated as “infield,” meaning qualified for teaching the course. The effect is a rule that reflects the new provisions in law.

SUMMARY: Legislative changes enacted in Chapter 2000-301, Laws of Florida, added the options of a teacher having a minor in the subject field for which instruction is provided, or the teacher having demonstrated sufficient subject area expertise in the subject area in which instruction is provided as two additional means by which the teacher is not to be designated and reported as “out-of-field.” The rule is amended to incorporate these additional options for teachers being considered qualified instructional personnel.

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: 229.053(1), 231.095, 231.15(1), 231.17 FS.

LAW IMPLEMENTED: 229.053, 231.095, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Professional Educators, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0503 Definition of Qualified Instructional Personnel. A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:

(1) Holds a valid Florida educator's certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, FAC., or

(2) Holds a valid educator’s certificate and has a minor field of study in the subject matter in which instruction is provided, with the exception of a minor in the area of English to Speakers of Other Languages, or

(3) Holds a valid educator's certificate and has demonstrated sufficient subject area expertise in the subject area in which instruction is provided, with the exception of instruction in the primary English or language arts to students with limited English proficiency, or

~~(4)(2) Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, FAC., or~~

(5)(3) Holds a valid educator's certificate and does not qualify under the provisions of Subsection (1), (2), or (3) of this rule and has been approved for an out-of-field assignment by the school board after determination that a teacher who meets the requirements of Subsection (1), (2), or (3) of this rule is not available, and is approved for an out-of-field assignment by the school board only under one (1) of the following conditions: Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and has been approved by the school board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; provided, however, that such approval may be granted by the school board only under one (1) of the following conditions:

(a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district, approval by either the school board or the Department to be employed out-of-field in an area for which specific certification is otherwise required, or

(b) The individual has earned the following college credit or inservice training in an approved district add-on program:

1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). A teacher out of field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required in subsection (1) of this rule within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification;

2. Out-of-field assignment in only ESOL. A teacher out of field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent toward the ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent during each calendar year thereafter until all course requirements for certification in ESOL are completed; or

3. Out-of-field assignment in ESOL and another subject. A teacher out of field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification required by subsection (1) of this rule within one (1) calendar year from date of initial appointment to the out-of-field assignment and

each calendar year thereafter until all course requirements are completed for the appropriate certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraph (5)(b)1. or 2. ~~(3)(b)1. or 2.~~ of this rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on program may be obtained by one of the following provisions:

a. In lieu of college credit or the equivalent specified in subparagraph (5)(b)1., 2., or 3. ~~(3)(b)1., 2., or 3.~~ of this rule, an individual shall provide a doctor's statement certifying to medical inability to earn such credit during the prescribed time;

b. In lieu of college credit or the equivalent specified in subparagraph (5)(b)1. ~~(3)(b)1.~~ of this rule, the district superintendent shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or

c. In lieu of college credit or the equivalent specified in subparagraph (5)(b)1. ~~(3)(b)1.~~ or the criteria in paragraph (5)(3)(a) of this rule, the Commissioner of Education may grant to the district or individual school sites a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent shall, pursuant to school board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements, or

~~(6)(4) Is a nondegreed teacher of vocational education employed under the provisions of Section 231.1725, Florida Statutes. The requirements in Section 231.1725(1)(c)2.a. and b., Florida Statutes, must be satisfied prior to initial appointment to the position.~~

(7) All evidence of such qualifications and approval for subsections (1) through (6) of this rule shall be reflected in the individual's official personnel record.

Specific Authority 229.053(1), 231.095, 231.15(1), 231.17~~(4)~~ FS. Law Implemented 229.053, 231.095, 231.145, 231.15, 231.17 FS. History--New 4-19-74, Repromulgated 12-5-74, Amended 9-8-76, Formerly 6A-1.503, Amended 10-30-90, 10-3-91, 2-18-93, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs
RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this amendment is to present to the State Board of Education for approval the course requirements to be used in grades 6-12. The course requirements are presented to be adopted by reference in the publication entitled "Florida Course Descriptions for Grades 6-12 Basic Programs, 2000-2001." The effect of this amendment is to ensure instructional consistency in courses taught in these grades.

SUMMARY: The proposed amendment incorporates by reference the publication "Florida Course Descriptions for Grades 6-12 Basic Programs, 2000-2001."

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: 229.565 FS.

LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Wiegman, Deputy Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the "Florida Course Code Directory and Instructional Personnel Assignments" adopted by Rule 6A-1.09441, FAC. Course requirements approved by the State Board of Education are contained in the publication "Course

Descriptions for Grades 6-12 Basic and Adult Secondary Programs ~~2000-2001~~ ~~1999-2000~~" which is hereby incorporated by reference and made a part of this rule ~~to become effective with the 1999-2000 school year.~~ "Course Descriptions for Grades 6-12 Basic and Adult Secondary Programs 1998" shall remain in effect until that time. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399.

~~(1) District school board variance authority. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description.~~

~~(2) Districts may elect to offer special topics courses in various subject areas as specified in the publication "Course Code Directory and Instructional Personnel Assignments." For each special topics course that is offered, districts are required to:~~

~~(a) create course titles;~~

~~(b) write course descriptions;~~

~~(c) adopt district course student performance standards that incorporate the Sunshine State Standards; and~~

~~(d) receive approval from their district school board.~~

~~(3) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board to allow the school to substitute locally approved course requirements provided that locally approved course requirements specified for the state approved course adequately address the Sunshine State Standards and benchmarks contained in the course description and the waiver request fulfills the provisions of and as submitted in accordance with procedures specified in Section 229.592, Florida Statutes.~~

Specific Authority 229.565 FS. Law Implemented 229.565, 229.592, 230.23(7), 233.165 FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Requirements for Programs and Courses
Which are Funded Through the Florida
Education Finance Program and for Which
the Student May Earn Credit Toward High
School Graduation

6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to update the document "Course Code Directory and Instructional Personnel Assignments" as incorporated by reference in the rule. This document provides public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adults schools of Florida including related teacher certification coverages.

SUMMARY: The proposed amendment incorporates an updated "Course Code Directory and Instructional Personnel Assignments" which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

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: 229.053(1), 236.081 FS.

LAW IMPLEMENTED: 229.592, 232.246, 236.081, 240.40202 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Wiegman, Deputy Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments 1999-2000" for the year in which the student is in membership; ~~except as provided in subsection (5) of this rule.~~

~~(5) Each district school board may approve special topics courses using course numbers provided in the Course Code Directory. Each special topic course must include as part of its requirements the appropriate Sunshine State Standards.~~

~~(5)(6) The "Course Code Directory and Instructional Personnel Assignments 2000-2001 1999-2000" is hereby incorporated by reference and made a part of this rule to become effective with the 1999-2000 school year. The "1998-1999 Course Code Directory and Instructional Personnel Assignments" shall remain in effect until that time. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.~~

~~Specific Authority 229.053(1), 236.081 FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History--New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99,~~

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Instruction and Awards in Community Colleges RULE NO.: 6A-14.030

PURPOSE AND EFFECT: The purpose is to amend Rule 6A-14.030(2),(3), Florida Administrative Code, reflect changes made to associate in science and associate in applied science degree titles; to delete programs no longer in existence or merged with other degree programs; to add new programs approved in 1999/2000; and to update program lengths approved by the Articulation Coordinating Committee. The effect is to bring Rule 6A-14.030 up-to-date.

SUMMARY: During the process of creating Occupational Completion Points (OCPs) for the associate in science and associate in applied science degrees, changes were made by the Program Length and Articulation Committee of the Articulating Coordinating Committee. Some degrees were merged or deleted and, in a few cases, standard program lengths changed slightly. The Articulation Coordinating Committee approved these changes in January 1999. In addition, some new degree programs were added during the 1999/2000 academic year. This proposed rule amendment brings Rule 6A-14.030 up-to-date.

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: 240.325 FS.

LAW IMPLEMENTED: 229.551(1), 239.205, 239.213, 239.301, 240.325 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL-03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.030 Instruction and Awards in Community Colleges.

Community colleges are authorized to provide instruction and to confer degrees, certificates, and diplomas only as prescribed herein. Any degree program, certificate, or diploma program offered at a community college shall be offered at the established standard credit hour length. Revisions to the

standard credit hour lengths and the lengths of new programs added to the Statewide Program Inventory list must be approved by the State Board of Community Colleges.

(1) No change.

(2) Associate in science degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. Courses not accepted in the State University System shall not be included in the general education core required for the degree. Associate in science degrees that articulate with baccalaureate degrees under the provisions of 6A-10.024(6)(c), F.A.C., shall meet the specific provisions contained therein. The standard credit hour length is:

Program Name	Required Standard
Business, Marketing and Hospitality Discipline	
Accounting Technology	64
<u>Customer Service Technology</u>	<u>62</u>
Business Administration & Management	64
Financial Services	64
Insurance Management	64
International Business Management	64
Fashion Marketing Management	63
Fashion Design	64
Marketing Management	64
Real Estate Management	64
Travel & Tourism Industry Management	64
Restaurant Management	64
Hospitality & Tourism Management	64
Culinary Management	64
Postal Service Management	60
<u>Diving Business & Technology</u>	<u>62</u>
Agricultural & Natural Resources Technologies Discipline	
Agribusiness Agricultural Business Technology	60
Agricultural Production Technology	<u>60</u> 64
<u>Aquaculture Management</u>	<u>63</u>

Citrus Production Technology	62	<u>Database Technology</u>	63
Forest Technology	62 63	Computer Information <u>Technology Systems Analysis</u>	63
Forest Management	75	Computer Programming & <u>Analysis Applications</u>	63
<u>Irrigation Management</u>	68	<u>Internet Services Technology</u>	63
Landscape Technology	68	<u>Networking Services Technology</u>	63
<u>Marine Environmental Technology</u>	60	Human Service Technologies Discipline	
<u>Environmental Ornamental Horticulture Technology</u>	60	<u>Early Childhood Child-Care-Center Management</u>	63
Pest Control Technology	62	Child Development & Education	63
Golf Course Operations	69	Human Services – Generic Program	65
<u>Turf Equipment Management</u>	67	Human Services – Addiction Counseling Specialty	73
Zoo Animal Technology	66	Instructional Services Technology	63
Construction Technologies Discipline		<u>Sign Language Interpretation Interpreter Training</u>	
Air Conditioning, Refrigeration & Heating		<u>Program for Hearing Impaired</u>	72 64
Systems Technology	64	Recreation Technology	64
Architectural Design & Construction Technology	66	Social Services Technology	62
Building Construction Technology	64	Public Service Technologies Discipline	
Interior Design Technology	70	<u>Criminal Justice Officer Administration</u>	64
Drafting & Design Technology	62	Criminal Justice Technology	64
Civil Engineering Technology	63	Crime Scene Technology	60
Land Surveying	64	Fire Science Technology	60
Aviation Technologies Discipline		Emergency Public Administration & Management	
Professional Pilot Technology	64	<u>Technology</u>	60 64
Aviation Administration	64	Environmental Technologies Discipline	
Aviation Maintenance Management	83	Environmental Science Technology	64
Engineering (Electronic & Electrical)		Water & Wastewater Technology	64
Technologies Discipline		Safety Engineering Technology	64
Computer Engineering Technology	68	Chemical Instrumentation Technology	64
Electrical Power Technology	68	Chemical Technology	64
Electronics Engineering Technology	68	Office Systems, Secretarial, Court Reporting	
Instrumentation Engineering Technology	64	Discipline Court Reporting Technology	
Biomedical Equipment Engineering Technology	68	(Non-Accredited)	67
<u>Biomedical Laboratory Technician</u>	61	Court Reporting Technology (Accredited)	73
Laser Electro-Optic Engineering Technology	64	Legal Secretarial Technology	63
Telecommunications Engineering Technology	64	Medical Secretarial Technology	63
Engineering (Manufacturing) Technologies Discipline		Office Management Technology	64
Computer Integrated Manufacturing Technology	64	Office Systems Technology	63
<u>Plastics Engineering Technology</u>	64	Word Processing Technology	63
Manufacturing Technology	64	Records Management	63
Quality Assurance Technology	64	Communications and Entertainment Technologies	
Industrial Management Technology	60	Discipline	
<u>Micro Electronics Manufacturing Technology</u>	68	Film Production Technology	64
Space Engineering Technology	64	<u>Music Production Technology</u>	63
Logistics Systems Technology	64	Radio & Television Broadcast Programming	64
Mechanical Technologies Discipline		Theater & Entertainment Technology	64
Automotive Service Management Technology	68	Graphic Arts Technology	64
<u>Dealer Specific Automotive Technology</u>	74	Photographic Technology	64
Marine <u>Engineering Management & Seamanship</u>		Graphic Design Technology	64
Propulsion Technology	66 67	Multimedia Technology	64
Welding Technology	64	<u>Technical Writing – Publications Technology</u>	65
Computer Technologies Discipline		Imaging Technologies Discipline	

Diagnostic Medical Sonography Technology	72
Nuclear Medicine Technology	75
Radiation Therapy	77
Radiography	77
Dental Technologies Discipline	
Dental Hygiene	88
Dental Laboratory Technology and Management	68
Health Information and Health Management	
Discipline Health Services Management	62
Health Information Management	67
Occupational and Physical Therapy Discipline	
Occupational Therapy Assistant	70
Physical Therapist Assistant	74
Vision Care Technologies Discipline	
Ophthalmic Technology Dispensing	72
<u>Optical Management</u>	<u>60</u>
Vision Care Technology/Opticianry	72
Emergency Medical Services Discipline	
Emergency Medical Services	73
Medical and Histologic Technology Discipline	
Histologic Technology	76
Medical Laboratory Technology	76
Medical Clinical Dosimetry and Radiation	
Protection Discipline	
Medical Clinical Dosimetry Management	64
Radiation Protection Technology	65
Nursing and Midwifery Discipline	
Nursing (Associate Degree) R.N.	72
Midwifery	90
Respiratory Therapy Discipline	
Respiratory Care	76
Veterinary Technology Discipline	
Veterinary Technology	73
Funeral Services Discipline	
Funeral Services	72
Dietetic Technician Discipline	
Dietetic Technician	64
Legal Assistant Discipline	
Legal Assisting	64
Legal Assisting (ABA Accredited)	68
Cardiopulmonary (Cardiovascular) Technology	
Discipline	
Cardiovascular Technology	77
Cardiopulmonary Technology	83

(3) Associate in Applied Science Degree. Each community college is authorized to provide programs of instruction consisting of college-level courses to prepare for entry into employment. The courses shall be based in theory and be of sufficient complexity, rigor, and theory to be college level. The courses shall be classified in the Community

College Management Information System as advanced and professional courses or postsecondary vocational courses. The programs shall not include courses classified as postsecondary adult vocational courses. Satisfactory completion of courses within the programs shall be recognized by the award of units of measure called college credit. Effective with the Fall Term 2000, the associate in applied science degree shall be awarded upon satisfactory completion of a planned program of study comprised of the standard credit hour length established, including demonstration of the attainment of predetermined and specified performance requirements, and subject to law and rule. The standard credit hour length is:

Program Name	Required Standard
Business, Marketing and Hospitality	
Discipline Accounting Technology	64
<u>Customer Service Technology</u>	<u>62</u>
Business Administration & Management	64
Financial Services	64
Insurance Management	64
International Business Management	64
Fashion Marketing Management	63
Fashion Design	64
Marketing Management	64
Real Estate Management	64
<u>Travel & Tourism</u> Industry Management	64
Restaurant Management	64
Hospitality & <u>Tourism</u> Management	64
Culinary Management	64
Postal Service Management	60
<u>Diving Business & Technology</u>	<u>62</u>
Agricultural & Natural Resources Technologies	
Discipline Agribusiness <u>Agricultural Business</u>	
Technology	60
Agricultural Production Technology	60 <u>64</u>
<u>Aquaculture Management</u>	<u>63</u>
Citrus Production Technology	62
Forest Technology	62 <u>63</u>
Forest Management	75
<u>Irrigation Management</u>	<u>68</u>
Landscape Technology	68
<u>Marine Environmental Technology</u>	<u>60</u>
Environmental Ornamental Horticulture Technology	60
Pest Control Technology	62
Golf Course Operations	69
<u>Turf Equipment Management</u>	<u>67</u>
Zoo Animal Technology	66
Construction Technologies Discipline	
Air Conditioning, Refrigeration & Heating	
Systems Technology	64
Architectural Design & Construction Technology	66
Building Construction Technology	64

Interior Design Technology	70	<u>Criminal Justice Officer Administration</u>	64
Drafting & Design Technology	62	Criminal Justice Technology	64
Civil Engineering Technology	63	Crime Scene Technology	60
Land Surveying	64	Fire Science Technology	60
Aviation Technologies Discipline		<u>Emergency Public Administration & Management</u>	
Professional Pilot Technology	64	Technology	60 64
Aviation Administration	64	<u>Environmental Technologies Discipline</u>	
Aviation Maintenance Management	83	Environmental Science Technology	64
Engineering (Electronic & Electrical) Technologies Discipline		Water & Wastewater Technology	64
Computer Engineering Technology	68	Safety Engineering Technology	64
Electrical Power Technology	68	Chemical Instrumentation Technology	64
Electronics Engineering Technology	68	Chemical Technology	64
Instrumentation Engineering Technology	64	Office Systems, Secretarial, Court Reporting Discipline	
Biomedical Equipment Engineering Technology	68	Court Reporting Technology (Non-Accredited)	67
<u>Biomedical Laboratory Technician</u>	<u>61</u>	Court Reporting Technology (Accredited)	73
Laser Electro-Optic Engineering Technology	64	Legal Secretarial Technology	63
Telecommunications Engineering Technology	64	Medical Secretarial Technology	63
Engineering (Manufacturing) Technologies Discipline		Office Management Technology	64
Computer Integrated Manufacturing Technology	64	Office Systems Technology	63
<u>Plastics Engineering Technology</u>	<u>64</u>	Word Processing Technology	63
Manufacturing Technology	64	Records Management	63
Quality Assurance Technology	64	Communications and Entertainment Technologies Discipline	
Industrial Management Technology	60	Film Production Technology	64
<u>Micro Electronics Manufacturing Technology</u>	<u>68</u>	<u>Music Production Technology</u>	<u>63</u>
Space Engineering Technology	64	Radio & Television Broadcast Programming	64
Logistics Systems Technology	64	Theater & Entertainment Technology	64
Mechanical Technologies Discipline		Graphic Arts Technology	64
Automotive Service Management Technology	68	Photographic Technology	64
<u>Dealer Specific Automotive Technology</u>	<u>74</u>	Graphic Design Technology	64
Marine <u>Engineering Management & Seamanship</u>		Multimedia Technology	64
Propulsion Technology	66 67	<u>Technical Writing – Publications Technology</u>	<u>65</u>
Welding Technology	64	Imaging Technologies Discipline	
Computer Technologies Discipline		Diagnostic Medical Sonography Technology	72
<u>Database Technology</u>	<u>63</u>	Nuclear Medicine Technology	75
Computer Information Technology Systems Analysis	63	Radiation Therapy	77
Computer Programming & Analysis Applications	63	Radiography	77
<u>Internet Services Technology</u>	<u>63</u>	Dental Technologies Discipline	
<u>Networking Services Technology</u>	<u>63</u>	Dental Hygiene	88
Human Service Technologies Discipline		Dental Laboratory Technology and Management	68
Early Childhood Child-Care-Center Management	63	Health Information and Health Management Discipline	
Child Development & Education	63	Health Services Management	62
Human Services – Generic Program	65	Health Information Management	67
Human Services – Addiction Counseling Specialty	73	Occupational and Physical Therapy Discipline	
Instructional Services Technology	63	Occupational Therapy Assistant	70
Sign Language Interpretation Interpreter Training	72 64	Physical Therapist Assistant	74
Program for Hearing Impaired		Vision Care Technologies Discipline	
Recreation Technology	64	Ophthalmic Technology Dispensing	72
Social Services Technology	62	<u>Optical Management</u>	<u>60</u>
Public Service Technologies Discipline			

Vision Care Technology/Opticianry	72
Emergency Medical Services Discipline	
Emergency Medical Services	73
Medical and Histologic Technology Discipline	
Histologic Technology	76
Medical Laboratory Technology	76
Medical Clinical Dosimetry and Radiation Protection Discipline	
Medical Clinical Dosimetry Management	64
Radiation Protection Technology	65
Nursing and Midwifery Discipline	
Nursing (Associate Degree) R.N.	72
Midwifery	90
Respiratory Therapy Discipline	
Respiratory Care	76
Veterinary Technology Discipline	
Veterinary Technology	73
Funeral Services Discipline	
Funeral Services	72
Dietetic Technician Discipline	
Dietetic Technician	64
Legal Assistant Discipline	
Legal Assisting	64
Legal Assisting (ABA Accredited)	68
Cardiopulmonary (Cardiovascular) Technology Discipline	
Cardiovascular Technology	77
Cardiopulmonary Technology	83

Specific Authority ~~229.053(4)~~, 240.325 FS. Law Implemented ~~228.041(1), (21)~~, 229.551(1), ~~239.105, 239.117(5)~~, 239.205, 239.213, 239.301, 240.116(2)(a), 240.117(2), 240.301, 240.325 FS. History—Formerly 6A-8.50, Repromulgated 12-19-74, Amended 8-27-84, 8-29-85, Formerly 6A-14.30, Amended 5-14-91, 11-10-92, 5-2-95, 2-13-96, 12-30-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Critical Teacher Shortage Tuition Reimbursement Program

RULE NO.: 6A-20.012

PURPOSE AND EFFECT: The purpose of this amendment is to revise the rule to align with changes enacted during the 2000 legislative session relating to the designation of out-of-field

teachers and to align the application process and program timelines with the fiscal year. The effect will be a rule that is in alignment with legislative changes, and that reflects the timelines and procedures of the current implementation process.

SUMMARY: This rule is revised in order to implement changes in Section 231.095, Florida Statutes, enacted during the 2000 session that alter the definition of out-of-field teachers. These changes in turn necessitate a revision in the name of the application form. In addition, changes are made in the application cycle to align to the fiscal year.

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: 240.4064(2) FS.

LAW IMPLEMENTED: 240.4064 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 824, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program.

(1) To receive aid, teachers shall meet the provisions of Section 240.4064, Florida Statutes, and Rule 6A-20.001, FAC., and:

(a) Submit, ~~each term~~ by the date established by the Department, Form TR-1, Tuition Reimbursement Application, Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for ~~Out-of-Field~~ Teachers, which is hereby incorporated by reference and made a part of this rule to become effective April 2001 ~~March, 1994~~. A copy of Form TR-1 may be obtained from the Bureau Office of Student Financial Assistance, Department of Education, The Florida Education Center, Tallahassee, Florida 32399-0400.

(b) Have as a minimum a valid temporary Florida teacher's certificate.

(c) Intend to gain or renew certification, or to earn a graduate degree, in a designated critical teacher shortage area.

(d) Not receive reimbursement for tuition and registration fees for a course(s) from other sources.

(e) Not owe a repayment of a grant received under the Pell Grant, Supplemental Educational Opportunity Grant, or any state scholarship or grant program.

(f) Not be in default on a National Defense Loan, National Direct Loan, Guaranteed Student Loan, Federally Insured Student Loan, Parent Loans for Undergraduate Students, Auxiliary Loans to Assist Students, or any state loan program, unless satisfactory arrangements to repay the loan have been made.

(2) By ~~November~~ August 15 of each year, the Department shall distribute to Florida public school district superintendents applications and a description of the application process and the program.

(3) Publicly funded schools shall be responsible for providing teachers with information regarding the Tuition Reimbursement Program and the necessary forms.

(4) ~~The Department shall make awards each academic term; however, an An~~ applicant may receive aid for a maximum of nine (9) credit hours during a period beginning with the ~~fall~~ summer term and ending with the close of the summer term second semester, or equivalent.

(5) The Department shall make awards after the application deadline. In the event that available appropriations are not sufficient to award all eligible applicants, the Department shall prorate the amount of each recipient's award on a first come, first served basis.

(6) The Department shall notify applicants of their award eligibility and shall provide for the delivery of funds to eligible applicants on a funds available basis.

Specific Authority 240.4064(2) FS. Law Implemented 240.4064 FS. History--New 5-24-84, Formerly 6A-7.163, 6A-7.0163, Amended 12-25-86, 3-22-89, 3-6-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Critical Teacher Shortages 6A-20.0131

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise the rule to reflect statutory changes enacted in Chapter 2000-301, Laws of Florida, expanding the definition of "out-of-field" teacher; thereby, necessitating a

change in this rule governing procedures for recommending critical teacher shortage areas. The effect is a rule that reflects the new provisions in law.

SUMMARY: Legislative changes enacted in Chapter 2000-301, Laws of Florida, added the options of a teacher having a minor in the subject field for which instruction is provided, or the teacher having demonstrated sufficient subject area expertise in the subject area in which instruction is provided as two additional means by which the teacher shall not be designated and reported as "out-of-field." The rule is amended to address the number of teachers who do not hold certification in the field they are teaching as a measure of shortage and need to establish critical teacher shortage areas rather than the out-of-field designation.

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: 229.053(1), 231.62(1) FS.

LAW IMPLEMENTED: 231.62, 231.621, 240.4064 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education, 400 South Monroe Street, Room 1702, Tallahassee, Florida 32399-0400, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.0131 Critical Teacher Shortages.

(1) On or before ~~December 1~~ September 1 of each year, the Commissioner shall recommend to the State Board for approval the specific teaching areas and high priority locations in which critical teacher shortages are projected for the public schools during the year following the academic year in which approval is made.

(2) In accordance with procedures approved by the Commissioner, a list of critical teacher shortage areas shall be prepared based on consideration of current supply and demand information related to Florida public school instructional personnel including but not limited to:

(a) The number and percentage of vacant positions in each teaching discipline;

(b) The number and percentage of positions in each discipline filled by out-of-field teachers not certified in the appropriate field in each discipline;

(c) The projected annual supply of graduates of state approved Florida teacher education programs for each discipline; and

~~(d) The projected annual supply of teachers from out-of-state in each discipline; and~~

~~(d)(e)~~ Critical teacher shortage areas which may be identified pursuant to rules adopted by district school boards. Such areas shall be identified based on consideration of at least the information specified in Paragraphs (2)(a) and (b) of this rule and shall be submitted to the Department no later than June 1 of each year.

(3) Based on data submitted annually by each school district, the Commissioner shall rank all public schools in accordance with the criteria provided in Section 231.62, Florida Statutes, and shall select from this ranked list those schools to be identified as high priority locations.

(4) Based on the recommendations of the Commissioner, the State Board shall adopt a list of approved critical teacher shortage areas and high priority locations to be used in conjunction with the programs described in Rules 6A-20.012, and 6A-20.013, FAC.

Specific Authority 229.053(1), 231.62(1) FS. Law Implemented 231.62, 231.621, 240.4064 FS. History—New 5-24-84, Formerly 6A-7.16, Formerly 6A-7.016, Amended 10-18-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Grants for Teachers for Special Training in 6A-20.025
Exceptional Student Education

PURPOSE AND EFFECT: The purpose of this rule amendment is to align the rule with changes enacted during the 2000 legislative session relating to the designation of out-of-field teachers, to delete a requirement for selective service registration that is no longer required, and to align the application process and program timelines with the fiscal year. The effect will be a rule that is in alignment with legislative changes and that reflects the timelines and procedures of the current implementation process.

SUMMARY: The rule is revised in order to implement changes in Section 231.095, Florida Statutes, enacted during the 2000 session that alter the definition of out-of-field teacher.

These changes in turn necessitate a revision in the name of the application form. In addition, changes are proposed in the application cycle to align to the fiscal year.

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: 120.55(1)(a)4., 229.053(1), 240.405(5) FS.

LAW IMPLEMENTED: 240.405 FS.

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

TIME AND DATE: 9:00 a.m., March 29, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, Department of Education, 325 West Gaines Street, Room 824, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.025 Grants for Teachers for Special Training in Exceptional Student Education.

(1) Eligibility criteria. To be eligible to receive a tuition reimbursement grant for special training in exceptional student education, the applicant shall:

(a) Hold a full-time contract to teach in a district school system, a state operated or a state supported program, or an agency or organization under contract with the Department.

(b) Hold a valid Florida educator's certificate that does not reflect an exceptional student education coverage or endorsement which is appropriate for the assignment.

(c) Complete specialization course(s) needed for certification in the area in which he or she is assigned to teach with a minimum grade of 3.0 on a 4.0 scale.

~~(d) Comply with the Selective Service System registration requirements.~~

~~(d)(e)~~ Submit for each institution, and by the established deadline ~~for each term~~, a completed Form TR-1, Tuition Reimbursement Application, Critical Teacher Shortage Tuition Reimbursement Program and Exceptional Student Education Training Grant Program for ~~Out-of-Field~~ Teachers, which is hereby incorporated by reference and made a part of this rule to become effective ~~April, 2001~~ March, 1994. This form may be obtained from the Bureau of Student Financial Assistance, Teacher Training Grant Program, Bureau of Education for Exceptional Students, Department of Education, The Florida Education Center, Tallahassee, Florida 32399-0400.

(2) Review agency. Pending review of the application by the Department of Education, the applicant shall receive notification of award eligibility.

(3) Reimbursement. Eligible applicants may receive tuition reimbursement not to exceed nine (9) semester hours, or the equivalent quarter hours, per term. Reimbursement shall be at a rate consistent with that established for programs authorized by Section 240.4064, Florida Statutes. No special fees charged by the universities or colleges shall be included in the payment to a recipient nor shall payments be made if tuition has been waived or assumed, in full or in part, through other public sources. ~~For each fiscal year, grants are awarded on a first-come, first-served basis to the extent of funds appropriated for this program.~~

~~(4) The Department shall make awards after the application deadline. In the event that available appropriations are not sufficient to award all eligible applicants, the Department shall prorate the amount of each recipient's award. Certification agency. The Bureau of Education for Exceptional Students shall certify to the Office of Student Financial Assistance, Department of Education, eligible applicants with specified amounts to be disbursed to each.~~

(5) Fiscal agency. The Bureau Office of Student Financial Assistance, Department of Education, upon receipt of eligible applicants, shall provide for payment of eligible applicants to the extent of funds appropriated for the program.

Specific Authority 120.55(1)(a)4., 229.053(1), 240.405(5) FS. Law Implemented 240.405 FS. History--New 4-13-87, Amended 3-6-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to modify the circumstances under which the form entitled "Well Verification for All Non-Domestic Wells Located in the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area", Form No. 42.10-005 (10/95) must be submitted to the District. The effect of the proposed amendment will be to create an exemption from the requirement to submit the form for irrigation wells constructed on residential properties of one acre or less.

SUMMARY: The proposed amendments address Section 7.2 of the District's Basis of Review for Water Use Permit Applications regarding the Eastern Tampa Bay Water Use Caution Area. Specifically, the amendment will create an exemption from the requirement to submit District Form No. 42.10-005 (10/95) for irrigation wells constructed on single family residential lots of one acre or less.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.051, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference. The "Basis of Review for Water Use Permit Applications" _____ ~~September 3, 2000~~, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History--New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00,_____.

Basis of Review

Within the Basis of Review for Water Use Permit Applications as incorporated by reference in Rule 40D-2.091, the following change is made to Chapter 7.0:

Section 7.0 Water Use Caution Areas

7.2 EASTERN TAMPA BAY WATER USE CAUTION AREA

- 1. through 7. No change.
- 8. Limitation of Quantity Permitted

A. through E. No change.

F. Applicants for new non-domestic water well construction in the MIA must submit the form titled "Well Verification for All Non-Domestic Wells Located in the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area", Form No. 42.10-005 (10/95), adopted by reference in Rule 40D-1.659, F.A.C., with a Well Construction Permit Application. Irrigation wells constructed on single family residential lots of one acre or less are exempt from this requirement.

~~G.F.~~ No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Exemptions

RULE NO.: 40D-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove several exemptions from environmental resource permitting from the District's rules. Specifically, subsections 40D-4.051(3),(4),(5) and (6), F.A.C., which provide permitting exemptions for projects which had received some form of regulatory or governmental approval prior to October 1, 1984. The effect of the proposed amendments will be that projects that may have been exempt from permitting under these rules will be required to obtain environmental resource permits.

SUMMARY: The proposed amendments will repeal subsections (3), (4), (5) and (6) of Rule 40D-4.051, F.A.C. which provide exemptions for certain projects from environmental resource permitting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.051, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.414(9) 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: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (2) No change.

~~(3) Any project, work or activity which has received all governmental approvals necessary to begin construction and is under construction prior to October 1, 1984.~~

~~(4) Any project, work or activity which received a surface water management permit from the District prior to October 1, 1984.~~

~~(5) Any project, work or activity which did not require a surface water management permit from the District and had received all other necessary governmental approvals to begin construction or operation prior to October 1, 1984.~~

~~(6) Any phased or long term build out project, including a development of regional impact, planned unit development, development with a master plan or master site plan, or similar project, which has received local or regional approval prior to October 1, 1984, if:~~

~~(a) The approval process requires a specific site plan and provides for a master drainage plan approved prior to the issuance of a building permit, and~~

~~(b) The developer has notified the District of its intention to rely upon this exemption on or before April 1, 1985.~~

~~Projects exempt under this subsection shall continue to be subject to the District's surface water management rules in effect prior to October 1, 1984.~~

(7) through (16) renumbered (3) through (12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History-Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE TITLE: Exemptions
 RULE NO.: 40D-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to repeal or amend District rules which were listed by the District as unauthorized in whole or in part pursuant to Section 120.536, F.S. The effect will be to clarify the provisions of subsections 40D-4.051(12)(i) and (n), F.A.C. which are exemptions from environmental resource permitting for certain seawall construction or restoration activities. The amendments also repeal an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission.

SUMMARY: The proposed amendment of subsection 40D-4.051(12)(i), F.A.C. will delete language that required restoration of a seawall or riprap to be performed in accordance with the criteria set forth in Section 373.414(5), F.S. This language was listed by the District as unauthorized and no authorizing legislation was passed by the 2000 Legislature. The amendment will also add language clarifying the activities covered by the exemption. The proposed amendment to subsection 40D-4.051(12)(n), F.A.C. will delete redundant language, add the construction of riprap as an activity covered by the exemption, and provide that the construction of vertical seawalls in estuaries and lagoons is limited to the circumstances and purposes stated in subsection 373.414(5)(b)1.-4., F.S. The repeal of subsection 40D-4.051(13)(d) will remove an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.051, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.414(9) 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: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

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

(i) The restoration of a seawall or riprap at its previous location, upland of its previous location, or within 18 inches ~~one foot~~ waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), Florida Statutes.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, Florida Statutes.

(j) through (m) No change.

(n) The construction of ~~private vertical~~ seawalls or riprap in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, and does not violate existing water quality standards, impede navigation adversely or affect flood control. However, this shall not affect the permitting requirements of Chapter 161, Florida Statutes. In estuaries and lagoons cConstruction of vertical seawalls is limited to the circumstances and purposes stated in shall be in accordance with subsection 373.414(5)(b)1.-4., Florida Statutes.

(o) No change.

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

~~(d) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the EPA label, or a lesser strength than the EPA approved label.~~

~~In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

- (e) through (h) renumbered (d) through (g) No change.
- (14) through (16) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History—Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

RULE TITLE: Tariff

RULE NO.: 54C-1.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend existing Rule No. 54C-1.001, the tariff of Lake Apopka Natural Gas District (District), by modifying the tariff rate schedules for sale of firm gas supply, the tariff rate schedule for labor and materials and the section of the tariff dealing with initiation of service and to otherwise re-adopt the existing tariff. The effect of the proposed rule with respect to the rate schedules for sale of firm gas supply is to remove from the stated base rates (i.e. – the price of gas before application of the purchased gas adjustment) certain taxes, assessments and fees, the cost of which is embedded in the stated base rates. These taxes, assessments and fees, which do not apply to all customers equally, can then be stated separately on the customer’s bill as the tariff provides without significant change in the overall cost of gas to the District’s customers; except that individual customers will experience slight increases or decreases in the cost of gas depending upon the applicability of the tax, assessment or fee to such customer. The effect of the proposed rule with respect to the rate schedule for labor and materials is to lower the rate with respect to re-connections after disconnection of service and to increase the rate for all other labor. The effect of the proposed rule with respect to the section of the tariff dealing with initiation of service is to eliminate a charge for re-connection of service after disconnection for nonpayment and to make some technical corrections.

SUMMARY: With respect to the amendments to the rate schedules for firm gas sales service, the proposed changes remove from the stated base rate amounts for all firm gas sales services offered by the District in the existing tariff certain taxes, assessments and fees, which will then be stated separately on the customer’s bill, according to a calculation that is designed to be revenue neutral as to the District. This calculation reduces the base rate by \$0.03 per therm in the case of residential service and by \$0.031 cents per therm in the case of residential air conditioning service and commercial service. The proposed amendments to the rate schedule for labor furnished by the District lower the rate with respect to re-connections after disconnection of service for any reason by \$5.00 and increase the rate for all other labor by \$5.00 per hour. The proposed amendments to the section of the tariff dealing with initiation of service eliminate a \$5.00 fee for re-connection after disconnection for nonpayment and make mandatory, rather than discretionary, discontinuance of service in the case of unauthorized sub-metering, sale, or disposition of gas by a customer. Otherwise, the tariff will remain as it currently exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No increase or decrease in regulatory costs is anticipated.

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

SPECIFIC AUTHORITY: Section (12), Chapter 99-454, Laws of Florida, 1999.

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999.

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

TIME AND DATE: 10:00 a.m., March 26, 2001

PLACE: Lake Apopka Natural Gas District, 1320 S. Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George F. Crabtree, General Manager, Lake Apopka Natural Gas District, 1320 South Vineland Road (CR 535), Winter Garden, Florida 34787, Telephone (407)656-2734, Facsimile (407)656-9371.

THE FULL TEXT OF THE PROPOSED RULE IS:

54C-1.001 Tariff.

The full text of the proposed rule is set forth in Resolution number ~~01-01 98-05~~ adopted by the Board of Commissioners of Lake Apopka Natural Gas District on January 22, 2001 ~~September 28, 1998~~, which is hereby incorporated herein in its entirety by reference.

Specific Authority 292.05(3) FS. Law Implemented 20.37 FS. History—New 7-5-89, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Commissioners of Lake Apopka Natural Gas District
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
RULE NO.: 61G4-12.019

PURPOSE AND EFFECT: 455.02(2), F.S., mandates that the Board promulgate a rule exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions while they are out of the state because of the spouse's military duties.

SUMMARY: Procedures to provide an exemption of the spouses of members of the Armed Forces of the United States from any certification or registration renewal requirements for so long as they are out of state because of their spouses' duties with the Armed Forces.

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: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.019 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office within 30 days of receipt of the orders in order to qualify for the exemption. Failure to do so shall result in the spouse's license not being renewed and the licensee shall be subject to disciplinary action. Upon receipt of the military orders submitted in the required timeframe, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in Rule 61G4-12.009(6), FAC. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in Rule 61G4-12.009(12)(a), FAC. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of a delinquent license will require payment of any delinquent fees set forth in Rule 61G4-12.009, FAC.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Citations
RULE NO.: 61G4-19.001

PURPOSE AND EFFECT: Due to new statutory requirements in Chapter 455, Florida Statutes, The Department of Business and Professional Regulation has been directed to monitor all

licensees' compliance with applicable continuing education requirements by use of a computer database generated compliance monitoring system. This rule is being amended to implement changes required in these new laws and to conform the Board's Continuing Education rules to the new monitoring requirements.

SUMMARY: The proposed amendments to this rule will bring the Board's rules into compliance with the Department's rule, Rule 61-6.015, FAC., by eliminating the obtaining of the renewal of a certificate or registration by misrepresentation as to completion of continuing education requirements from the list of practice violations that may be resolved by issuance of a citation. The Department is going to monitor the completion of continuing education requirements and 455.2177, F.S., provides that neither the Board nor the Department can impose any other sanction than the sanctions provided in 455.2177(2)(b), F.S., for failure of a licensee to meet continuing education requirements and those sanctions will be imposed by the Department.

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: 455.224, 489.105 FS.

LAW IMPLEMENTED: 455.224, 455.225(3) FS.

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

TIME AND DATE: 10:00 a.m., March 12, 2001

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-19.001 Citations.

The following violations of § 489.129(1), F.S., may be resolved by the issuance of a citation pursuant to § 455.224, F.S., and Title 61G4, F.A.C. Where a provision other than s. 489.129(1), F.S., is cited as the basis for a violation, the violation is of s. 489.129(1)(j), F.S., by violating the referenced statute, rule, or Board order.

(1) through (15) No change.

~~(16) Sec. 489.115(4), 489.129(1)(a): Obtaining the renewal of a certificate or registration by misrepresentation as to the completion of the continuing education requirements for renewal. Misrepresentation occurs when the licensee obtains the renewal of a certificate or registration and has not completed the continuing education requirements for renewal by the end of the biennial renewal cycle and/or does not have workers' compensation insurance, public liability insurance and property damage insurance, pursuant to Section 489.115(4), F.S.~~

~~\$500.00 fine and fourteen (14) hours of continuing education which shall be in addition to all other continuing education requirements and/or show proof of the insurance required under Section 489.115(4), F.S.~~

In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation. Citations shall be issued pursuant to this rule where no harm to consumers results from the violation. A licensee who has been issued three citations for the same offense shall be prosecuted pursuant to Section 455.225, F.S., for any subsequent violations. The disposition of reported violations prosecuted pursuant to Section 455.225, F.S., shall be according to Rule Chapter 61G4-12 and/or Rule Chapter 61G4-17. To the extent that any of these violations are appropriate for resolution by the issuance of a notice of noncompliance pursuant to Section 455.225(3), F.S., and Rule 61G4-23.001, F.A.C., the initial offense of a minor violation will be dealt with accordingly. Where a licensee fails to commence corrective action within 15 days of the Department's issuance of a notice of noncompliance or where the offense is other than the initial one, the Department may issue a citation pursuant to this rule.

~~Specific Authority 455.224, 489.105 489.108 FS. Law Implemented 455.224, 455.225(3) FS. History--New 1-19-92, Amended 12-21-92, Formerly 21E-19.001, Amended 10-12-94, 3-26-95, 6-5-95, 8-10-95, 1-1-96, 2-26-96, 11-25-97, 4-27-99.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Criteria for Continuing Education for Reactivation of License 61G6-9.002

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the criteria for continuing education.

SUMMARY: The rule amendment is for the purpose of updating the continuing education guidelines.

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

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

SPECIFIC AUTHORITY: 489.507(3), 489.519(3) FS.

LAW IMPLEMENTED: 489.513(3), 489.519(3) 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.002 Criteria for Continuing Education for Reactivation of License.

The following programs of continuing education may be used to satisfy the continuing education requirement provided that the licensee complies with the terms set forth herein:

(1) Courses for credit which are business, technical or safety courses, including alternative non classroom courses relevant to the electrical contracting industry and which require a passing grade taken at an accredited college, university, or community college. The licensee must furnish an official transcript and a notarized statement affirming classroom hours attended and the receipt of a passing grade.

(2) Noncredited courses conducted by an accredited institution of higher learning, official governmental agency, the military, or recognized national or state trade or civil organization, ~~or~~ Board approved alternative, non classroom courses, provided the following conditions are met:

(a) The course must be business, technical or safety course relevant to the electrical contracting industry. For purpose of this rule the following lists are provided as guides for provider applicants in properly categorizing individual courses. Courses in the identified categories include, but are not limited to those listed.

1. Business courses include: (A) Bidding a Job, (B) Maintaining Cash Flow, (C) Interpretation of Contracts and Agreements Purchasing Control, (D) Contract Scheduling, (E) Obtaining Insurance and Bonding, (F) Complying with Contracting Laws and Rules, (G) Personnel Management, (H) Complying with Payroll and Sales Tax Laws, (I) Interpretation of Financial Statements and Reports, and (J) Management Accounting.

2. Technical courses include: (A) General Theory and Electrical Principles, (B) Plan and Specification Reading and Interpretation, (C) Wiring and Protection, (D) Wiring Methods and Materials, (E) Special Occupancies and Situations, (F) Life Safety and Americans with Disabilities Act, (G) Electrical Signs, Outline Lighting, and Structural Considerations, (H) Alarms/Limited Energy, and (I) Estimating.

3. Safety courses include – OSHA Safety, Procedure for Testing and Use of Tools and Equipment.

(b) The course must follow a written text, which must be submitted to the Board for approval on request.

(c) The instructor of the course must be a professional educator, certified electrical contractor or a similar authority in the field.

The licensee must submit a notarized statement affirming the following:

1. Number of classroom hours attended.
 2. Provider of the course.
 3. Location of the course.
 4. Date of the course.
 5. Name of the instructor and his credentials.
 6. Benefit received from the course.
- (3) No change.

Specific Authority 489.507(3), 489.519(3) FS. Law Implemented 489.513(3), 489.519(3) FS. History—New 1-2-80, Formerly 21GG-9.02, 21GG-9.002, Amended 12-27-00,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Continuing Education Requirements for Certificate Holders and Registrants 61G6-9.004

PURPOSE AND EFFECT: The rule amendment will set forth the requirements for Continuing Education for Certificate Holders and Registrants.

SUMMARY: The rule amendment is for the purpose of updating the continuing education guidelines.

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

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

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 489.507(3), 455.2124 FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NET AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.004 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (2) No change.

(3) A person certified or registered by the board who is also certified under Chapter 468, Part XII ~~XXX~~, F.S., as a building official, inspector, or plans examiner shall be required to complete the continuing education requirements only once during each biennial period. ~~Proof of completion by any such person must be submitted with each renewal application.~~

(4) A person initially licensed 12 or more months prior to the end of a biennial period is required to complete 7 hours of continuing education as a condition of renewal. A person initially licensed for less than 12 months prior to the end of a biennial period need not complete any continuing education as a condition of renewal. ~~is not required to complete any continuing education requirements for the year in which a certificate or registration is initially issued. Any person who obtains a certificate or registration more than 12 months prior to the end of a biennial period is required to complete two classroom hours of approved continuing education per quarter, not to exceed seven hours for the first year, as a condition of the first renewal of the certificate or registration.~~

(5) A licensee may obtain a maximum of 7 hours of continuing education credits by taking a home study course. A minimum passing score of 75% must be obtained to receive the required CE credits.

Specific Authority 120.52(15), 120.54(1), 489.507(3), 455.2124 FS. Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History–New 11-30-94, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Random Audits of Completion RULE NO.: 61G8-32.005

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The Board is repealing the above 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: 455.2226(6), 470.005 FS.

LAW IMPLEMENTED: 455.2226 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, 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:

61G8-32.005 Random Audits of Completion.

Specific Authority 455.2226(6), 470.005 FS. Law Implemented 455.2226 FS. History–New 4-10-94, Repealed.

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 8, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 96-104R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Solid Waste Management Facilities	62-701
RULE TITLES:	RULE NOS.:
Intent	62-701.100
Definitions	62-701.200
Documents Incorporated by Reference	62-701.210
General Applicability	62-701.220
Prohibitions	62-701.300
Approval of Alternate Procedures and Requirements	62-701.310
Permit Fees for Solid Waste Management Facilities	62-701.315
Solid Waste Management Facility Permit Requirements, General	62-701.320
Landfill Permit Requirements	62-701.330
General Criteria For Landfills	62-701.340
Landfill Construction Requirements	62-701.400
Hydrogeological and Geotechnical Investigation Requirements	62-701.410
Vertical Expansion of Landfills	62-701.430
Landfill Operation Requirements	62-701.500
Water Quality and Leachate Monitoring Requirements	62-701.510
Special Waste Handling	62-701.520
Gas Management Systems	62-701.530
Landfill Final Closure	62-701.600
Closure Procedures	62-701.610
Long-Term Care	62-701.620
Financial Assurance	62-701.630
Closure of Existing Landfills	62-701.640
Materials Recovery Facilities	62-701.700
Waste Processing Facilities	62-701.710
Construction and Demolition Debris Disposal and Recycling	62-701.730
General Permit for Solid Waste Transfer Station	62-701.801
General Permit for Off-site Disposal of Land Clearing Debris	62-701.803
Forms	62-701.900

PURPOSE AND EFFECT: The Department is proposing to amend Chapter 62-701, Florida Administrative Code (F.A.C.), which regulates a wide variety of solid waste facilities including landfills, construction & demolition debris facilities, transfer stations and materials recovery facilities. The proposed changes are intended to update the rule and to codify Department policies and procedures that have evolved since the rule was last amended.

This rule was substantially revised in November, 1993. Since that time, significant changes have been made to portions of the rule, but other parts have remained untouched. Over time, as technologies have progressed, statutes changed and case law evolved, it has become apparent that the time had come to

review and update the entire rule chapter. Through the workshop process, the regulated community has been forthcoming with suggestions to improve the rule and make it more user friendly. Many of those changes have been incorporated for consideration in this draft rule.

SUMMARY: Some new definitions have been added to help clarify what is meant by terms such as Class I waste, Class III waste, biological waste, degradable waste, putrescible waste, etc. In addition, other definitions were added for a variety of technical terms that are used throughout the rule.

The prohibitions section of the rule has been amended to ensure that this rule is consistent with other Department rules and to address situations that have arisen over the past year such as storage of waste in vehicles or buildings. More importantly, this rule now allows District staff to modify the prohibitions on a case-by-case basis so that site-specific conditions are considered, hopefully resulting in fewer instances where the prohibitions are applied too stringently.

In the interest of making this rule more complete and user friendly for the regulated public, the permit fees section and several other provisions relating to procedural details from Chapter 62-4, F.A.C., the Department's Permitting Rule, have been incorporated into Chapter 62-701.

Changes have been made to the operator training requirements in order to clarify the exact number of hours needed for both operators and spotters of solid waste management facilities, and to allow some flexibility by letting facility owners and operators conduct their own in-house training in certain cases.

Clarifying changes have also been made to the landfill construction requirements pertaining to the standards for geosynthetic components. The proposed changes were worked out with the solid waste engineering and consulting community and serve to bring the rule up to date with modern practice. Similarly, changes have been made to the ground water monitoring requirements to correct some minor problems and bring it up to date.

A new gas management systems section is proposed which attempts to consolidate and clarify gas system requirements for landfills. This section is mainly a consolidation of existing but separate gas management requirements, but has been clarified and updated.

A new waste processing facilities section has also been created in an attempt to regulate facilities equally which manage but don't dispose of solid waste. This section will essentially merge the current requirements that apply to transfer stations and materials recovery facilities and eliminate procedural differences between the current permitting scenarios. The intent is to allow facilities to be designed and permitted based upon what they actually do rather than on how they are labeled. In addition, existing Rule 62-701.700, Materials Recovery Facilities, and existing Rule 62-701.801, General Permit for

Solid Waste Transfer Station, are being repealed, although most of their substantive requirements are being adopted in new Rule 62-701.710, Waste Processing Facilities.

Changes have been made to the financial assurance section in order to standardize the filing date for updated closure cost estimates. In addition, the financial test has been revised to incorporate some of the components of a new EPA financial test.

Finally, the forms section has been updated. The form for notifying the Department of a modification to the general permit for construction and demolition debris facilities has been deleted, and new forms added for permit transfers and for estimating the closure cost estimates for financial assurance.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing with 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0877, 403.704, 403.707, 403.716, 403.814 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.0877, 403.701-.7199, 403.7221, 403.75-.769 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., March 29, 2001

PLACE: Department of Environmental Protection, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Services as (850)488-2996 or 800-955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Jean Yon, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-701.100 Intent.

The intent of Chapters 62-701 through 62-722, F.A.C., is to establish standards for the construction, operation, and closure of solid waste management facilities to minimize their threat to public health and the environment; to provide for the safe handling, storage, ~~transportation~~, disposal, or beneficial use of ash residue from the combustion of solid waste; to establish a procedure for the examination and certification of resource recovery equipment to implement the tax exemptions provided by Section 212.08(7)(g)(~~p~~), F.S., and Rule 12A-1.001(20)(~~23~~), F.A.C.; to regulate the production and use of compost made from solid waste; to establish a comprehensive program for the proper management and recycling of used oil; to regulate waste tire storage, collection, transport, processing, recycling, reuse, and disposal; to establish procedures for disbursement of

recycling and education grants, small county grants, and waste tire grants, litter control and prevention grants, and small county landfill closure grants to local governments for recycling and solid waste education; to provide a uniform procedure by which certain persons in this state who handle, purchase, receive, recover, sell or are end users of recovered materials shall be certified by and report to the Department and register with and report to certain local governments; and to implement the provisions of the Florida Solid Waste Management Act, Sections 403.702-403.7193 ~~403.701-403.7199~~ and 403.75-403.769, Florida Statutes.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.021, 403.061, 403.087, 403.702-7193 ~~403.701, 403.7199~~, 403.75-.769 FS. History--New 1-6-93, Formerly 17-701.100, Amended 12-23-96,_____.

62-701.200 Definitions.

The following words, phrases or terms as used in Chapters 62-701 through 62-722, F.A.C., unless the context indicates otherwise, shall have the following meaning:

(1) through (2) No change.

(3) "Air quality standards" means, unless otherwise specified, those standards set forth in Chapter ~~62-204~~ ~~62-272~~, F.A.C.

(4) through (7) No change.

(8) "Biomedical waste" has the meaning given it in Rule ~~64E-16~~ ~~62-712-200~~, F.A.C.

(9) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes biomedical waste, animals which died from disease, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 470, F.S. has the meaning given it in Rule 62-712.200, F.A.C.

(10) No change.

(11) "~~Brittle point~~" means the point at which the percent elongation at break for the specimen is at a value of five percent absolute or less.

(12) through (13) renumbered (11) through (12) No change.

(13) "Class I waste" means solid waste which is not hazardous waste, and which is not prohibited from disposal in a lined landfill under Rule 62-701.300, F.A.C.

(14) "Class III waste" means yard trash, construction and demolition debris, processed tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department that are not expected to produce leachate which poses a threat to public health or the environment.

(15)(~~14~~) No change.

(16) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments.

(15) through (24) renumbered (17) through (26) No change.

~~(27)(25)~~ "Construction and demolition debris" means discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure, including such debris from construction of structures at a site remote from the construction or demolition project site. The term includes rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood, and metal scraps from a construction project; effective January 1, 1997, except as provided in Section 403.707~~(12)(13)~~(j), F.S., unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimis amounts of other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

(28) "Contaminated soil" has the meaning given it in Rule 62-713.200(3), F.A.C.

~~(29)(26)~~ No change.

~~(30)(27)~~ "Degradable waste" means waste that decomposes through chemical breakdown or microbiological activity. It includes materials such as food and vegetative wastes, but does not include materials like concrete, ash residue from the combustion of solid wastes and metals with respect to any material, means that such material, after being discarded, is capable of decomposing to components other than heavy metals or other toxic substances, after exposure to bacteria, light, or outdoor elements.

(28) through (30) renumbered (31) through (33) No change.

~~(34)(31)~~ "Disinfection" means, as relates to composting, the selective destruction of pathogens indicated by a reduction in indicator organisms to less than or equal to 100 fecal coliform most probable number per gram of volatile suspended solids where the organic solid waste was maintained at or above 55 degrees Celsius 550-C for three consecutive days in a mechanical composter or in an aerated, insulated static pile, or

for 15 consecutive days in an aerated windrow with at least one turning or a non-aerated windrow with at least four turnings of the windrow.

(32) through (36) renumbered (35) through (39) No change.

~~(40)(37)~~ "Foreign matter" means the inorganic and organic constituents in a solid waste stream that are not readily decomposed and that may be present in the compost. For purposes of Chapter 62-709, F.A.C. this rule, foreign matter is metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks or other similar materials.

~~(38)~~ "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

(39) through (40) renumbered (41) through (42) No change.

~~(41)~~ "Gas control system" means a system of wells, trenches, pipes, and other related structures that vents the gas produced in a solid waste disposal unit to the atmosphere.

(42) through (43) renumbered (43) through (44) No change.

(45) "Geocomposite" means a product composed of two or more materials, at least one of which is a geosynthetic.

~~(46)(44)~~ No change.

(47) "Geogrid" means a geosynthetic formed by a regular network of integrally connected elements with apertures greater than 6.35 mm (1/4 inch) to allow interlocking with surrounding soil, rock, earth and other surrounding materials to function primarily as reinforcement.

~~(48)(45)~~ "Geonet" means a geosynthetic consisting of integrally connected parallel sets of ribs overlying similar sets at various angles for planar drainage of liquids or gases type of a geogrid that allows planar flow of liquids and serves as a drainage system.

(49) "Geosynthetic" means a planar product manufactured from polymeric material used with soil, rock, earth, or other geotechnical engineering-related material as an integral part of a man-made project, structure or system.

(50) "Geosynthetic clay liner" means a low-permeability manufactured material consisting of a layer of low permeability clay placed between two geotextiles.

~~(51)(46)~~ No change.

(52) "GRI" means Geosynthetic Research Institute.

(47) through (48) renumbered (53) through (54) No change.

~~(49)~~ "Heavy metals" means antimony, arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver.

(50) through (51) renumbered (55) through (56) No change.

(57) "Industrial byproducts" means those materials which have a demonstrated recycling potential, can be feasibly recycled, and have been diverted or removed from the solid

waste stream for sale, use, or reuse. The term does not include any materials which are defined as recovered materials. Industrial byproducts are regulated as solid waste unless otherwise exempted under Rule 62-701.220(2)(d), F.A.C.

(52) through (55) renumbered (58) through (61) No change.

(62) "Land clearing debris" means rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project.

~~(63)(56)~~ No change.

~~(64)(57)~~ "Landfill" means a solid waste disposal facility, which is an area of land or an excavation where wastes are or have been placed for disposal, for which a permit, other than a general permit, is required by Section 403.707, F.S. This term shall not include:

(a) a land spreading site; or

(b) a surface impoundment; ~~or~~

(c) an injection well defined under and subject to the provisions of Chapter ~~62-528~~ ~~62-28~~, F.A.C.; or

(d) a construction and demolition debris disposal site regulated by Rule 62-701.730, F.A.C.

(58) through (59) renumbered (65) through (66) No change.

(67) "Lead-acid battery" means those lead-acid batteries designed for use in motor vehicles, vessels, and aircraft, and includes such batteries when sold as a component part of a motor vehicle, vessel, or aircraft, but not when sold to recycle components.

(60) through (66) renumbered (68) through (74) No change.

~~(75)(67)~~ "Manure" means a solid waste composed of excreta of animals, and residual materials that have been used for bedding, sanitary or feeding purposes for such animals. For purposes of Chapter 62-709, F.A.C. this rule, manure does not mean such material generated and managed by normal farming operations.

(68) through (69) renumbered (76) through (77) No change.

~~(78)(70)~~ "Mesophilic stage" means a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20-45 degrees Celsius 200 to 450C. It occurs later in a composting process after the thermophilic stage and is associated with a moderate rate of decomposition.

~~(79)(71)~~ "Method detection limit" means the smallest concentration of an analyte of interest that can be measured and reported with 99 percent confidence that the concentration

is greater than zero. The method detection limit shall be determined pursuant to procedures outlined in Chapter 62-160, F.A.C. Appendix B of 40 CFR Part 136, which is hereby incorporated by reference.

(72) through (73) renumbered (80) through (81) No change.

~~(82)(74)~~ "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated in ~~on~~ ~~the roads of~~ this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.

~~(83)(75)~~ "Normal farming operations" means the customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production, harvesting, or packaging of agricultural crops which include agronomic, horticultural, and silvicultural crops. Included are ~~is~~ the management, collection, storage, composting, transportation, and utilization of organic agricultural waste, manure, and materials solely derived from agricultural crops.

(84) "Objectionable odors" has the meaning given that term in Rule 62-210.200, F.A.C.

~~(85)(76)~~ "Oily wastes" means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil ~~and may be~~ appropriately tested and discarded in a manner which is in compliance with other state and local requirements.

~~(86)(77)~~ No change.

~~(87)(78)~~ "On-site" means on the same or geographically contiguous property, which may be divided by public or private right-of-way. It does not include two or more parcels of land more than a mile apart which are connected only by a public or private right-of-way.

(79) through (81) renumbered (88) through (90) No change.

~~(82)~~ ~~"Photodegradable plastic" means a polymeric material that disintegrates under environmental conditions in a reasonable and demonstrable period of time, where the primary mechanism is through the action of light.~~

(91) "PGI" means PVC Geomembrane Institute.

~~(83)~~ ~~"Polyolefins" means polymers of relatively simple olefins such as ethylene, propylene, butenes, isoprenes and pentenes; and copolymers and modifications thereof.~~

(84) through (89) renumbered (92) through (97) No change.

~~(98)(90)~~ "Public used oil collection center" means:

(a) No change.

(b) A facility which stores used oil in aboveground ~~above ground tanks which are approved by the Department,~~ and which accepts small quantities of used oil from households.

(99) "Putrescible waste" means solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds. The term does not include uncontaminated yard trash or clean wood.

(100) "PVC" means polyvinyl chloride.

(91) through (92) renumbered (101) through (102) No change.

(103) "Recovered materials processing facility" means a facility engaged solely in the storage, processing, resale, or reuse of recovered materials. Such a facility is not a solid waste management facility if it meets the conditions of Rule 62-701.220(2)(c), F.A.C.

(104)(93) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

(94) through (107) renumbered (105) through (118) No change.

(119)(108) "Special wastes" means solid wastes that can require special handling and management, including but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, ~~and~~ biological wastes, and mercury-containing devices and lamps.

(120)(109) No change.

(121) "Subgrade" means soils native to or imported to a site, or other materials authorized by a Department permit or this chapter, which may be graded and compacted before a landfill liner system is constructed over them.

(122)(110) "Thermophilic stage" means a biological stage in the composting process characterized by active bacteria which favor a high temperature range of 45-75 degrees Celsius. It occurs early in a composting process before the mesophilic stage and is associated with a high rate of decomposition.

(111) through (114) renumbered (123) through (126) No change.

(127)(115) "Transfer station" means a facility site the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility. ~~It does not include green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility.~~

(116) through (120) renumbered (128) through (132) No change.

(133)(121) "Volume reduction plant" means an incinerator, pulverizer, compactor, shredding and baling ~~bailling~~ plant, composting plant, or other plant which accepts and processes solid waste for recycling or disposal.

(134)(122) No change.

(135)(123) "Waste tire collection center" means a site where waste tires are collected from the public before being offered for recycling or disposal and where fewer than 1,500 ~~1,000~~ tires are kept on site on any given day.

(136)(124) No change.

(137)(125) "Waste tire processing facility" means a site where equipment is used to recapture reusable byproducts ~~by-products~~ from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment.

(138)(126) "Waste tire residuals" means any liquids, sludges, metals, fabric or byproducts ~~by-products~~ resulting from the processing or storage of tires. Residuals do not include processed tires held for recycling or disposal, provided the conditions of Rule 62-711.530, F.A.C., are met.

(139)(127) "Waste tire site" means a site at which 1,500 ~~1,000~~ or more waste tires are accumulated. For purposes of this term a site means a piece of property owned, rented, or otherwise controlled by a person, including all contiguous or adjacent properties owned, rented, or otherwise controlled by that person.

(140)(128) "Water quality standards and criteria" means, unless otherwise specified, those standards and criteria set forth in Chapters ~~62-3 and~~ 62-302 and 62-520, F.A.C.

(129) through (131) renumbered (141) through (143) No change.

(144)(132) "Zone of discharge" has the meaning given it in Rule ~~62-520.200~~ 62-3-021, F.A.C.

All other definitions found in Chapter 403, F.S., and Chapters 62-702 through 62-722, F.A.C., to the extent that they are consistent with the definitions of this chapter, are applicable to the terms used in this chapter.

Specific Authority 403.704 FS. Law Implemented ~~403.702-717, 403.75-769~~ 403.704 FS. History—Formerly 10D-12.02, 10-1-74, Revised 7-20-76, Amended 5-24-79, 6-13-84, 4-25-85, 7-1-85, 12-10-85, Formerly 17-7.02, 17-7.020, Amended 8-2-89, 6-25-90, Formerly 17-701.020, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.200, Amended 12-23-96, _____.

62-701.210 Documents Incorporated by Reference.

Specific references to the documents listed below are made throughout this chapter. These documents are adopted as standards and are incorporated into this chapter by reference. The reference documents are available for inspection at the Department's district offices.

(1) EPA document EPA/600/R-93/182, Quality Assurance and Quality Control for Waste Containment Facilities, September, 1993 ~~EPA/530-SW-86-031, Construction Quality Assurance for Hazardous Waste Land Disposal Facilities, October, 1986.~~

(2) No change.

(3) ASTM Method E96-~~00~~ 80, Procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials," April 10, 2000 Sections 04.06, 08.03, and 15.09; February, 1981, editorial changes made standard in May, 1987.

(4) through (12) No change.

(13) GRI Test Method GM13 revision 2 dated April 29, 1999.

(14) PGI 1197 Specification for PVC Geomembrane, effective January 1, 1997.

(15) ASTM Method D5321 "Standard Test Method for Determining the Coefficient of Soil and Geosynthetic or Geosynthetic and Geosynthetic Friction by the Direct Shear Method," October 15, 1992.

(16) ASTM Method D4716 "Test Method for Determining the (In-plane) Flow Rate per Unit Width and Hydraulic Transmissivity of a Geosynthetic Using a Constant Head," June 10, 1999.

(17) ASTM Method D5887 "Standard Test Method for Measurement of Index Flux Through Saturated Geosynthetic Clay Liner Specimens Using a Flexible Wall Permeameter," December 10, 1995.

(18) ASTM Method D6243-98 "Standard Test Method for Determining the Internal and Interface Shear Resistance of Geosynthetic Clay Liner by the Direct Shear Method," March 10, 1998.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-717 ~~403.704~~ FS. History--New 1-6-93, Amended 1-2-94, Formerly 17-701.210, Amended

62-701.220 General Applicability.

~~This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:~~

(1) ~~This chapter has been~~ was substantially amended several times since it was first promulgated ~~on January 6, 1993, and a number of provisions were deleted or modified at that time.~~ Except as otherwise specifically provided herein, facilities remain subject to the provisions which were in effect at the time the site was ~~which were~~ permitted or received a site certification ~~prior to January 6, 1993, or at the time for which a complete application was submitted and deemed complete by the Department prior to January 6, 1993, remain subject to the provisions which were in effect prior to January 6, 1993, and which were applicable to them.~~

(2) This chapter applies to all solid waste and each solid waste management facility in this state, with the following exceptions:

(a) No change.

(b) Injection wells defined under and subject to the provisions of Chapter ~~62-528~~ 62-28, F.A.C.; ~~and~~

(c) Recovered materials or recovered materials processing facilities, if:

1. No change.

2. The recovered materials or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that such products or byproducts or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water, or otherwise enter the environment such that a threat of contamination in excess of applicable water quality standards and criteria or air quality standards is caused ~~or pose a threat to public health and safety;~~ and

3. ~~The recovered materials are not hazardous wastes and have not been recovered from hazardous wastes;~~ and

4. The facility is registered as required in Section 403.7046, F.S., and Chapter 62-722, F.A.C.:

(d) Industrial byproducts, if:

1. A majority of the industrial byproducts are demonstrated to be sold, used, or reused within one year;

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that such industrial byproducts or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground water, or otherwise enter the environment such that a threat of contamination in excess of water quality standards and criteria or air quality standards is caused; and

3. The industrial byproducts are not hazardous wastes;

~~(e)(4)~~ Phosphogypsum stack systems;

(f) Clean debris which has been segregated from other waste and which is used or stored for use as fill or raw material; and

(g) The collection and processing of soil, rocks, vegetative debris, asphalt, and similar materials normally associated with construction and routine maintenance of roads, as defined in Section 334.03(24), F.S., when such materials are beneficially used or reused by the generator as part of a road construction or maintenance project.

(3) No change.

(4) In accordance with former Rule 62-701.720, F.A.C., several persons or organizations requested approval of alternate requirements for certain industrial operations. Written determinations made by the Department prior to December 23, 1996, in response to such requests remain in effect even though Rule 62-701.720, F.A.C., has been repealed, until and unless the Department takes action to modify such determinations through rulemaking.

(5) Local zoning. The Department does not evaluate compliance with local zoning or land use ordinances when determining whether to issue or deny any permit under this chapter. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other laws, rules, or ordinances.

(6) There are several references in this chapter to facilities which are constructed or existing. Unless otherwise specified, these terms mean that the facility has received a permit or is exempt from permitting, and has actually been built or is being built in accordance with that permit or exemption. The terms do not include parts of a facility which, although noted in a long-term design plan, were not authorized to be constructed within the five-year term of the facility's permit(s). A landfill with a slurry wall liner system is deemed to have been constructed when the slurry wall was constructed.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.061, 403.702-.717 ~~403.704~~ FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.220, Amended _____.

62-701.300 Prohibitions.

(1) General prohibition.

(a) No change.

(b) No person shall store, process, or dispose of solid waste in a manner or location that causes air quality standards to be violated or water quality standards or criteria of receiving waters to be violated.

(2) Siting Disposal. Unless authorized by a Department permit or site certification in effect on [effective date] ~~January 6, 1993, or unless specifically authorized by another Department rule or a Department permit or site certification based upon site-specific geological, design, or operational features, no solid waste shall be stored or disposed of by being placed:~~

(a) No change.

~~(b) In any area where the absence of geological formations or subsurface features would allow for the unimpeded discharge of waste or leachate to ground or surface water. A person may dispose of solid waste in such an area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards under Chapters 62-302 and 62-520, F.A.C.;~~

(b)(e) Within 500 feet of an existing or approved potable water well unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the potable water well was in existence. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility;

(d) through (f) renumbered (c) through (e) No change.

(f)(g) Within 200 feet of any natural or artificial body of water unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water body was in existence. For purposes of this paragraph, a "body of water" includes, including wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances which are part of an on-site, permitted stormwater management system, or except bodies of water contained completely within the property boundaries of the disposal site; which do not

discharge from the site to surface waters. A person may store or dispose of solid waste within the 200 foot setback area upon demonstration to the Department that permanent leachate control methods will result in compliance with water quality standards and criteria under Chapters ~~62-302 and 62-520, F.A.C. Stormwater control methods shall meet stormwater requirements of Chapter 62-25, F.A.C.~~ However, nothing contained herein shall prohibit the Department from imposing conditions necessary to assure that solid waste stored or disposed of within the 200 foot setback area will not cause pollution from the site in contravention of Department rules.

(g)(h) On the right of way of any public highway, road, or alley; and

(h)(i) Within 1000 feet of an existing or approved potable water well serving a community water supply system as defined in Rule 62-550.200(12)(9), F.A.C., unless storage or disposal takes place at a facility for which a complete permit application was filed or which was originally permitted before the water well was in existence. It is the intent of the Department that this provision shall be repealed on the effective date of any rule promulgated by the Department which regulates wellhead protection areas generally. This prohibition shall not apply to any renewal of an existing permit that does not involve lateral expansion, nor to any vertical expansion at a permitted facility.

(3) Burning. Open burning of solid waste is prohibited except in accordance with Chapter 62-256 Rule 62-701.520(2), F.A.C. Controlled burning of solid waste is prohibited except in a permitted incinerator, or in a facility in which the burning of solid waste is authorized by a site certification order issued under Chapter 403, Part II, F.S.; clean vegetative and wood wastes may be burned in an air curtain incinerator in accordance with Rule 62-2.500(1)(e), F.A.C.

(4) No change.

(5) PCBs. Disposal No person may dispose of liquids containing a polychlorinated biphenyl (PCB) concentration of 50 parts per million or greater, or non-liquid PCBs at concentrations of 50 parts per million or greater in the form of contaminated soil, rags, or other debris, may be restricted or prohibited by 40 CFR Part 761. Persons managing PCBs are advised to consult that federal regulation before attempting to dispose of PCBs in any solid waste disposal unit in this state.

(6) Biomedical Biohazardous waste. Biohazardous waste shall be properly incinerated so that little or no organic material remains in the ash residue, or shall be processed by a method approved by the Department pursuant to Chapter 62-712, F.A.C. No untreated biohazardous waste shall be knowingly deposited in any landfill.

(a) No biomedical waste shall be knowingly deposited in any solid waste management facility unless:

1. The solid waste facility is specifically permitted to receive untreated biomedical waste;

2. The biomedical waste has been properly incinerated or treated by a process approved by the Department of Health, and the provisions in Rule 62-701.520(5)(c), F.A.C., are complied with; or

3. The biomedical waste is generated by an individual as a result of self-care, or care by a family member or other non health care provider. However, in order to reduce the chance of exposure to the public, home generators are advised to segregate and package such waste before disposal according to the guidelines for disposal of home-generated biomedical waste available from each county health department.

(b) No solid waste, including treated biomedical waste, shall be commingled with untreated biomedical waste unless the solid waste is being managed in the same manner as the untreated biomedical waste.

(c) Treated or untreated biomedical waste shall not be allowed to leak into the environment during transport.

(7) through (8) No change.

(9) Special wastes for waste-to-energy facilities. No person who knows or who should know of the nature of such solid waste shall dispose of lead-acid batteries, mercury-containing devices, or spent mercury-containing lamps in any waste-to-energy facility.

(10) Liquids restrictions.

(a) Noncontainerized liquid waste shall not be placed in solid waste disposal units which accept household waste or construction and demolition debris for disposal unless:

1. through 2. No change.

(b) through (c) No change.

(11)(a) Except as provided in paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills. ~~Oily wastes may be disposed of in landfills unless prohibited in other department rules.~~

(b) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain leaks, spills or accidental releases of used oil, and soils contaminated with used oil as a result of spills or accidental releases are not subject to the prohibition in paragraph (a) of this subsection. ~~The Department shall allow disposal of used oil commingled with solid waste if it determines that it is not practicable to separate the used oil from the solid waste, and if such disposal will pose no significant threat to public health or the environment.~~

(12) Yard trash. The prohibitions in paragraphs (2)(b), (f), and (h) of this section apply to the storage, processing, or disposal of yard trash, except that the following setback distances shall apply:

(a) 100 feet from off-site potable water wells, no setback required from on-site water wells;

(b) 50 feet from water bodies; and

(c) 200 feet from wells serving community water supplies.

(13) Tanks. The prohibitions in subsection (2) of this section do not apply to the storage or treatment of solid waste in tanks which meet the criteria of Chapter 62-761 or Rule 62-701.400(6), F.A.C. Instead, no such storage tank shall be installed within 500 feet of any existing community water supply system or any existing non-transient non-community water supply system, nor shall any tank be installed within 100 feet of any other existing potable water supply well.

(14) Indoor storage. The prohibitions in subsection (2) of this section do not apply to the storage or processing of solid waste indoors, provided that the indoor storage area has an impervious surface and a leachate collection system. For the purposes of this subsection, an impervious surface means either a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with both a minimum thickness of one and one-half inches and with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.

(15) Storage in vehicles. The prohibitions in subsection (2) of this section do not apply to the storage of solid waste in an enclosed or covered vehicle, provided that such vehicle has either been unloaded or moved over public highways within the previous seven days.

(16) Existing facilities. Those portions of facilities which were constructed prior to [eff date] remain subject to the prohibitions that were in effect at the time the permit authorizing construction was issued. Lateral expansions of such facilities remain subject to the prohibitions that were in effect at the time the permit authorizing the lateral expansion was issued. For example, portions of facilities constructed prior to May 19, 1994 were subject to the prohibition against storing or disposing of solid waste within 500 feet of an existing or approved shallow water supply well, but are not subject to the prohibitions of paragraphs (2)(b) and (h) of this section. However, lateral expansions of such facilities which occurred after May 19, 1994 are subject to the prohibitions of paragraphs (2)(b) and (h) of this section.

Specific Authority 403.704 FS. Law Implemented 403.704, 403.707, 403.708 FS. History—Formerly 10D-12.06, 10D-12.07, Amended 10-1-74, 5-24-79, 5-27-82, 12-10-85, Formerly 17-7.04, 17-7.040, Amended 6-25-90, Formerly 17-701.040, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.300, Amended 12-23-96,_____.

62-701.310 Approval of Alternate Procedures and Requirements.

(1) Applicability. Any person subject to the provisions of this chapter or Chapters 62-702 through ~~62-722~~ 62-720, F.A.C., may request in writing a determination by the Secretary that a requirement shall not apply, and shall request approval of alternate procedures or requirements.

(2) No change.

(3) Department order. The Secretary shall specify by order each alternate procedure or requirement approved in accordance with this section or shall issue an order denying the

request for such approval. The Department's order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

(4) No change.

(5) Variances. Requests for variances from specific statutory or rule requirements may ~~shall~~ be made pursuant to Section 403.201, F.S., and Rule 62-110.104 ~~62-103.100~~, F.A.C. Requests for variances or waivers from rule requirements may also be made pursuant to Section 120.542, F.S., and Rule 28-104.002, F.A.C.

(6) Requests for alternate procedures shall be accompanied by ~~the a~~ fee specified of \$2000 in accordance with Rule 62-701.315(8) ~~62-4.050(4)(a)4~~, F.A.C. Requests must be submitted to the Director of the Division of Waste Management, 2600 Blair Stone Road, Twin Tower Office Building, Tallahassee, Florida 32399-2400.

(7) To the extent that any request for alternate procedures or requirements involves the practice of engineering or geology, the request shall be signed and sealed by a professional engineer or a professional geologist.

Specific Authority 403.704 FS. Law Implemented 403.0877, 403.704, 403.707 FS. History--New 7-1-85, Amended 12-10-85, Formerly 17-7.078, 17-701.078, Amended 1-6-93, 5-19-94, Formerly 17-701.310, Amended _____.

62-701.315 Permit Fees for Solid Waste Management Facilities.

Notwithstanding the provisions of Rule 62-4.050(4)(w), F.A.C., the following fees shall apply to permit applications for solid waste management facilities. The provisions of Rule 62-4.050(4)(o) through (v), F.A.C., continue to apply to such permits or applications. Fees for permit modifications are established in Rule 62-701.320(4), F.A.C.

(1) Construction permits.

(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000
(c) Class III landfill	\$ 6,000
(d) Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act	\$10,000
(e) Other resource recovery facilities	\$ 2,000
(f) Incinerator	\$ 3,000
(g) Manure or yard trash composting facility	\$ 2,000
(h) Solid waste composting facility	\$ 5,000
(i) Waste tire processing facility	\$ 1,250
(j) All other solid waste facilities	\$ 1,000
(k) Offsite biomedical waste treatment facility other than a biomedical waste incinerator	\$ 2,000
<u>(2) Operation permits.</u>	
(a) Class I landfill	\$10,000
(b) Class II landfill	\$10,000

(c) Class III landfill	\$ 4,000
(d) Waste-to-energy facility not covered by the Florida Electrical Power Plant Siting Act	\$10,000
(e) Other resource recovery facilities	\$ 1,000
(f) Incinerator	\$ 1,000
(g) Manure and yard trash composting facility	\$ 1,000
(h) Solid waste composting facility	\$ 3,000
(i) Off-site biomedical waste treatment facility other than a biomedical waste incinerator	\$ 1,000
(j) All other solid waste facilities	\$ 500
<u>(3) Closure permits.</u>	
(a) Class I landfill	\$ 7,500
(b) Class II landfill	\$ 7,500
(c) Class III landfill	\$ 4,000
(d) All other solid waste facilities	\$ 1,000
(e) Closure permit for landfill which involves only long-term care (10-year duration)	\$ 2,000
<u>(4) Waste processing facility.</u>	
(a) Construction/operation permit	\$ 2,000
(b) Renewal permit which does not involve additional construction	\$ 1,000
<u>(5) Construction and demolition debris disposal facilities.</u>	
(a) Construct, operate, and close a facility, including facilities that also recycle	\$ 2,500
(b) Renewal permit which does not involve additional construction	\$ 1,000
(c) Renewal permit involving only long-term care	\$ 250
(6) General permit for land clearing debris disposal facility.	\$ 100
<u>(7) Construction permit and/or an operation permit for a facility which has multiple solid waste management components that normally would require individual solid waste permits. A single application may be submitted and the permit fee will be the sum of all individual permits; however, the total permit fees for the facility shall not exceed \$25,000, exclusive of modifications and renewals.</u>	
<u>(8) Request for an Alternate Procedure.</u>	
(a) Landfill	\$ 2,000
(b) Other	\$ 500
<u>(9) Research, Development and Demonstration permits (one-year duration).</u>	
(10) Ground Water Monitoring Plan Approvals for landfills with no other Department permit.	\$ 500
(11) Transfer of permit.	\$ 50

Specific Authority 403.061, 403.087, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707, 403.7221 FS. History--New _____.

62-701.320 Solid Waste Management Facility Permit Requirements, General.

(1) Permit requirements. Except as otherwise provided in this chapter, no ~~no~~ solid waste management facility shall be constructed, operated, maintained, modified, or closed without a permit issued by the Department, or by an approved local program acting under a delegation agreement with the Department.

(2) Exemptions. Except as provided in Section 403.707(2), F.S., no permit under this chapter shall be required for the following activities or facilities. For purposes of this subsection, disposal shall be deemed to include storage prior to disposal or processing.

(a) Disposal by persons of solid waste resulting from their own activities on their own property, provided such waste is either household waste from their residential property or is rocks, soils, trees, tree remains, and other vegetative matter which normally results from land development operations on that property. Disposal of materials which could create a public nuisance or adversely affect the environment or public health, such as white goods, automotive materials including batteries and tires, petroleum products, pesticides, solvents, or hazardous substances, is not covered under this exemption.

(b) No change.

(c) On-site disposal of construction and demolition debris, provided that disposal conforms to Rule 62-701.730(17)(3), F.A.C.

~~(d) Clean debris which is used as fill material.~~

(e) through (g) renumbered (d) through (f) No change.

(3) No change.

(4) Modification of ~~an approved permit. Nothing in this rule shall be construed to limit or prohibit modifications of a permit under the provisions of Rule 62-4.080, F.A.C.~~

(a) Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C.

(b) A modification which does not require substantial technical evaluation by the Department, does not require a new site inspection by the Department, and is not expected to lead to substantially different environmental impacts or will lessen the impacts of the original permit is considered a minor modification, the fee for which is set forth in Rule 62-4.050(4)(s), F.A.C.

(c) A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification, the fee for which is set forth in Rule 62-4.050(7), F.A.C.

(d) A modification which is reasonably expected to lead to substantially different environmental impacts, but which requires a less detailed review than does a substantial modification, is considered an intermediate modification, the fee for which is one-half of that required for a substantial modification.

(5) Permit application.

(a) Applications for a solid waste management facility shall be submitted on appropriate Department forms listed in Rule 62-701.900, F.A.C., to the Department district office with jurisdiction where the facility is located. A minimum of four ~~six~~ copies each of the application, engineering plans and reports, and all supporting information for the proposed construction, substantial modification, operation or closure of a facility shall be provided to the Department.

(b) through (c) No change.

(6) Engineer of record and professional certification. All engineering plans, reports, and information supporting the application shall be compiled by the engineer of record who shall be responsible for assurance that all technical components have been prepared under the direction and supervision and signed and sealed by the professional registered in Florida in each contributing technical discipline. The engineer of record's signature and seal on the application shall assure that all appropriate technical professional disciplines have been employed in development of the application. The application shall provide that the engineer of record, or another qualified professional working under the supervision of the engineer of record, shall make periodic inspections during construction of the facility to ensure that design integrity is maintained.

(7) Application content and format. Applications for permits to construct, operate, modify, or close a solid waste management facility shall include in the following sequence:

(a) through (b) No change.

(c) The permit fee specified in Rule ~~62-701.315~~ 62-4.050, F.A.C., in check or money order, payable to the Department.

(d) No change.

(e) Appendices submitted as part of an engineering report to support a permit application shall contain, where required under applicable sections of this rule:

1. An operation plan and closure plan appropriate for the type of facility;

2. through 5. No change.

(f) No change.

(g) Documentation that the applicant either owns the property or has legal authorization from the property owner to use the site for a solid waste management facility Proof of property ownership, or a copy of any lease agreement, transfer of property agreement with right of entry for long term care, interlocal government agreement, or any other agreement between the facility operator and property owner which may affect the facility; and

(h) For facilities owned or operated by a county, a description of the existing or proposed recycling facilities or activities, if any, at the site and a description of whether, and the extent to which, these recycling facilities or activities will contribute to the county's achievement of the waste reduction and recycling goals contained in Section 403.706, F.S.

(i) No change.

(8) Notice of application.

(a) An applicant for a permit to construct or substantially modify a solid waste management facility shall publish and provide proof of publication to the Department of a Notice of Application in a newspaper of general circulation in the area where the facility will be located. This notice shall conform to the requirements of, in accordance with Rule 62-110.106 62-103.150, F.A.C., except that the notice shall be published within 14 days of submittal of a permit application to the Department.

(b) An applicant for a permit to construct or substantially modify a Class I, II, or III landfill. For all landfills, the Department shall mail a notice of receipt of permit application to the Chair of the Board of County Commissioners, the highest ranking elected official of the municipality, and each State Senator and Representative serving the jurisdiction in which the project is located. The notice shall be mailed within 14 days of submittal of the application to the Department, and proof of mailing shall be provided to the Department. After the Department completes the permit review, the Department shall send a copy of the notice of intent to issue or deny the permit will also be sent to these same officials.

(9) Permits for construction, modification, operation, and closure. Complete permit applications for construction or operation of a solid waste management facility, renewal of an operation permit for an existing facility, modification of an existing facility, or closure of a facility shall be evaluated by the respective Department district office in accordance with Chapters 62-4 and 62-701, F.A.C. The Department shall:

(a) Issue a construction permit, or a construction/operation permit for a solid waste management facility, or for a substantial modification of an existing solid waste management facility. After all specified construction has been completed and before acceptance of any solid waste, the engineer of record shall certify to the Department on Form 62-701.900(2) that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. The applicant shall provide at least 14 days advance notice to the Department prior to accepting solid waste so that the Department has the opportunity to inspect the site the owner or operator shall submit to the Department a certification of construction completion, Form 62-701.900(2), signed and sealed by a professional engineer, and any modifications of the record drawings, and shall arrange for Department representatives to inspect the facility in the company of the permittee, the engineer, and the proposed facility operator. The facility shall not be operated until the certification has been submitted and approved, all

documentation required as a condition of the permit has been submitted, and a facility inspection by Department personnel has been conducted; or

(b) through (c) No change.

(d) Deny the issuance of a permit if reasonable assurances ~~is are~~ not provided that the requirements of Chapters 62-4 and 62-701, F.A.C., will be satisfied.

(10) Permit renewals.

(a) A renewal application shall be timely and sufficient. If the renewal application is submitted prior to sixty days before expiration of the existing permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the existing permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or as otherwise provided in Section 120.60, F.S.

(b) Permits shall be renewed at least every five years. Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of solid waste management facilities. Closure plans shall be updated at the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial responsibility documentation.

(c) Facility information that was submitted to the Department to support the expiring permit, and which is still valid, does not need to be re-submitted for permit renewal. The permit renewal application shall list and reaffirm that the information is still valid.

(11) Permit transfers.

(a) Any person wishing to transfer a permit shall submit such a request using Form 62-701.900(8). The form must be completed with the signatures of both the permittee and the proposed new permittee.

(b) A transfer of permit is required upon the sale or transfer of a facility. A transfer of permit is also required if a new or different person takes ownership or control of the facility. A transfer of permit is not required if the facility simply changes its name, although the permittee must notify the Department of such a change using Form 62-701.900(8). A transfer of permit is also not required solely as a result of the sale of stock or assets or a change of operating personnel, as long as ownership or control of the facility has not changed.

(c) The proposed new permittee shall provide reasonable assurance that it has the ability to comply with the conditions of the existing permit and that it meets any financial assurance requirements of the permit.

(d) Within 30 days of receipt of an application for permit transfer, the Department shall request additional information if the application is not complete. Within 30 days of receipt of a complete application, the Department shall either approve or

deny the permit transfer. The Department's determination shall be based solely on its evaluation of the requirements in paragraphs (a) through (c) above. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of a complete application, the transfer shall be deemed approved.

(e) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee seeking to transfer the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

(12)(10) No change.

(11) Local zoning. The Department does not evaluate compliance with local zoning or land use ordinances when determining whether to issue or deny any permit under this chapter. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other laws, rules, or ordinances.

(13)(12) Airport safety.

(a) Applicability. This subsection applies to those solid waste management facilities constructed after January 6, 1993, as well as lateral expansions of facilities which were constructed prior to January 6, 1993. For purposes of this subsection, an "airport runway" does not include facilities used solely for helicopters or other aircraft which take off and land vertically.

(b) No change.

(c) Applicants proposing to construct ~~site~~ new landfills within a six mile radius, and applicants proposing to construct lateral expansions of existing landfills within a five-mile radius, of any licensed and operating airport runway used by turbine powered or piston engine aircraft shall notify the affected airport, the Federal Aviation Administration, and the Florida Department of Transportation when the application is filed with the Department, and shall provide evidence of such notification to the Department.

(d) The following facilities are exempt from the requirements of this subsection:

1. Enclosed solid waste management facilities where waste is received and processed indoors, where all waste or residue is removed by enclosed or covered vehicles, and where putrescible waste is not processed, stored, or otherwise managed outdoors except in enclosed or covered vehicles;

2. Recovered materials processing facilities;

3. Yard trash processing facilities;

4. Land clearing debris disposal facilities;

5. Ash monofills;

6. Construction and demolition debris disposal or recycling facilities which are not co-located with other solid waste disposal facilities accepting putrescible wastes; and

7. Any other solid waste management facility which does not accept putrescible waste for disposal, processing, or recycling.

(14)(13) Other facility permits. In addition to the exemptions in subsection (2) of this section, the following solid waste management facilities which are constructed and operated under an appropriate and currently valid permit are not required to obtain a separate solid waste permit pursuant to this chapter:

(a) through (b) No change.

(c) Solid waste management facilities, such as composting facilities, waste tire processing facilities, soil treatment facilities, and used oil processing recycling facilities, and biohazardous waste treatment or storage facilities, which are required to obtain permits under Rules 62-702 through ~~62-722~~ 62-729, F.A.C.

(15)(14) Operator training. The owner or operator of a landfill, or other solid waste management facility required by this chapter to have trained operators or spotters, waste-to-energy facility, biological waste incineration facility, or mobile soil thermal treatment facility shall not employ a person to perform, nor may any person perform, the duties of an operator or spotter at ~~of~~ such facility unless that person is a trained operator or trained spotter, or an interim operator or interim spotter.

(a) Owners and operators of facilities shall ensure that operators employed at the facility are properly trained to operate the facility, and that spotters are properly trained to identify and properly manage any hazardous or prohibited materials which are received at the facility. A training plan shall be included as part of the permit application. The training plan shall either include a list and schedule of those classes offered to the public which will be attended by the facility's operators and spotters, or shall include a description of the facility's in-house training program. All training courses, whether public or in-house, must be approved by the Department in accordance with Section 403.716, F.S. Any in-house operator training program which includes an examination required by this subsection must be administered by an independent third party. Any other in-house operator training program must be administered by a trained operator. Any in-house spotter training program must be administered by a trained operator or a trained spotter. The training plan, along with records documenting how the training plan is being implemented, shall be kept at the facility at all times and be made available for inspection by Department staff. The Department will maintain a list of relevant training courses which are available in this State.

(b) In order to be considered trained, operators of the following facilities shall complete the following training requirements at courses described in the facility's operating plan:

1. Operators of Class I, II, or III landfills, and operators of construction and demolition debris disposal facilities, shall complete 24 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 16 hours of continued training.

2. Operators of waste processing facilities shall complete 16 hours of initial training, and shall pass an examination as part of that training. Within three years after passing the examination, and every three years thereafter, operators shall complete an additional 8 hours of continued training.

(c) In order to be considered trained, spotters shall complete 8 hours of initial training at courses described in the facility's operating plan. Within three years after attending the initial training, and every three years thereafter, spotters shall complete an additional 4 hours of continued training.

(d) Training requirements for operators and spotters at landfills and construction and demolition debris disposal facilities shall be effective on [eff date]. Training requirements for operators and spotters at waste processing facilities, and training requirements for spotters at land clearing debris disposal facilities, shall be effective July 1, 2001.

(e) Operators and spotters who received initial training prior to [eff date] will still be considered trained. Such persons shall complete the continued training requirements that were in effect prior to [eff date], after which they shall comply with the continuing training requirements of this subsection. Facilities operating on [eff date] shall modify their training plans to comply with this subsection by the time any operators or spotters employed by the facility are required to meet these requirements.

(f)(a) Notwithstanding the definition in Rule 62-701.200, F.A.C., and solely for ~~For~~ purposes of this subsection, "operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the on-site person in charge of a shift or period of operation during any part of the day, such as facility managers, supervisors and equipment operators. It does not include office personnel, laborers, equipment operators not in a supervisory capacity, transporters, corporate directors, elected officials, or other persons in managerial roles unless such persons are directly involved in on-site supervision or operation of a solid waste management facility. A trained operator may perform the duties of a trained spotter.

(g)(b) For purposes of this subsection, "interim operator" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training and

who has at least one year of experience at that facility or a similar facility. An interim operator may perform the duties of an operator, but only under the supervision of a trained operator.

(h) For purposes of this subsection, "spotter" means a person employed at a solid waste management facility whose job it is to inspect incoming waste and to identify and properly manage any hazardous or prohibited materials which are received at the facility. Spotters shall be stationed where they can thoroughly inspect each shipment of waste for prohibited materials. Placement of spotters shall be specified in the facility's operation plan.

(i) For purposes of this subsection, "interim spotter" means a person who has, in the opinion of the facility manager, shown competency in his chosen occupation through a combination of work experience, education and training. An interim spotter may perform the duties of a spotter, but only under the supervision of a trained operator or trained spotter.

Specific Authority 403.061, 403.704, 403.716 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707, 403.716 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.320, Amended 12-23-96,_____.

62-701.330 Landfill Permit Requirements.

(1) Applicability.

(a) Except as otherwise specifically provided herein, this chapter shall apply to all solid waste disposal units constructed or operated under a landfill permit issued after [effective date] January 6, 1993, including renewals of existing permits.

(b) All holders of landfill construction or operation permits issued prior to [effective date] January 6, 1993, which contain conditions not in conformance with this chapter shall apply for modification of the permit to conform to this chapter to the District Office of the Department which issued the permit. The submission shall occur at the time of application for renewal of an existing permit, or before [effective date + 6 months] July 6, 1993, whichever is later. For purposes of this paragraph, a permit issued prior to [effective date] January 6, 1993, is deemed to include a completed permit application received by the Department prior to [effective date] January 6, 1993.

(c) No change.

(d) Facilities operating pursuant to a Consent Order with the Department in effect on [effective date] January 6, 1993, shall continue to operate in accordance with the order until the order expires by its own terms, provided the landfill is in compliance with the terms and conditions of the order. If the facility owner or operator fails to comply with any substantive term or condition of the order, the facility covered by the order must comply with the operational, closure and long-term care requirements of this chapter.

(2) Term of permit. The time period for permits shall be no longer than five years from the date of issuance by the Department. ~~Permits may be issued for a shorter period for specific circumstances.~~

~~(3) Permit renewals.~~

~~(a) Construction/operation permits shall be renewed at least every five years. Applicants for permit renewal shall demonstrate how they will comply with any applicable new or revised laws or rules relating to construction, operation, or closure of landfills. Closure plans shall be updated at the time of permit renewal to reflect changes in closure design, long-term care requirements, and financial responsibility documentation.~~

~~(b) Facility information that was submitted to the Department to support the expiring permit, and which is still valid, does not need to be re-submitted for permit renewal. The permit renewal application shall list and reaffirm that the information is still valid.~~

~~(3)(4) Permit applications. Permit applications for landfills shall meet the requirements of Rule 62-701.320, F.A.C., and shall also include the following specific requirements:~~

~~(a) through (e) No change.~~

~~(f) The hydrogeological and geotechnical investigations and ground water monitoring plan required by Rule 62-701.410 and ~~510~~, F.A.C.~~

~~(g) The ground water monitoring plan ~~The Geotechnical investigation~~ required by Rule ~~62-701.510~~ ~~62-701.420~~, F.A.C.~~

~~(h) Evidence of an approved laboratory to do water quality monitoring in accordance with Chapter Rule 62-160, F.A.C.~~

~~(i) through (j) No change.~~

~~(5) Modification of landfill permit. Permits shall be modified in accordance with the requirements of Rule 62-4.080, F.A.C. A modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review by the Department is considered a substantial modification.~~

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, Formerly 17-701.330, Amended _____.

62-701.340 General Criteria For Landfills.

(1) Performance standards. A landfill shall be designed, constructed, operated, maintained, closed, and monitored throughout its design period to control the movement of waste and waste constituents into the environment so that ground water and surface water quality standards and criteria and air quality standards of Chapters 62-3 and 62-302, F.A.C., will not be violated ~~beyond the zone of discharge specified for the landfill.~~

(2) Minimum ground water criteria. For those landfills or solid waste disposal units which are constructed after January 6, 1993, and which are constructed with at least a double or composite liner, the minimum ground water criteria specified

in Rule ~~62-520.400~~ ~~62-3.402~~, F.A.C., shall apply only outside of the footprint of the solid waste disposal unit, or if the unit is surrounded by a perimeter road, outside the perimeter road, notwithstanding the provisions of Rules ~~62-520.400 and .420~~ ~~62-3.404~~, F.A.C.

(3) Classification of landfills. Landfills or solid waste disposal units are classified according to the amount or types of waste received.

(a) Class I landfills are those which receive an average of 20 tons or more of Class I solid waste per day.

(b) Class II landfills are those which receive an average of less than 20 tons of Class I solid waste per day.

~~(c) Class I and Class II landfills receive general, non-hazardous household, commercial, industrial, and agricultural wastes, subject to the restrictions of Rules 62-701.300 and 62-701.520, F.A.C.~~

~~(c)(d) Class III landfills are those which receive only Class III waste yard trash, construction and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, or other materials approved by the Department which are not expected to produce leachate which poses a threat to public health or the environment. Class III landfills shall not accept putrescible household waste. The Department shall exempt Class III landfills from some or all of the requirements for liners, leachate controls, and water quality monitoring in Rules 62-701.400(3) and (4), and 62-701.510, F.A.C., if it determines the applicant demonstrates that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the hydrogeological and geotechnical investigations required in Rules 62-701.410 and ~~62-701.420~~, F.A.C., that no significant threat to the environment will result from such exemption. Yard trash composting facilities shall be operated in accordance with Chapter 62-709, F.A.C. Owners or operators of Class III landfills which are operating on January 6, 1993, shall apply for modification of their permits to comply with this paragraph no later than January 6, 1994.~~

~~(4) No change.~~

(5) Zone of discharge. A landfill's zone of discharge shall be determined pursuant to Chapter 62-522, F.A.C. For all solid waste disposal units constructed after January 6, 1993, the zone of discharge shall not exceed 100 feet from the edge of those solid waste disposal units permitted to be constructed, unless modified in accordance with Rule 62-522.500, F.A.C.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.340, Amended _____.

62-701.400 Landfill Construction Requirements.

(1) through (2) No change.

(3) Landfill liner requirements. Landfills shall be constructed with composite or double liners, and a leachate collection and removal system.

- (a) No change.
- (b) Composite liners.

1. The upper component of the composite liner shall be a 60-mil minimum average thickness geomembrane, as defined by method GRI GM13, or thicker geomembrane liner with a maximum water vapor transmission rate of 0.24 grams per square meter per day ($g/(m^2 \times day)$) as determined by ASTM Method E96-00 80, procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials," Sections 04.06, 08.03, and 15.09. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover, as specified in Table A below, depending upon the thickness and hydraulic conductivity of the lower component ~~of~~ the composite liner. Leachate head calculations shall consider leachate recirculation if the leachate is recirculated.

2. The lower component of the composite liner shall be constructed in six-inch lifts. The thickness of the lower component may be varied in relation to the hydraulic conductivity of the lower component and the design leachate head above the liner, in accordance with Table A.

TABLE A:

Minimum Thickness of Lower Component of Composite Liner (in feet)

Maximum Design Hydraulic Head (in inches)	Maximum Hydraulic Conductivity (cm/sec) 1×10^{-7}	Maximum Hydraulic Conductivity (cm/sec) 5×10^{-8}	Maximum Hydraulic Conductivity (cm/sec) 1×10^{-8}
1	2	1	1
6	2.5	1.5	1
12	3	2	1

TABLE A: Minimum Thickness of Lower Component of Composite Liner (feet)			
Maximum Design Hydraulic Head (inches)	Maximum Hydraulic Conductivity (cm/sec)		
	1×10^{-7}	5×10^{-8}	1×10^{-8}
1	2.0	1.0	1.0
6	2.5	1.5	1.0
12	3.0	2.0	1.0

- (c) Double liners.

1. Double liner systems shall consist of upper and lower 60-mil minimum average thickness geomembranes, as defined by method GRI GM13, with a maximum water vapor transmission rate of 0.24 $g/(m^2 \times day)$; a primary leachate collection and removal system lying above the upper geomembrane designed to limit the leachate head to one foot above the liner during routine landfill operations after placement of initial cover, except in sumps and leachate collection trenches; and a leak detection and secondary leachate collection system between the upper and lower liners. The lower geomembrane shall be placed directly on a sub-base which is a minimum six inches thick, is free of sharp materials or any materials larger than one-half inch, and has a saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec. A geosynthetic clay liner with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the geosynthetic clay liner.

- 2. No change.

(d) Standards for geosynthetic components geomembranes.

- 1. No change.

2. Geomembranes shall not be used at landfills unless they are subjected to continuous spark testing by the manufacturer at the factory and no defects have been found.

~~3.2.~~ Geomembranes shall be protected from physical damage by placing a minimum 24-inch-thick protective layer above the upper liner. All materials in direct contact with the liner shall be free of sharp materials or any materials larger than one-half inch. The upper 12 inches of the protective layer shall be composed of soil, tire chips four square inches or smaller with no protruding wires that could pose a threat to the integrity of the liner, or other materials approved by the Department which are permeable, non-reactive, stable, and which offer protection for the liner from punctures.

- ~~4.3.~~ No change.

5. High density polyethylene (HDPE) geomembranes shall meet the specification contained in method GRI GM13.

6. Polyvinyl chloride (PVC) geomembranes shall meet the specification contained in method PGI 1197.

7. Interface shear strength of the actual components which will be used in the liner system shall be tested with method ASTM D5321 or an equivalent test method. However, when testing geosynthetic clay liners, method ASTM D6243, or an equivalent test method, shall be used. Unless it can be justified otherwise, the interface shall be tested in a water-saturated state. For the purposes of this test, clays compacted in the test apparatus during setup which have a water content wet of optimum shall be considered water saturated.

8. The transmissivity of geonets shall be tested with method ASTM D4716, or an equivalent test method, to demonstrate that the design transmissivity will be maintained

for the design period of the facility. The testing for the geonet in the liner system shall be conducted using actual boundary materials intended for the geonet at the maximum design normal load for the landfill, and at the design load expected from one lift of waste. At the maximum design normal load, testing shall be conducted for a minimum period of 100 hours unless data equivalent to the 100-hour period is provided in which case the test shall be conducted for a minimum period of one hour. In the case of the design load from one lift of waste, the minimum period shall be one hour. For geonets used in final covers, only one test shall be conducted for a minimum period of one hour using the expected maximum design normal load from the cover soils and the actual boundary materials intended for the geonet.

9. The hydraulic conductivity of geosynthetic clay liners shall be tested with method ASTM D5887, or an equivalent test method. First, the GCL test specimen shall be hydrated with the fluid which is expected to cause hydration in the field, or a similar fluid, for a minimum of 48 hours using sufficient backpressure to achieve a minimum B coefficient of 0.9 and using a confined effective consolidation stress not exceeding five pounds per square inch. Then, the hydraulic conductivity test on the GCL specimen shall be conducted, using the appropriate permeant fluid, at a confined effective consolidation stress not exceeding five pounds per square inch. The hydraulic conductivity test shall continue until steady state conditions are reached or a minimum of two pore volumes of permeant fluid have passed through the test specimen. The permeant fluid shall be either leachate from the landfill (or a similar landfill) if the GCL is used in a liner system, or water if the GCL is used as a barrier layer in a final cover.

10. If not submitted as part of the permit application to the Department, then the testing required in subparagraphs (3)(d)7., 8. and 9. of this section for the materials used in the liner construction shall be conducted as part of the construction quality assurance activities, and the results of these tests shall be included in the completion of construction documents required in subsection (7) of this section.

11. The testing required in subparagraphs (3)(d)7., 8. and 9. of this paragraph are single-point tests required either as part of the permit application phase of a landfill project or prior to liner construction. The purpose of these tests is to confirm that the components selected for the liner construction meet the design criteria used in the permit application.

(e) The following specifications shall be provided for geosynthetic components:

1. No change.

2. Material specifications for geomembranes, geotextiles, geogrids, geocomposites, and geonets, including general requirements, specified geomembrane properties, and labeling labelling;

3. through 4. No change.

5. Geotextile and geogrid specifications including handling and placement, conformance testing, seams and overlaps, repair, and placement of soil materials and any overlying materials.

6. Geonet and geocomposite specifications including handling and placement, conformance testing, stacking and joining, repair, and placement of soil materials and any overlying materials.

7. Geosynthetic clay liner (GCL) specifications including handling and placement, conformance testing, seams and overlaps, repair, and placement of soil materials and any overlying materials.

(f) Standards for soil components.

1. through 2. No change.

3. The soil component of the liner system may consist of in-situ soils, provided they meet the specifications for soil liners. Testing of in-situ soil shall be performed in accordance with the site specific Construction Quality Assurance Plan in accordance with Rules 62-701.400(7) and (8), F.A.C.

4. through 5. No change.

(4) Leachate collection and removal system. Landfills shall have a leachate collection and removal system that is designed, constructed, maintained, and operated to collect leachate and convey it to collection points for removal.

(a) The primary and secondary leachate collection and removal systems shall:

1. through 2. No change.

3. Have granular material or synthetic geotextile filter overlying or surrounding the leachate collection and removal system to prevent clogging of the collection system by infiltration of fine particles ~~from the waste~~; and

4. No change.

(b) The primary leachate collection and removal system shall have a granular drainage layer above the top geomembrane liner, at least 12 inches thick, with a hydraulic conductivity of not less than 1×10^{-3} cm/sec, overlain with an additional 12 inches of protective material as specified in ~~Rule~~ rule 62-701.400(3)(d)~~3.2.~~, F.A.C., that is chemically resistant to the waste and leachate. It shall be designed with a bottom slope to achieve the required leachate head after the predicted settlement determined by the foundation analysis. Leachate collection systems incorporating synthetic drainage materials may be used if it can be demonstrated that they are equivalent to or more effective than the granular design, including chemical compatibility, flow under load, and protection of the geomembrane liner.

(5) Leachate recirculation. Leachate shall be recirculated only at solid waste disposal units which have a leachate recirculation system included in their operation plan, and which have been constructed and operated in a manner consistent with that system. If leachate is recirculated after closure, the operation plan shall be included as part of the

approved closure plan. The leachate recirculation system shall include estimated impacts on the head of leachate over the liner, subsidence of the waste, and gas production, and shall meet the following requirements unless otherwise approved in the operation plan. Leachate recirculation systems shall only be used at solid waste disposal units that have been designed for leachate recirculation and meet the following requirements:

(a) through (d) No change.

(e) Landfill gas shall be managed in accordance with Rule 62-701.530, F.A.C. A gas management system shall be implemented to control odors and migration of methane.

(f) Recirculation of leachate is prohibited on top of areas where a barrier layer which is part of the final cover has been installed applied. Irrigation of the final vegetative cover may be done with treated leachate which meets the water quality standards of the receiving water body, if such irrigation does not contribute significantly to leachate generation.

(6) Leachate storage tanks and leachate surface impoundments.

(a) No change.

(b) Surface impoundments for leachate treatment or storage that are located at landfills are subject to the following requirements:

1. through 2. No change.

3. The impoundment shall have a double liner system consisting of an upper and lower 60-mil minimum average thickness geomembrane, as defined by method GRI GM13, and a leak detection and collection system between the geomembranes with a minimum hydraulic conductivity of one cm/sec. The lower geomembrane shall be placed directly on a subbase which is at least six inches thick and has a saturated hydraulic conductivity of less than or equal to 1×10^{-5} cm/sec. A geosynthetic clay liner with a hydraulic conductivity not greater than 1×10^{-7} cm/sec may be used in place of the six-inch thick sub-base layer provided it is placed on a prepared subgrade which will not damage the geosynthetic clay liner. The leak detection and collection system shall be checked daily. The design of the upper liner shall include calculations to predict the potential leakage through the upper liner. If the daily checks indicate the upper liner is leaking at a rate greater than predicted by the design calculations, the Department shall be notified. If the leakage rate will result in the flooding of the leak detection and collection system, the impoundment shall be emptied and the liner repaired.

4. through 6. No change.

(c) Above ground leachate storage tanks that are located at solid waste management facilities are subject to the following requirements:

1. Tanks shall be constructed of concrete, ~~or~~ steel, reinforced plastic, polyethylene, or fiberglass. Tanks shall be supported on a well drained, stable foundation.

2. through 5. No change.

6. The secondary containment system shall be constructed of materials compatible with the liquid stored. The containment system shall be constructed of either:

a. No change.

b. A concrete pad that will maintain its integrity for the lifetime of the tank, provided that the tank, if made of steel, has with a corrosion resistant coating; or

c. A geomembrane of a minimum average thickness of 60 mils, as defined by method GRI GM13, with a maximum water vapor transmission rate of $0.24 \text{ g}/(\text{m}^2 \times \text{day})$.

7. through 9. No change.

(d) No change.

(7) Liner systems construction quality assurance.

(a) Liner systems shall have a construction quality assurance plan to provide personnel with adequate information to achieve continuous compliance with the liner construction requirements. The plan shall include or refer to specifications and construction methods which use established engineering practices to construct a liner system and provide for quality control testing procedures and sampling frequencies. Sampling and testing shall be conducted in the field by trained personnel during construction and after construction completion. Such personnel will be under the direction of the construction quality assurance professional engineer, to assure the liner system will comply with the standards. The construction quality assurance professional engineer or his designee shall be on-site at all times during construction to monitor construction activities. Construction activities include the time during which the protective layer is installed over the geomembrane, to ensure that the placement techniques do not cause damage to the liner system materials.

(b) Liner systems shall be installed in accordance with a Department-approved construction quality assurance plan. Plans that comply with EPA Document EPA/600/R-93/182 530-SW-86-034 shall be presumed to be in compliance with this section. The following minimum specific elements shall be included in the plan:

1. through 5. No change.

(c) through (d) No change.

(8) No change.

(9) Surface water management systems.

(a) Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(b) A stormwater management system shall be designed, constructed and maintained which, at a minimum, prevents stormwater from the peak discharge of the 25 year storm event from running onto those portions of the landfill which have not been closed.

~~(b) A stormwater management system shall be designed, constructed and maintained which collects and controls, at a minimum, the volume of runoff from a 25 year, 24 hour storm event.~~

~~(c) Stormwater controls shall include retention or detention ponds, and drainage ways specifically designed and sized according to local drainage patterns, soil permeability, annual precipitation, area land use, and other characteristics of the contributing watershed.~~

~~(c)(d) Stormwater management systems shall be designed to avoid mixing of stormwater with leachate. Stormwater or other surface water which comes into contact with the landfilled solid waste or mixes with leachate shall be considered leachate and is subject to the requirements of Rules 62-701.500(8) and 62-701.510(5), F.A.C.~~

~~(e) Nothing herein shall be construed to supersede the applicable standards and requirements of Chapters 62-25, 62-302, and 62-330, F.A.C., or the rules and requirements of any other state or local agencies.~~

(10) Gas control systems. (a) Landfills that receive degradable biodegradable wastes shall be designed and constructed with have a gas management monitoring and control system that complies with the requirements of Rule 62-701.530, F.A.C. designed to prevent explosions and fires, and to minimize off site odors and damage to vegetation. Landfill gas control systems shall:

1. Be designed to prevent the concentration of methane and other gasses generated by the landfill from:

a. Exceeding twenty five percent of the lower explosive limit for gasses in structures on or off-site, excluding gas control or recovery components;

b. Exceeding the lower explosive limit for gasses at or beyond the landfill property boundary; and

e. Causing objectionable odors at or beyond the landfill property boundary;

2. Be designed for site specific conditions and be installed in each section of the landfill that has been filled to design dimensions;

3. Be designed to reduce gas pressure in the interior of the landfill by collecting the gasses to prevent them from moving laterally. Collection pipes, pathways, or vents shall collect gas from at least the uppermost two thirds of the filled waste or where the more anaerobic conditions exist. Air shall not be forced into the collection system. Passive venting or suction shall be used to extract gas; and

4. Not interfere with or cause failure of the liner or leachate control systems.

~~(b) Flaring of landfill gasses may be used as a method of gas control, particularly control of objectionable odors, in accordance with the permitting requirements of Chapter 62-296, F.A.C.~~

~~(c) Owners or operators of solid waste disposal units that have received biodegradable waste shall implement a routine gas monitoring program to ensure that the standards of paragraph (10)(a) of this section are met.~~

~~1. The location of monitoring points and frequency of monitoring shall be determined by the following factors:~~

~~a. Soil conditions;~~

~~b. The hydrogeologic conditions surrounding the facility;~~

~~c. The hydraulic conditions surrounding the facility; and~~

~~d. The location of facility structures and property boundaries.~~

~~2. All monitoring points shall be sampled quarterly, and the results reported to the Department.~~

~~3. If methane gas levels exceed the lower explosive limits specified in paragraph (10)(a) of this section, the owner or operator shall:~~

~~a. Immediately take all necessary steps to ensure protection of human health and notify the Department;~~

~~b. Within 7 days of detection, submit to the Department for approval a remediation plan for the methane gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy shall be completed within 60 days of detection unless otherwise approved by the Department.~~

~~(d) Landfills using piping or a similar conduit to convey gas shall be furnished with a positive means of gas condensate collection and disposal at each low point in the conveyance system.~~

~~(11) Landfill gas recovery facilities.~~

~~(a) Landfill gas recovery facilities are considered solid waste management facilities, and shall be constructed and operated only in accordance with a Department permit. Landfill gas recovery facilities that are operating without a permit shall submit a complete application to the Department on or before July 6, 1993. If a gas recovery facility is included in the approved closure plan or closure permit of the landfill, no separate permit for the facility is required, provided that the facility must meet all the requirements of this subsection.~~

~~(b) The application shall be on Form 62-701.900(1), and shall contain at least the following:~~

~~1. The information contained in Rules 62-701.320(7) and 62-701.330(4), F.A.C.;~~

~~2. Where relevant and practical, the information required in Rule 62-701.600(4), F.A.C.;~~

~~3. An estimate of the quantities of gas condensate currently collected or expected to be collected, and a description of how the condensate is or will be disposed of;~~

4. A description of the procedures for sampling, analyzing, and reporting data from the condensate sampling;

5. A closure plan that shall include methods to control landfill gasses after operation of the recovery facility ceases and any other requirements contained in Rule 62-701.400(10), F.A.C.

~~(e) The owner or operator of a gas recovery facility shall post a performance bond to cover the estimated costs of closing the facility. If the gas recovery facility is included in the approved closure plan or closure permit of the landfill, and if the closure costs are included in the landfill closure cost estimates for which financial responsibility is required by Rule 62-701.630, F.A.C., then no separate proof of financial responsibility is required.~~

~~(11)(12) No change.~~

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.70, FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.400, Amended _____.

62-701.410 Hydrogeological and Geotechnical Investigation Requirements.

(1) Hydrogeological investigation and site report. The hydrogeological investigation and site report required by Rule 62-701.330(3)(4), F.A.C., shall be site specific, shall be conducted by or under the supervision of a professional geologist or professional engineer with experience in hydrogeologic investigations, and shall:

(a) through (c) No change.

(d) Include a map showing the locations of all potable wells within 500 feet of the waste storage and disposal areas, and locations of all wells serving community water supplies within 1000 feet of the waste storage and disposal areas, to demonstrate compliance with Rules 62-701.300(2)(b) and (h), F.A.C.

(2) Geotechnical site investigation. The geotechnical site investigation required by Rule 62-701.330(3)(4), F.A.C., shall be conducted by or under the supervision of a professional engineer with experience in geotechnical engineering. Prior to any construction on the landfill site, the engineer shall define the engineering properties of the site that are necessary for the design, construction, and support of the landfill and all installations of the facility and shall:

(a) through (e) No change.

(3) through (4) No change.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.702, 403.704, 403.707 FS. History—New 1-6-93, Formerly 17-701.410, Amended 12-23-96, _____.

62-701.430 Vertical Expansion of Landfills.

(1) Applicability. Construction of a solid waste disposal unit on top of or against the side slopes of a previously filled landfill, whether active, closed, or inactive is considered vertical expansion of that landfill. Vertical expansion shall require either a modification of the landfill permit, or a new

permit if the landfill has been closed. If a landfill has not been closed at the time of the vertical expansion, then the closure requirements of that landfill will apply at the time of closure of the vertical expansion, unless the closure requirements for the vertical expansion are more stringent. The following requirements shall apply:

(a) through (b) No change.

(c) For vertical expansion over unlined landfills or landfills that were not constructed in accordance with permit requirements, the vertical expansion shall comply with all the requirements of Rule 62-701.400, F.A.C., with the following exceptions:

1. No change.

2. The slope liner shall consist of a 60-mil or thicker geomembrane with a maximum water vapor transmission rate of 0.24 g/(m² x day) as determined by ASTM Method E96-00 80, procedure BW, "Standard Test Methods for Water Vapor Transmission of Materials," ~~Sections 04.06, 08.03, and 15.09.~~

3. through 4. No change.

5. If the vertical expansion consists exclusively of construction and demolition debris, the expansion must comply with the requirements of Rules 62-701.730 ~~and 62-701.803~~, F.A.C., as well as paragraph (a) of this subsection. If the vertical expansion consists exclusively of land clearing debris, the expansion must comply with the requirements of Rule 62-701.803, F.A.C., as well as paragraph (a) of this subsection.

6. No change.

7. If the vertical expansion consists of a Class III landfill, the provisions of Rule 62-701.340(3)(c)(d), F.A.C., apply.

(d) No change.

(2) Construction requirements. The design for the vertical expansion shall also provide calculations and supporting information on the following factors:

(a) Construction on the slopes of a filled landfill requires a determination of foundation stability in accordance with Rule 62-701.410 ~~62-701.420~~, F.A.C., and calculations for the total settlement of the waste in the existing landfill and the waste that will be disposed of in the new disposal area to be constructed. Total settlement calculations shall address both compression and differential settlement and shall be based on worst case predictions. Total settlement calculations shall show the final elevations of the liner systems, that gravity drainage will be maintained, and that no other component of the design will be adversely affected.

(b) through (c) No change.

(d) A gas control system shall be installed to vent gas from the interface between the existing landfill slopes and the vertical expansion slopes to prevent accumulation of gas under the new liner system. Gas venting is achieved by installing a gas_venting layer under the entire slope that will be covered by the new liner system. The gas_venting layer shall convey gas to vertical vents at the crest of the interface slopes.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.430, Amended _____.

62-701.500 Landfill Operation Requirements.

(1) Operating personnel. All Class I and Class III landfills shall have at least one trained operator at the landfill during all times when the landfill receives waste, in accordance with Rule 62-701.320(15), F.A.C. ~~Trained operators are those who have satisfied the requirements of Chapter 62-703, F.A.C.~~ If an operator is employed at a Class II landfill, that person must be a trained operator. All Class I and Class III landfills shall have at least one trained spotter at each working face at all times when the landfill receives waste to detect unauthorized wastes.

(2) Operation plan. Each landfill owner or operator shall have an operational plan that provides written, detailed instructions for the daily operation of the landfill. The operation plan shall be kept at or near the landfill facility and shall be accessible to landfill operators. The operation plan shall be substantially complied with at all times, and shall be revised if operational procedures change. The plan shall include procedures for:

- (a) through (c) No change.
- (d) Weighing incoming waste, if required under Rule 62-701.500(4)(a), F.A.C.;
- (e) through (g) No change.
- (h) Operations of gas, leachate, and stormwater controls; ~~and~~
- (i) Water quality monitoring; and
- (j) Maintaining and cleaning the leachate collection system.

(3) Operating record. The operating record shall consist of: all records, reports, analytical results, demonstrations, and notifications required by this chapter; any construction, operation, and closure permits, including all modifications to those permits, issued by the Department, along with the engineering drawings and supporting information; and the training records ~~verifications~~ required by Rule 62-701.320(15) Chapter 62-703, F.A.C. The record is considered part of the operation plan, and shall be kept with the plan at or near the landfill facility, or in an alternate location designated in the operating permit which is readily accessible to landfill operators. The operating record shall be available for inspection at reasonable times by Department personnel.

- (4) Waste records.
 - (a) No change.
 - (b) Types of waste received:

1. Household waste	7. Agricultural waste
2. Commercial waste	8. Industrial waste
3. Ash residue	9. Yard trash
4. Incinerator by-pass waste	10. Sewage sludge
5. Construction and demolition debris	11. Industrial sludge
6. Treated <u>biomedical biohazardous</u>	12. Water/air

waste treatment sludges
13. Waste tires

- (5) No change.
- (6) Monitoring of waste.
 - (a) The owner or operator shall implement a load-checking program to detect and discourage attempts to dispose of unauthorized wastes at the landfill. The load-checking program shall consist of the following minimum requirements:

- 1. through 2. No change.
- (b) through (c) No change.
- ~~(d) Training. Inspectors, equipment operators, weigh station attendants, and spotters shall be trained to identify unauthorized wastes or potential sources of regulated hazardous wastes. The training program shall emphasize familiarity with containers and labels typically used for hazardous wastes and hazardous materials.~~

- (7) Waste handling requirements.
 - (a) through (i) No change.
 - (j) Erosion control measures shall be employed to correct any erosion which exposes waste or causes malfunction of the storm water management system. Such measures shall be implemented within three days of occurrence. If the erosion cannot be corrected within seven days of occurrence the landfill operator shall notify the Department and propose a correction schedule.

- (8) Leachate management.
 - (a) No change.
 - (b) The landfill operator is responsible for the operation of the leachate collection and removal system and for maintaining the system as designed for the design period. Leachate shall be collected and treated as necessary so that to meet surface and ground water quality standards and criteria are not violated of Chapter 62-3 and 62-302, F.A.C. If the leachate is classified as a hazardous waste, it shall be managed in accordance with Chapter Rule 62-730, F.A.C.

- (c) through (e) No change.
- (f) Quantities of leachate collected by the leachate collection and removal system shall be recorded in gallons per day before on-site treatment or transport off-site, and shall be included with the operating record.

(g) A recording rain gauge shall be installed, operated, and maintained to record precipitation at the landfill. Precipitation records shall be included with the operating record and shall be maintained and used by the permittee to compare with leachate generation rates.

(h) New leachate collection systems shall be water pressure cleaned or inspected by video recording after construction but prior to initial placement of wastes. Existing leachate collection systems shall be water pressure cleaned or inspected by video recording at the time of permit renewal. Results of the collection system cleanings or inspections shall be available to the Department upon request.

(9) Gas monitoring. All landfills that have received ~~degradable organic~~ wastes shall implement a ~~routine gas management system monitoring program~~ to meet the requirements of Rule ~~62-701.530 62-701.400(10)~~, F.A.C.

(10) Stormwater system management. Stormwater management systems shall be operated and maintained as necessary to meet the requirements of Rule 62-701.400(9) ~~applicable standards of Chapters 62-3, 62-302, and 62-25~~, F.A.C.

(11) Equipment and operation features. The landfill shall have:

(a) through (c) No change.

~~(d) At Class I and Class III landfills, personnel shelter and sanitary facilities and first aid equipment;~~

~~(d)(e)~~ No change.

~~(e)(f)~~ Fire protection and fire-fighting capabilities adequate to ~~ensure safety of employees and to control~~ accidental burning of solid waste in the landfill. Fire protection includes procedures for notification of local fire protection agencies for assistance in emergencies;

(g) through (h) renumbered (f) through (g) No change.

(12) No change.

(13) Recordkeeping. In addition to records and reporting required by other sections of this chapter, the landfill owner or operator shall:

(a) through (c) No change.

(d) Records which are more than five years old and which are required to be retained may be archived, provided that the landfill operator can retrieve them for inspection within seven days.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History--New 1-6-93, Amended 1-2-94, 5-15-94, Formerly 17-701.500, Amended _____.

62-701.510 Water Quality and Leachate Monitoring Requirements.

(1) Applicability.

(a) This section shall apply only to applications for construction or lateral expansion of a solid waste disposal unit received after January 6, 1993. However, no later than October 9, 1994, owners or operators of all solid waste disposal units receiving waste after January 6, 1993 shall submit their permit for modification to comply with the following:

1. Leachate shall be sampled and analyzed in accordance with subsection (5) and paragraph (6)(c)(~~b~~) of this section (if the unit is lined);

2. through 3. No change.

(b) through (c) No change.

(2) Water quality monitoring plan and system.

(a) No change.

(b) The water quality monitoring system shall be installed and consist of: a sufficient number of ground water wells installed at appropriate locations and depths to yield ground

water samples from the uppermost aquifer, as well as other aquifers reasonably expected to be affected by the landfill; surface water monitoring points installed at locations to yield samples of surface water that may be affected by the landfill; and leachate monitoring points to yield representative leachate samples. All sampling and analysis activities shall be performed ~~by organizations that have Comprehensive Quality Assurance Plans approved~~ in accordance with Chapter 62-160 Rule 62-160.300(8), F.A.C.

(c) No change.

(3) Ground water monitoring.

(a) No change.

(b) Multiple downgradient compliance wells shall be located at or immediately adjacent to the compliance line of the zone of discharge, if required in subsection (7) of this section. If site-specific conditions require installation of compliance wells within the zone of discharge, then a confirmed exceedance of a ground water standard above background at such wells will be considered a violation of that standard.

(c) No change.

(d) Monitoring wells.

1. The location of each well, in degrees, minutes and seconds of latitude and longitude, ~~the Universal Transverse Mercator coordinates~~, and the elevation of the top of the well casing to the nearest .01 foot, National Geodetic Vertical Datum (NGVD 1929), shall be determined by a registered Florida land surveyor.

2. An identification number shall be assigned by the Department to each monitoring well in accordance with the Department's Water Assurance Compliance Ground Water Monitoring System computer file. The identification number shall be used on all water quality monitoring reports.

3. through 6. No change.

(4) Surface water monitoring.

(a) through (b) No change.

(c) The details concerning the sampling locations and the analysis requirements shall be specified in the water quality monitoring plan. Each monitoring location shall be marked and its position shall be determined by a registered Florida land surveyor in degrees, minutes and seconds of latitude and longitude ~~and Universal Transverse Mercator coordinates~~.

(5) No change.

(6) Initial and routine ~~Routine~~ sampling frequency and requirements. Except as otherwise specified in a Department permit or order or in subsection (7) of this section, frequency of sampling and analysis shall comply with the following. However, the owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from routine analyses of detection or compliance wells and surface water. The

Department will grant such modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit.

(a) Demonstration to delete parameters. A demonstration to delete monitoring parameters may include an evaluation of:

1. The concentration or contrast between monitoring parameters in leachate and in background water quality; and
2. The types, quantities and concentrations of constituents in the wastes, and their degradation products, managed at the facility;

(b)(a) Initial background ~~Background~~ water quality.

1. Initial background ~~Background~~ water quality for a proposed landfill shall be determined by analysis of at least one water sample taken from each well that was installed, and each surface water monitoring location that was established, during the site hydrogeological investigation. The water quality information shall be submitted to the Department as part of the supporting information for the permit application.

2. Sampling and analysis for initial background ground water quality shall be for the parameters listed in paragraphs (8)(a) and (8)(d) of this section.

3. Sampling and analysis for initial background surface water quality shall be for the parameters listed in paragraph (8)(b) of this section.

(c)(b) Routine leachate ~~Leachate~~ sampling.

1. Leachate shall be sampled and analyzed ~~semi-annually for the parameters listed in paragraph (8)(e) of this section. In addition, leachate shall be sampled and analyzed annually for the parameters listed in paragraphs (8)(c) and (d) of this section.~~

2. For landfills which are receiving waste, if this annual analysis indicates that a contaminant listed in 40 CFR Part 261.24 exceeds the regulatory level listed therein, the permittee shall initiate monthly sampling and analysis and shall notify the Department in writing. ~~If in any three consecutive months the same listed contaminant exceeds the regulatory level, the permittee shall notify the Department and shall, within 90 days, initiate a program designed to identify the source and reduce the presence of the contaminant in the leachate so that it no longer exceeds the regulatory level. This program may include additional monitoring of waste received and additional up-front separation of waste materials. The permittee shall coordinate with the Department regarding implementation of the program. Any leachate which is not recirculated or taken to a permitted domestic wastewater treatment facility shall be treated or managed so that no contaminant exceeds the regulatory level. If in any three consecutive months no listed contaminant is found to exceed the regulatory level, the permittee may discontinue the monthly sampling and analysis and return to a routine sampling schedule.~~

(d)(e) Routine monitoring well sampling. All detection wells, and a representative sample of background wells, shall be sampled and analyzed for the ground water parameters

listed in paragraph (8)(a) of this section, in accordance with the water quality monitoring plan. For lined landfills, this shall be done at least semi-annually. Background wells may be sampled at a frequency other than semi-annually if approved by the Department in the permit.

(e)(d) Routine surface water sampling. Surface waters shall be sampled and analyzed semi-annually for the parameters listed in paragraph (8)(b) of this section, in accordance with the water quality monitoring plan.

(7) Evaluation Assessment monitoring, prevention measures and corrective action.

(a) Evaluation Assessment monitoring. If monitoring parameters are detected in detection wells in concentrations which are significantly above background water quality, or which are at levels above the Department's water quality standards or criteria specified in Chapter 62-520, F.A.C., the permittee may resample the wells within ~~30~~ 15 days after the sampling data is received, to confirm the data. Should the permittee choose not to resample, the Department will consider the water quality analysis as representative of current ground water conditions at the facility. If the data is confirmed, or if the permittee chooses not to resample, the permittee shall notify the Department in writing within 14 days of this finding. Upon notification by the Department, the permittee shall initiate evaluation assessment monitoring as follows:

1. No change.
2. Within 90 days of initiating evaluation assessment monitoring and annually thereafter, the permittee shall sample and analyze a representative sample of the background wells and all affected detection wells for the parameters listed in paragraph (8)(d) of this section. Any new parameters detected and confirmed in the affected downgradient wells shall be added to the routine ground water monitoring parameter lists required in subsection (6) of this section for the affected wells.

3. Within 90 days of initiating evaluation assessment monitoring, the permittee shall install and sample compliance monitoring wells at the compliance line of the zone of discharge and downgradient from the affected detection monitoring wells. These wells shall be installed according to the requirements of paragraph (3)(d) of this section, and samples from these wells and the affected detection wells shall be analyzed quarterly for the parameters listed in paragraphs (8)(a) and (d) of this section.

4. Within 180 days of initiating evaluation assessment monitoring, the permittee shall submit a contamination evaluation assessment plan to the appropriate Department District Office. This plan shall be designed to delineate the extent and cause of the contamination, in order to predict the likelihood that Department water quality standards will be violated outside the zone of discharge, and to evaluate methods to prevent any such violations. After the Department and the permittee agree that the plan is so designed, the permittee shall implement this plan and submit a contamination evaluation

~~assessment~~ report in accordance with the plan. All reasonable efforts shall be made by the permittee to prevent further degradation of water quality from the landfill activities.

5. The owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to use an alternate monitoring frequency, for repeated sampling during evaluation monitoring. The Department will grant such modification upon a demonstration that the alternate frequency is appropriate based upon site specific lithology of the aquifer and unsaturated zone, hydraulic conductivity of the aquifer and unsaturated zone, ground water flow rates, minimum distance of travel and the fate and transport of parameters detected.

6. The owner or operator of a solid waste disposal unit may request a permit modification from the appropriate District Office of the Department to delete specific monitoring parameters or field parameters from evaluation analyses of detection or compliance wells. The Department will grant such modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste contained in the unit.

~~7.5. The permittee shall not discontinue evaluation monitoring, and return to routine monitoring only, until authorized to do so by the Department. The Department shall make this determination based upon the results of the contamination evaluation report and other relevant water quality data. If for two consecutive sampling events the concentrations of all parameters listed in paragraphs (8)(a) and (d) of this section are at or below background values, the permittee, after notifying the Department, may discontinue assessment monitoring and return to the routine monitoring requirements in subsection (6) of this section.~~

(b) Prevention measures and corrective ~~Corrective~~ actions.

1. If the contamination evaluation ~~assessment~~ report indicates that water quality standards are likely to be violated outside the zone of discharge, the permittee shall, within 90 days, submit a prevention measures ~~remedial action~~ plan to the Department. Upon approval, the permittee shall initiate prevention measures ~~corrective actions~~ to prevent such violations.

2. If any contaminants are detected and confirmed in compliance wells in concentrations which exceed both background levels and Department water quality standards or criteria, or are detected and confirmed in detection wells in concentrations which are above Department water quality minimum criteria, the permittee shall notify the Department within 14 days of this finding and shall initiate corrective actions. Evaluation ~~Assessment~~ monitoring shall continue according to the requirements of paragraph (7)(a) of this section.

(8) Water quality parameters. The following list of water quality monitoring parameters shall be used for each type of sampling to be done.

(a) through (b) No change.

(c) Leachate monitoring parameters:

Field parameters	Laboratory parameters
Specific conductivity	Total ammonia – N
pH	Bicarbonate
Dissolved oxygen	Chlorides
Colors, sheens	Iron
(by observation)	Mercury
	Nitrate
	Sodium
	Total dissolved solids (TDS)
	Those parameters listed in 40 CFR Part 258 Appendix I

(d) No change.

(9) Water quality monitoring reporting.

(a) The landfill owner or operator shall report all water quality and leachate monitoring results to the Department semi-annually, unless a different monitoring frequency is specified in the permit. Water quality data contained in the report may be submitted to the Department electronically, and may be used in place of written copies of the data, if approved by the Department in the permit. The operator of the landfill shall notify the Department at least 14 days before the sampling is scheduled to occur so that the Department may collect split samples. The report shall include at least the following:

1. through 8. No change.

9. An updated ground water table contour map signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, with contours at no greater than one-foot intervals unless site-specific conditions dictate otherwise, which indicates ground water elevations and flow direction; and

10. A summary of any water quality standards or criteria that are exceeded.;

(b) A technical report, ~~prepared~~, signed and sealed by a professional geologist or professional engineer with experience in hydrogeologic investigations, shall be submitted to the Department every two years, and shall be updated at the time of permit renewal. The report shall summarize and interpret the water quality and leachate monitoring results ~~data~~ and water level measurements collected during the past two years. The report shall contain, at a minimum, the following:

1. Tabular ~~and graphical~~ displays of any data which shows that a monitoring parameter has been detected, and graphical displays of any leachate key indicator parameters detected (such as pH, specific conductance, TDS, TOC, sulfate, chloride, sodium and iron), including hydrographs for all monitor wells;

2. Trend analyses of any monitoring parameters consistently detected;

3. No change.

4. Comparisons between background water quality and the water quality in detection and compliance upgradient and downgradient wells;

5. through 8. No change.

(c) No change.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.510, Amended.

62-701.520 Special Waste Handling.

(1) No change.

~~(2) Disaster debris. In the event of a natural disaster, during which large volumes of debris are accumulated (such as trees and buildings that have been destroyed) the debris may be transported to an area remote from habitation and burned in accordance with Rule 62-256, F.A.C.~~

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

~~(3)(4) Asbestos waste disposal.~~

(a) Asbestos-containing waste materials may be accepted for disposal at a permitted Class I, II, or III landfill. Each active waste disposal site that receives asbestos-containing waste material from a source covered under the National Emission Standards for Asbestos, 40 CFR Part 61, Subpart M, shall meet the requirements of 40 CFR Part 61.154, which are incorporated by reference herein. For purposes of this rule, the term "Administrator," when used in 40 CFR Part 61.154, shall mean Secretary of the Department of Environmental Protection.

(b) through (c) No change.

~~(4)(5) Contaminated soil. Soil which has been contaminated with petroleum products or any other products which are not hazardous wastes may be disposed of in permitted, lined landfills. Petroleum contaminated soil which has been treated pursuant to Chapter 62-713 62-775, F.A.C., may be disposed of at permitted disposal facilities and may, if it meets the criteria of Rules 62-701.200(24), (37), and (38), F.A.C., be used as cover material at permitted landfills.~~

~~(6) Ash residue. Ash residue from the burning of solid waste shall be managed in accordance with Chapter 62-702, F.A.C. Ash residue which meets the criteria of Rules 62-702.570(6) and 17-701.200(37), F.A.C., may be used as initial cover at permitted, lined landfills.~~

(5) Biological waste disposal.

(a) Disposal of bodies of domestic animals, upon the death of such animals due to disease, shall be accomplished pursuant to Section 823.041(1), F.S. This provision does not prohibit the disposal of such animals in Class I or II landfills.

(b) Disposal of dead poultry and hatchery residue shall be accomplished pursuant to Section 583.181(2), F.S.

(c) Biomedical waste that has been treated may be disposed of as solid waste that is not biomedical. Such treated waste must be in containers clearly labeled with the phrase

"Treated Biomedical Waste." The local governments that are responsible for solid waste collection and disposal shall be notified that treated biomedical waste will be disposed of in their facility before such disposal. All transport vehicles transporting treated biomedical waste to a solid waste facility for disposal shall be fully enclosed and secured when unattended. This provision shall not be construed as superseding a solid waste management facility operator's authority to set limitations or restrictions on the disposal of treated biomedical waste at that facility. Treated biomedical waste shall be disposed of only at permitted Class I or II landfills or incinerators used to combust solid waste.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.705, 403.707, 403.708 FS. History—Formerly 10D-12.07, Amended 10-1-74, 5-24-79, 11-25-82, 7-10-84, 12-10-85, Formerly 17-7.06, 17-7.060, 17-701.060, Amended 1-6-93, 1-2-94, Formerly 17-701.520, Amended.

62-701.530 Gas Management Systems.

(1) Design requirements.

(a) Landfills that receive degradable wastes shall have a gas management system designed to prevent explosions and fires, and to minimize off-site odors, lateral migration of gases and damage to vegetation. Combustible gases shall be calibrated to methane. Owners or operators of such landfills shall submit a general gas management system design as part of their permit application, and may modify that design as necessary at the time of closure based upon site-specific conditions. Landfill gas management systems shall:

1. Be designed to prevent the concentration of combustible gases generated by the landfill from:

a. Exceeding twenty-five percent of the lower explosive limit for combustible gases in structures on- or off-site, excluding gas control or recovery components; and

b. Exceeding the lower explosive limit for combustible gases at or beyond the landfill property boundary;

2. Be designed for site-specific conditions;

3. Be designed to reduce gas pressure in the interior of the landfill by collecting the gases to prevent them from moving laterally. Collection pipes, pathways, or vents shall collect gas from at least the uppermost two-thirds of the filled waste or where the more anaerobic conditions exist. Air shall not be forced into the collection system. Passive venting or suction shall be used to extract gas; and

4. Be designed to not interfere with or cause failure of the liner, leachate control systems or final cover.

(b) Flaring of landfill gases may be used as a method of gas control, particularly control of objectionable odors, in accordance with the permitting requirements of Chapter 62-296, F.A.C.

(c) Landfills using piping or a similar conduit to convey gas shall be furnished with a positive means of gas condensate collection and disposal at each low point in the conveyance system.

(2) Monitoring requirements. Owners or operators of solid waste disposal units at landfills that have received degradable waste shall implement a routine gas monitoring program to ensure that the design requirements of subsections (1)(a)1. and 3. of this section are met. The routine gas monitoring program shall monitor concentrations of combustible gases at ambient monitoring points and in soil monitoring probes.

(a) Ambient monitoring points. Ambient monitoring points shall be located in on-site structures, excluding gas control or recovery components, that can be impacted by combustible gases from the landfill as determined by the location of these structures and property boundaries of the facility.

(b) Soil monitoring probes. Soil monitoring probes shall be installed along each property boundary segment of the facility, particularly those adjacent to off-site occupied structures within 100 feet of the property boundary or where distressed vegetation is present, and shall be spaced as needed to detect gas migration. When locating the soil monitoring probes, the owner or operator shall also consider the location of facility structures and the soil conditions, hydrogeologic conditions and hydraulic conditions surrounding the facility. Soil monitoring probes shall extend to the depth of the base of waste fill or at least three feet below ground surface, whichever is deeper. Sampling shall be conducted in the headspace of the monitoring probe without purging the gas before collecting the sample. Where sand, gravel, or more gas permeable soil strata may interconnect the waste deposit and the property boundary, multiple depth monitoring probes are necessary to draw gas samples from the permeable layers.

(c) All ambient monitoring points and soil monitoring probes shall be sampled quarterly for concentrations of combustible gases, and the results reported to the Department. Combustible gases shall be determined as a percent of the lower explosive limit and shall be calibrated to methane.

(3) Construction and control requirements. The gas management system shall be constructed and operated as authorized by a Department permit or this section.

(a) Gas remediation plan. If the results of monitoring show that combustible gas concentrations exceed the lower explosive limits specified in subsection (1) of this section, the owner or operator shall:

1. Immediately take all necessary steps to ensure protection of human health and notify the Department; and

2. Within 7 days of detection, submit to the Department for approval a gas remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy may include some or all of the gas management system design contained in subsection (1) of this section. The remedy shall be completed within 60 days of detection unless otherwise approved by the Department.

(b) Odor remediation plan. The facility shall be operated to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C. If gas concentrations cause objectionable odors beyond the landfill property boundary, the owner or operator shall:

1. Implement a routine odor monitoring program to determine the timing and extent of any off-site odors; and

2. If the monitoring program confirms the existence of objectionable odors, submit to the Department for approval an odor remediation plan for the gas releases. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy shall be initiated within 30 days of approval.

(4) Closure requirements. Owners or operators of solid waste disposal units at landfills that have received degradable waste and have been filled to their design dimensions, and have not been certified closed prior to [eff date], shall construct, if not already constructed, and operate a gas management system to ensure that the requirements of subsections (1), (2) and (3) of this section are met.

(5) Landfill gas recovery facilities.

(a) Landfill gas recovery facilities are considered solid waste management facilities, and shall be constructed and operated only in accordance with a Department permit. If a gas recovery facility is included in the approved closure plan or closure permit of the landfill, no separate permit for the facility is required, provided that the facility must meet all the requirements of this subsection.

(b) The application shall be on Form 62-701.900(1), and shall contain at least the following:

1. The information contained in Rules 62-701.320(7) and 62-701.330(3), F.A.C.;

2. Where relevant and practical, the information required in Rule 62-701.600(4), F.A.C.;

3. An estimate of the quantities of gas condensate currently collected or expected to be collected, and a description of how the condensate is or will be disposed of;

4. A description of the procedures for sampling, analyzing, and reporting data from the condensate sampling; and

5. A closure plan that shall include methods to control landfill gasses after operation of the recovery facility ceases and any other requirements contained in Rule 62-701.400(10), F.A.C.

(c) The owner or operator of a gas recovery facility shall post a performance bond to cover the estimated costs of closing the facility. If the gas recovery facility is included in the approved closure plan or closure permit of the landfill, and if the closure costs are included in the landfill closure cost estimates for which financial responsibility is required by Rule 62-701.630, F.A.C., then no separate proof of financial responsibility is required.

(6) Compliance with this section does not relieve an applicant from compliance with any applicable air requirements of Title V, county ordinance, or local programs.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New

62-701.600 Landfill Final Closure.

(1) Applicability.

(a) Inactive landfills.

1. Landfills or solid waste disposal units which were closed in a manner approved by the Department prior to January 6, 1993, or which have received final cover before July 1, 1985, are exempt from the requirements of this section, although Rule 62-701.610(8), F.A.C., shall apply to any relocation of waste at such landfills or units.

2. through 3. No change.

(b) No change.

(2) Closure schedule.

(a) No change.

(b) Notice and ~~advice~~ advise to users. At least 120 days prior to the date when wastes will no longer be accepted at the landfill, the owner or operator shall advise users of the intent to close the landfill by posting signs at the entrance of the landfill giving the date of closing, the location of alternative disposal facilities, and the name of the person responsible for closing the landfill. These signs shall be maintained throughout the closing period. If unforeseen circumstances do not allow the 120 day notice to users, notice shall be provided as soon as the need to close the facility becomes apparent.

(c) No change.

(3) No change.

(4) Closure report. A report on the final closure of the landfill shall address the following requirements, or shall contain an explanation of why the requirement is not applicable:

(a) No change.

(b) The geotechnical investigation report and water quality monitoring plan required in Rule 62-701.330(3)(4), F.A.C.

(c) No change.

(d) A report on actual or potential gas migration in landfills that contain ~~degradable biodegradable~~ wastes ~~disposed of in porous soils~~ which would allow migration of gas off the landfill property. ~~Gas migration test points shall be located along property boundaries, particularly those adjacent to off-site occupied structures within 100 feet of the property boundary or where distressed vegetation is present. Test points are required along each boundary segment spaced as needed to detect gas migration. Test points shall extend at least three feet below ground surface. Where sand, gravel, or more gas permeable soil strata may interconnect the waste deposit and the property boundary, multiple depth sampling points are necessary to draw gas samples from the permeable layers. Methane concentrations shall be determined as a percent of the~~

~~lower explosive limit. Methane concentrations shall not exceed the lower explosive limit at the property boundary or 25 percent of the limit within structures on the property.~~

(e) No change.

(5) Closure design. The closure design plan shall consist of engineering plans and a report on closing procedures that apply to the final closing of solid waste disposal units during the operation of the landfill, the final closing of the landfill, and the monitoring and maintenance during the long-term care period. The closure design plan shall include the following information:

(a) through (d) No change.

(e) Final side slope design. Side slopes of ~~above-ground~~ aboveground disposal units shall not be steeper than three feet horizontal to one foot vertical rise to control erosion of the final cover material. Such units shall incorporate reverse sloping benches or terraces into the side slopes of the landfill and shall contain down slope drainage ways with water flow energy dissipaters. Access for maintenance equipment shall be provided. Such designs shall address the susceptibility for erosion of the earthen material that is proposed for final cover relative to historical rainfall patterns for the area, the period between the patterns for the area, the period between the application of the final cover and establishment of vegetation, and maintenance procedures.

(f) Final cover installation plans showing the sequence of applying final ~~for~~ cover. All areas filled with waste shall have a final cover designed to minimize infiltration of rainfall and subsequent generation of leachate, based on water balance calculations and leachate controls used.

1. No change.

2. Final cover shall be placed over the entire surface of each completed solid waste disposal unit or units within 180 days after the final waste deposit, or within the time frame set forth in the approved closure plan. The final cover shall be vegetated ~~with drought-resistant species~~ to control erosion and provide. ~~The final cover is intended to be a moisture infiltration seal, with therefore vegetational species that are planted shall be drought resistant and have such that the roots will not penetrate the final cover seal and thus provide a channel for moisture infiltration.~~

3. through 4. No change.

(g) Final cover design.

1. Landfills shall have a final cover designed to minimize infiltration and erosion, which shall include a barrier layer consisting of a soil layer, a geomembrane, or a combination of a geomembrane with a low permeability material. All geosynthetic and soil components used in the final cover shall meet the standards and specifications contained in Rules 62-701.400(3)(d)1. and 2., (3)(d)5.-11., (e), and (f). For lined Class I and Class II landfills, the barrier layer shall have a permeability which is substantially equivalent to, or less than, the permeability of the bottom liner system. If the landfill uses

a geomembrane in the bottom liner system, the barrier layer shall also incorporate a geomembrane. For unlined Class I and Class II landfills, the barrier layer shall have a permeability of 1×10^{-7} cm/sec or less. For Class III landfills, the barrier layer shall have a permeability of 1×10^{-5} cm/sec or less. For Class III landfills which accepted only yard trash, no barrier layer is required; instead, final cover shall consist of a 24-inch thick soil layer, the upper six inches of which shall be capable of supporting vegetative growth.

2. If the barrier layer consists only of soil, it shall be at least 18 inches thick, ~~installed~~ ~~emplaced~~ in 6-inch thick lifts, and shall have a final, 18-inch thick layer of soil that will sustain vegetation to control erosion placed on top of the barrier layer.

3. If the barrier layer consists only of a geosynthetic clay liner (GCL), a protective soil layer at least 24 inches thick shall be placed on top of the GCL with the upper six inches being able to sustain vegetative growth. The GCL shall be placed on a protective soil layer at least 12 inches thick. Material specifications and installation methods, which may include a drainage layer between the GCL and the protective soil layer over the GCL, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill.

~~4.3.~~ If a geomembrane is used in the barrier layer, it shall be a semi-crystalline thermoplastic with at least 40 mils average thickness, as defined by method GRI GM13, or a non-crystalline thermoplastic at least 30 mils thick, within the tolerances specified in method PGI 1197, with a maximum water vapor transmission rate of $2.4 \text{ g}/(\text{m}^2 \times \text{day})$, have chemical and physical resistance to materials it may come in contact with, and withstand exposure to the natural environmental stresses and forces throughout the installation, seaming process, and settlement of the waste during the closure and long-term care period. A protective soil layer at least 24 inches thick shall be put on top of the geomembrane. Material specifications, installation methods, and compaction specifications, which may include a drainage layer between the geomembrane and the protective soil layer, shall be adequate to protect the barrier layer from root penetration, resist erosion, and remain stable on the final design slopes of the landfill. This layer shall include topsoil ~~top soil~~ or soils that will sustain vegetative growth. ~~In some cases, a drainage layer may be required between the cap (soil and geomembrane layer) and the top soil layer.~~

5. The final cover design shall include an evaluation of the stability of the cover system and the disposed waste. This evaluation shall include an analysis of the potential for slides along the weakest interface of the final cover system and of the potential for deep seated rotational or translational failures through the waste and the final cover.

4. through 5. renumbered 6. through 7. No change.

(h) Proposed method of stormwater control. Stormwater occurring on the landfill property and from areas adjacent to the landfill property shall be prevented from coming onto or into waste filled areas. The closure design plan shall demonstrate how the stormwater management systems shall be operated and maintained as necessary to meet the requirements of Rule 62-701.400(9) compliance with Chapter 62-25, F.A.C.

(i) through (j) No change.

(k) A description of the proposed or existing gas management system which complies with Rule 62-701.530, F.A.C.

(6) Closure operation plan. The closure operation plan shall:

(a) through (e) No change.

(f) Provide for the development and implementation of the routine gas management system monitoring program required in Rule 62-701.530 ~~Rule 62-701.400(10)(e)~~, F.A.C.; and

(g) No change.

(7) No change.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 1-2-94, 5-19-94, Formerly 17-701.600, ~~Amended~~.

62-701.610 Closure Procedures.

(1) through (2) No change.

(3) Final survey report. When landfill operations have been conducted which have raised the final elevations higher than 20 feet above the natural land surface, a final survey shall be performed after closure is complete by an engineer or a registered land surveyor to verify that final contours and elevations of the facility are in accordance with the plans as approved in the permit. Aerial mapping techniques which provide equivalent survey accuracy may be substituted for the survey. The survey or aerial mapping information shall be included in the report along with information reflecting the conditions of the landfill as constructed. Contours ~~shall~~ ~~should~~ be shown at no greater than five-foot intervals. The landfill owner or operator shall submit this report to the Department in accordance with the closing schedule.

(4) through (5) No change.

(6) Official date of closing. Upon receipt of the documents required in subsections (3), (4), and (5) of this section, the Department shall, within 30 days, acknowledge by letter to the facility operator that notice of termination of operations and closing of the facility has been received. If the entire landfill has been closed, the date of this letter shall be the official date of landfill closing for purposes of determining the long-term care period. If only a portion of the landfill has been closed, the long-term care period will begin upon the closing of the entire landfill, unless the portion which has been closed can be monitored and maintained separately from the rest of the landfill. The date of this letter shall be the official date of landfill closing for the purpose of determining the long-term care period.

(7) Use of closed landfill areas. Closed landfill areas, if disturbed, are a potential hazard to public health, ground water and the environment. The Department retains regulatory control over any activities which may affect the integrity of the environmental protection measures such as the landfill cover, drainage, liners, monitoring system, or leachate and stormwater controls. Consultation with the Department is required prior to conducting activities at the closed landfill areas.

(8) Relocation of waste. The owner of a closed landfill may request permission from the Department to move waste from one point to another within the footprint of the same solid waste disposal unit. If the landfill has a valid closure permit, the permittee shall seek a modification to reflect the relocation of waste. The Department shall approve such a request upon a demonstration that:

(a) The activity will not cause or contribute to any leachate leakage from the landfill, and will not adversely affect the closure design of the landfill;

(b) Any leachate, stormwater runoff, or gas which is generated by the activity is controlled on site;

(c) Any hazardous waste which is generated by the activity will be managed in accordance with Chapter 62-730, F.A.C.;

(d) Immediately after the activity is completed, the landfill will be covered, vegetated, and graded to comply with the closure requirements that apply to that landfill, which shall include a final cover of at least two feet of soil; and

(e) The appropriate District Office of the Department is notified at least seven days before the activity takes place in order to have the opportunity to inspect the site.

Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.074, 17-701.074, Amended 1-6-93, 1-2-94, Formerly 17-701.610, Amended.

62-701.620 Long-Term Care.

(1) No change.

(2) Long-term care permit. Long-term care shall be conducted in accordance with a closure permit. Closure permits involving only long-term care shall be issued with a duration of ten years unless the owner or operator specifically requests a shorter duration. If a shorter duration is requested, the permit fee shall be prorated.

(3)(2) Reduced long-term care period. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care schedule or eliminate some aspects of long-term care. The Department will grant such modification if reasonable assurance is provided to the Department that there is no threat to human health or the environment and if the landfill:

(a) Has been constructed and operated in accordance with approved standards, ~~and has a leachate control system and a liner;~~

(b) through (d) No change.

(4)(3) No change.

(5) Gas monitoring. The gas collection and monitoring system required in Rule 62-701.600(6)(f), F.A.C., shall be maintained for the long-term care period of the landfill. The owner or operator of a landfill may apply to the appropriate District Office of the Department for a permit modification to reduce the long-term care schedule. The Department will grant such a modification if the applicant demonstrates that the landfill has stabilized to the point where there is no significant production of combustible gases or objectionable odors.

(6)(4) No change.

(7)(5) Successors in interest. Any person acquiring rights or ownership, possession or operation of a permitted landfill through lease or transfer of property shall be subject to all requirements of the permit for the facility and shall provide any required proof of financial responsibility to the Department in accordance with this rule. Any lease or transfer of property shall include specific conditions to delineate:

(a) through (b) No change.

(c) Mineral rights attached to the property and the rights to any recoverable materials that may be buried on the property or landfill ~~gases~~ ~~gasses~~ that may be produced. A Department permit shall be required if any on-site operations subsequent to closing of a landfill involve disturbing the landfill.

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

(10)(8) Following completion of the long-term care period for each solid waste management unit, the owner or operator shall notify the Department that a certification, signed and sealed by a professional engineer, verifying that long-term care has been completed in accordance with the closure plan has been placed in the operating record.

Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.075, 17-701.075, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.620, Amended.

62-701.630 Financial Assurance.

(1) No change.

(2) Applicability.

(a) through (c) No change.

(d) Owners or operators of existing Class I or II landfills receiving waste after October 9, 1993, which are required to undertake a corrective action program in accordance with Rule 62-701.510(7), F.A.C., shall submit proof of financial assurance to the Department ~~by April 4, 1994, or~~ no later than 120 days after the corrective action remedy has been selected; ~~whichever is later.~~

(3) Cost estimates for closure.

(a) For the purposes of determining the amount of proof of financial assurance that is required in subsections (5) and (6) of this section, the owner or operator shall estimate the total cost of closure for the permitted portions of the landfill or for those portions of the landfill for which a construction permit is sought, for the time period in the landfill operation when the

extent and manner of its operation make closing most expensive. The annual cost of long-term care shall be estimated and listed separately, and multiplied by 30 years. The owner or operator shall submit the estimates, together with all necessary justification, to the Department along with the proof of financial assurance. The costs shall be estimated and certified by a professional engineer for a third party performing the work, on a per unit basis, with the source of estimates indicated.

(b) through (c) No change.

(d) Cost estimates required in this section shall be prepared and submitted on Form 62-701.900(28).

(e) The owner or operator shall keep the latest closure cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (4)(a) of this section, the latest adjusted closure cost estimate shall also be kept at the facility.

~~(4) Cost Annual cost adjustments for closure.~~

(a) Every owner or operator of a landfill shall annually adjust the closure cost estimate for inflation and submit updated information to the Department an annual cost adjustment statement, certified by a professional engineer. Closing and long-term care costs shall be listed separately. For owners or operators using an alternate financial mechanism, this statement shall be submitted between January 1 and March 1 of each year. For owners or operators using an escrow account, this statement shall be submitted between July 1 and September 1 of each year. This paragraph does not prohibit an owner or operator from submitting other information updating the closure cost estimate at other times of the year.

(b) During the life of those portions of the landfill which have not been finally closed, as well as during the long-term care period, the owner or operator shall adjust ~~revise~~ the closure cost estimate for inflation and changes in the closing and long-term care plan. Such adjustments ~~revisions~~ shall be made either by:

1. Recalculating the maximum cost of closure or long-term care, in current dollars, as specified in subsection (3) of this section; or

2. By using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs (4)(b)2.a. and b. of this section. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

a. The first adjustment is made by multiplying the closure or long-term care cost estimate by the inflation factor. The result is the adjusted closure or long-term care cost estimate.

b. Subsequent adjustments are made by multiplying the latest adjusted closure or long-term care cost estimate by the latest inflation factor.

(c) If the closure or long-term care plan is modified during the operating, closure or long-term care period, the owner or operator shall revise the cost estimate. Revisions shall be made and submitted as specified in subparagraph (4)(b)(1) of this section, annually in accordance with the provisions of 40 CFR Part 264.142(b) or 40 CFR Part 264.144(b) and Cost estimates submitted in accordance with this subsection will be used as the basis for comparison against the balance of the funding mechanisms specified in subsections (5) and (6) of this section in the landfill management escrow account or the value of an alternate funding mechanism.

~~(d)(e) No change.~~

~~(d) If the value of the landfill management escrow account or alternate funding mechanism is greater than the total amount of the current closure cost estimate, the owner or operator may reduce the value of the account or funding mechanism to reflect the new estimate.~~

~~(e) If the closure cost estimate must be increased as a direct result of amendments to this chapter after January 2, 1994, the owner or operator, upon notification to the Department, may delay updating the annual cost adjustment statement to reflect this increase for up to two years.~~

(5) Landfill management escrow account.

(a) through (b) No change.

(c) The revenue shall be deposited in an interest-bearing escrow account, the landfill management escrow account, to be held and administered by the owner or operator. The owner or operator shall file with the Department a signed duplicate original of the escrow account agreement and an annual audit of the account. The audit shall be conducted by an independent Certified Public Accountant and shall be filed no later than ~~March~~ December 31 of the following each year. ~~Counties using a Single Audit accounting system shall file this audit by March 31 of the following year.~~ The audit shall consist of reporting the balance in the landfill management escrow account as of the end of each fiscal year and a list of all deposits and withdrawals made. The list shall include the date and the amount of each deposit and withdrawal.

(d) Payments into the landfill management escrow account shall be made by the owner or operator at least annually according to one of the following methods:

1. For a new landfill, the first payment must be made before the end of the first fiscal year after the initial receipt of solid waste into the landfill. A notice of such payment shall be submitted to the Department. The first payment shall be equal to the current closing cost estimate for the landfill divided by the number of years in the active life of the landfill. Subsequent payments must be made at least annually, over the term of the active life of the landfill, on the anniversary date of the first payment. The calculations for such annual payment shall be determined using one of the following methods as follows:

a. "Pay-in" method: $\text{payment} = (\text{CE} - \text{CV})/\text{Y}$, where CE is the current calculated closure cost estimate, CV is the current value of the escrow account, and Y is the number of remaining years in the active life of the landfill; or

b. "Balance" method: the fiscal year end account balance $\equiv [\text{CE} \times (\text{DE}/\text{DL})] - \text{E}$, where CE is the latest current dollar closure cost estimate approved by the Department; DE, the design life exhausted (by solid waste disposal unit), is the period of time between the initial receipt of waste and the account audit date; DL, the design life (by solid waste disposal unit), is the period of time between initial receipt of waste and end of receipt of waste; and E, all documented closure expenditures to date (by solid waste disposal unit), are expenses identified by the fiscal year end audit(s) as being incurred closing or maintaining the landfill identified in the closure plan. The choice of use of this formula requires the continued use throughout the remaining design life of the landfill or phase. In the event the fiscal year end audited account balance exceeds the required balance, the owner or operator may remove the excess funds upon written authorization from the Department.

2. through 3. No change.

~~4. For an existing government-owned landfill scheduled to close on or before October 1, 1995, no escrow account funding is required for costs associated with the closing of the landfill. Proof of financial assurance for closing costs shall consist of specific documentation of how the owner or operator intends to finance the closing of the landfill. Escrow funding for long-term care shall be provided.~~

~~4.5. No change.~~

(e) through (f) No change.

(6) Alternate proof of financial assurance.

(a) An owner or operator may establish proof of financial assurance with the Department in lieu of, or in combination with, the requirements of subsection (5) of this section. Such proof may include surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees showing that the owner or operator has sufficient financial resources to cover, at a minimum, the costs of complying with all state landfill closing and long-term care requirements. If such proof of financial assurance is surety bonds, letters of credit, trust fund agreements, closure insurance or financial tests and corporate guarantees, such proof shall be submitted on forms provided by the Department in accordance with the requirements of paragraphs (b) through (d) ~~and (e)~~ of this subsection. If proof of financial assurance is securities or certificates of deposit, these instruments must be used in conjunction with a trust fund and shall be submitted directly to the trustee. The owner or operator shall estimate such costs pursuant to subsection (3) of this section.

(b) 40 CFR Part 264 Subpart H which contains EPA's rules on financial requirements for owners and operators of hazardous waste facilities are hereby adopted as financial requirements for purposes of this section incorporated by reference as those rules appear in 40 CFR Part 264, revised as of July 1, ~~2000~~ 1988, except:

1. The following sections of 40 CFR Part 264, Subpart H are specifically not adopted as part of this rule:

a. 264.140(a); 264.140(b); ~~264.140(d)~~; 264.141(a); 264.141(e); ~~264.142(b)~~; ~~264.142(c)~~; ~~264.144(b)~~; ~~264.144(c)~~; 264.147; 264.149; 264.150; and 264.151.

b. No change.

c. All references to sections or subparts of 40 CFR Part 264 not contained in Subpart H.

d. No change.

e. All references to RCRA, ~~or Section 3008 of RCRA.~~

2. References to 40 CFR 264.143 (f) (1) and 264.145 (f) (1) shall mean Rule 62-701.630 (6) (c), F.A.C. References in 40 CFR Part 264, Subpart H to the United States Environmental Protection Agency (EPA) shall mean the State of Florida Department of Environmental Protection (DEP); to Regional Administrator shall mean the Secretary of the Department; or the Secretary's written designee, to RCRA permits shall mean solid waste management permits; to Post-Closure Care/Post-Closure Cost Estimate shall mean Long-Term Care/Long-Term Care Cost Estimate; to EPA identification number shall mean the Department identification number; to hazardous waste shall mean solid waste; and to hazardous waste treatment, storage or disposal facilities shall mean landfills; to Section 3008 of RCRA shall mean FDEP Agency Action; and to one or more states shall mean in the State of Florida.

(c) An owner or operator may satisfy the requirements of this subsection by passing a financial test using Form 62-701.900(5)(e). To pass this test the owner or operator must meet the criteria of either subparagraph 1. or 2. as follows:

1. The owner or operator must have:

a. One of the two following ratios: A ratio of less than 1.5 comparing total liabilities to net worth; or a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion and amortization, minus \$10 million, to total liabilities;

b. Net working capital of at least three times the sum of the required action;

c. Tangible net worth greater than the sum of the required action plus \$10 million, or at least three times the sum of the required action, whichever is greater; and

d. Assets located in the United States amounting to at least three times the sum of the required action.

2. The owner or operator must have:

a. A bond issuance, secured or unsecured, having a redemption date with at least five years remaining. An unsecured bond rating must maintain a rating of BBB or better as issued by Standard and Poor's bond rating service or Baa2 or better as issued by Moody's bond rating service. A facility using an insured or secured bond must demonstrate to the Department the bond rating as assigned by Standard and Poor's would be BBB or better, or as assigned by Moody's would be Baa2 or better, if the bond was not an insured or backed security but a bond debenture.

b. Tangible net worth greater than the sum of the required action plus \$10 million, or at least three times the sum of the required action, whichever is greater; and

c. Assets located in the United States amounting to at least three times the sum of the required action.

~~(d)(e)~~ Government-owned facilities ~~using a Single Audit accounting system and~~ providing proof of financial assurance using a financial test, must send updated information outlined in 40 CFR 264.143(f)(5) and 264.145(f)(5) to the Department within 180 days after the close of each succeeding fiscal year.

~~(e)(d)~~ Form 62-701.900(5) shall be used, and originally signed duplicates submitted, when demonstrating submitting proof of financial assurance under this section.

(7) Cost estimates for corrective action. An owner or operator of a landfill required to establish financial assurance for a corrective action program pursuant to paragraph (2)(d) of this section shall have a detailed written estimate in current dollars, estimated and certified by a professional engineer, of the cost of hiring a third party to perform the corrective action in accordance with Rule 62-701.510(7), F.A.C. The corrective action cost estimate must account for the total cost of corrective action activities as described in the corrective action plan for the entire corrective action period. The owner or operator shall submit the estimate, together with all necessary justification, to the Department for approval along with proof of financial assurance.

(8) ~~Cost~~ Annual cost adjustments for corrective action.

(a) The owner or operator shall annually adjust the estimate for inflation and changes in the corrective action plan until the corrective action program is completed in accordance with Rule 62-701.510(7), F.A.C. The adjustment shall be made either by:

1. Recalculating ~~recalculating~~ the maximum cost of corrective action, in current dollars, as specified in subsection (7) of this section; or

2. By ~~by~~ using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business as specified in subparagraphs a. and b. as follows ~~(8)(a)1. and 2. of this section.~~ The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

1. through 2. renumbered a. through b. No change.

(b) If the corrective action plan is modified during the corrective action period, the owner or operator shall revise the corrective action cost estimate ~~no later than 30 days after this modification is effective.~~ Revisions ~~Annual adjustments~~ shall be made and submitted as specified in subparagraph (8)(a)1. of this section.

(c) No change.

(9) Financial assurance for corrective action.

(a) For government owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by establishing an escrow account or by using one of the approved alternate mechanisms specified in subsection (6) of this section. ~~+~~ Payments into the landfill management escrow account shall be made by the owner or operator according to one of the following methods:

1.a. The owner or operator shall deposit into the landfill management escrow the full cost associated with the corrective action remedy ~~by April 9, 1994, or~~ within 120 days after the corrective action remedy has been selected, ~~whichever is later;~~ or

2.b. If the local government can document ~~with specificity~~ a specific non-general revenue source adequate to cover the total corrective action cost, then only that portion of the corrective action to be undertaken the following year need be funded.

(b) For privately owned landfills, the owner or operator shall demonstrate proof of financial assurance for corrective action with the Department by establishing an escrow account or by using one of the approved alternate mechanisms specified in subsection (6) of this section. The escrow account shall be funded for the full cost associated with the corrective action remedy ~~by April 9, 1994, or~~ within 120 days after the corrective action remedy has been selected, ~~whichever is later.~~ If a trust fund is used, the first payment into the trust must be at least equal to one-half of the current cost estimate for corrective action. The amount of subsequent payments must be determined by the following formula: Next payment = [RB - CV]/Y, where RB is the most recent estimate of the required trust fund balance for corrective action, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period. The pay-in period is one-half of the estimated length of the corrective action program funding shall be in accordance with 40 CFR Part 258.74(a).

Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 7-1-85, Formerly 17-7.076, Amended 11-28-89, Formerly 17-701.076, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.630, Amended.

62-701.640 Closure of Existing Landfills.

~~(1) Any Class I or Class II landfill receiving waste on January 2, 1994 shall close by October 9, 1996, in accordance with Rules 62-701.600-.630, F.A.C., if:~~

(a) It is within the airport setbacks specified in Rule 62-701.320(12)(b), F.A.C., and the owner or operator cannot demonstrate that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft;

(b) It is located within the 100-year floodplain as specified in Rule 62-701.340(4)(b), F.A.C., unless the owner or operator can demonstrate that it will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain unless compensating storage is provided, or result in a washout of solid waste; or

(c) It is located in a fault area, seismic zone, or unstable area as specified in Rule 62-701.420(1)(c), F.A.C., unless the owner or operator can demonstrate that the facility was adequately designed to tolerate the anticipated stresses associated with these areas.

(2) The Department shall extend the deadline for closure specified in subsection (1) of this section for up to two years if the owner or operator of the landfill demonstrates to the Department that:

(a) There is no available and practicable alternative disposal capacity; and

(b) Such extension would result in no immediate threat to human health or the environment.

(3) Any such demonstrations shall be submitted to the Department no later than July 9, 1996.

Specific Authority 403.704 FS. Law Implemented 403.704, 403.707 FS. History—New 1-2-94, Amended 5-19-94, Formerly 17-701.640, Repealed

62-701.700 Materials Recovery Facilities.

(1) Applicability. No person shall construct or operate a materials recovery facility without a permit issued by the Department.

(2) Engineering report. A permit application for a materials recovery facility shall include the information required in Rule 62-701.320, F.A.C., and an engineering report that includes:

(a) A description of the solid waste that is proposed to be collected, stored, processed or disposed of by the facility, a projection of those waste types and quantities expected in future years, and the assumptions used to make the projections;

(b) A description of the operation and functions of all processing equipment that will be used, with design criteria and expected performance. The description shall show the flow of solid waste and associated operations in detail, and shall include:

1. Regular facility operations as they are expected to occur;

2. Procedures for start up operations, and scheduled and unscheduled shut down operations; and

3. Potential safety hazards and control methods, including fire detection and control;

(c) A description of loading, unloading, and processing areas. If wastes which are reasonably expected to produce leachate are being processed, the facility shall be designed with a leachate control system to prevent discharge of leachate and mixing of leachate with stormwater;

(d) Identification and capacity of temporary on-site storage areas for recyclable materials, non-processable wastes, unauthorized wastes, and residues;

(e) Provisions for solid waste and leachate containment;

(f) Identification of potential ground water and surface water contamination; and

(g) A plan for disposal of unmarketable recyclable materials and residue, and for waste handling capability in the event of breakdowns in the operations or equipment. Wastes shall be handled on a first-in, first-out basis. Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours unless provisions are made to control vectors and odors.

(3) Operational requirements. A permit application for a materials recovery facility shall include the following operational requirements:

(a) An operation and maintenance manual describing the facility operations, the persons responsible for the operations, and types of equipment that will be used. All activities at the facility shall be performed in accordance with the manual and plans for the facility. Manuals and plans shall be updated as operations change but no less frequently than upon renewal of the operation permit;

(b) A plan to screen the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes;

(c) A contingency plan to cover operations interruptions and emergencies such as fires, explosions, or natural disasters; and

(d) A closure plan that identifies the steps needed to close the facility. The closure plan shall provide for the following:

1. Owner or operator notification to the Department in writing 180 days before the date the facility is expected to close. No waste shall be received by the facility after the expected closing date;

2. Within 30 days after receiving the final solid waste shipment, the owner or operator shall remove or otherwise dispose of all solid waste or residue in accordance with the approved closure plan; and

3. Closure must be completed within 180 days after receiving the final waste quantity. Closure will include removal of all recovered materials from the site. When closure is completed, the owner or operator shall certify in writing to the Department that closure is complete. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.

~~(4) Financial responsibility. The owner or operator of a materials recovery facility shall post a performance bond payable to the Department to cover the cost of properly closing the facility, if one or more of the following conditions exist:~~

~~(a) Where the owner of the land or materials recovery facility and the operator of the facility are not the same person; or~~

~~(b) If the operator of the facility could stockpile waste that may create an environmental threat if the facility closes without properly disposing of the waste.~~

~~(5) Stormwater. Stormwater shall be controlled in accordance with Chapters 62-25 and 62-330, F.A.C. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.~~

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New 1-6-93, Amended 5-19-94, Formerly 17-701.700, Repealed _____.

62-701.710 Waste Processing Facilities.

(1) Applicability.

(a) This rule applies to solid waste management facilities which do not dispose of solid waste on-site. This includes materials recovery facilities, transfer stations, and volume reduction facilities, but does not include used oil processing facilities, waste tire processing facilities, soil treatment facilities, yard trash processing facilities incinerators or combustors, or solid waste composting facilities, each of which is regulated under separate rules. However, in accordance with Rule 62-701.320(5)(c), F.A.C., owners or operators of facilities which manage several different types of wastes, including used oil, waste tires, contaminated soil, or compost, may apply for a single permit which addresses all applicable requirements.

(b) No person shall construct or operate a waste processing facility without a permit issued by the Department. Persons operating waste processing facilities under a permit (including a general permit) issued by the Department prior to [effective date], may continue to operate that facility under the terms of their existing permit until it expires. Persons who submitted a complete application for a materials recovery facility, and persons who submitted a general permit notification for a transfer station at least 30 days prior to [eff date] which the Department has not denied, are not subject to this rule until the time for renewal of that permit, if issued. All modifications or renewals of existing permits, and all new construction or operation permits issued on or after [effective date] for waste processing facilities, shall comply with this rule.

(c) For facilities operating under a general permit, a timely and sufficient application for an individual permit will be considered a renewal application for purposes of Section 120.60(4), F.S.

(d) A waste processing facility which ceases accepting waste prior to the expiration of its permit shall close in accordance with the provisions of that permit.

(e) This rule shall not apply to the following:

1. Green boxes, compactor units, permanent dumpsters, and other containers from which such wastes are transported to a landfill or other solid waste management facility, which do not accept waste from commercial waste haulers that accept waste from multiple generators, and which are not causing a sanitary nuisance;

2. Facilities owned or operated by local governments which serve as drop-off points for household waste, provided:

a. The facility accepts only household waste, which may include yard trash;

b. All putrescible waste, household garbage, or other waste which may produce leachate is containerized; and

c. The facility does not accept waste from commercial waste haulers that collect municipal solid waste from multiple generators;

3. Household hazardous waste collection centers operated by or exclusively on behalf of a local government;

4. Facilities at industrial operations where waste is stored prior to shipment to a solid waste management facility, or where industrial byproducts are segregated and managed, provided that the industrial operation is regulated under another Department permit or certification; and

5. Facilities used solely for the management of yard trash, including mulching operations, composting operations, and yard trash transfer stations.

(2) Application. A permit application for waste processing facility shall be submitted on Form 62-701.900(4). The form shall indicate whether the facility will operate as a materials recovery facility, transfer station, volume reduction plant, or some combination thereof, shall be signed and sealed by a professional engineer, and shall include the information required in Rules 62-701.320(5), (6), (7), and (8)(a), F.A.C., specifically including:

(a) A description of the solid waste that is proposed to be collected, stored, processed or disposed of by the facility, a projection of those waste types and quantities expected in future years, and the assumptions used to make the projections;

(b) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location, total acreage of the site, and any other relevant features such as water bodies or wetlands on or within 200 feet of the site, potable water wells on or within 500 feet of the site, and wells serving community water supplies on or within 1000 feet of the site;

(c) A description of the operation and functions of all processing equipment that will be used, with design criteria and expected performance. The description shall show the flow of solid waste and associated operations in detail, and shall include:

1. Regular facility operations as they are expected to occur;

2. Procedures for start up operations, and scheduled and unscheduled shut down operations; and

3. Potential safety hazards and control methods, including fire detection and control;

(d) A description of loading, unloading, storage, and processing areas;

(e) Identification and capacity of any on-site storage areas for recyclable materials, non-processable wastes, unauthorized wastes, and residues;

(f) A plan for disposal of unmarketable recyclable materials and residue, and for waste handling capability in the event of breakdowns in the operations or equipment;

(g) A boundary survey, legal description, and topographic survey of the property;

(h) An operation plan which describes how the applicant will comply with Rule 62-701.710(4), F.A.C.;

(i) A closure plan which describes generally how the applicant will comply with Rule 62-701.710(6), F.A.C.; and

(j) The financial assurance documentation required by Rule 62-701.710(7), F.A.C.

(3) Design requirements. Minimum design requirements for waste processing facilities are as follows:

(a) Tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area shall have ventilation systems. The areas that are not enclosed shall be equipped with litter control devices and visual screening.

(b) The facility shall be designed with a leachate control system to prevent discharge of leachate and mixing of leachate with stormwater, and to minimize the presence of standing water.

(c) Provisions shall be made for evaluating the quantity of all incoming solid waste and recovered materials. Storage areas shall be designed to hold the expected volume of materials until they are transferred for disposal or recycling.

(4) Operational requirements.

(a) A permit application for a waste processing facility shall include the following operational requirements:

1. An operation and maintenance manual describing the facility operations, the persons responsible for the operations, and types of equipment that will be used. All activities at the facility shall be performed in accordance with the manual and plans for the facility. Manuals and plans shall be updated as operations change but no less frequently than upon renewal of the operation permit;

2. A plan to inspect the wastes received by the facility, that specifies inspection procedures and procedures to handle unauthorized wastes; and

3. A contingency plan to cover operational interruptions and emergencies such as fires, explosions, or natural disasters.

(b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems, and all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.

(c) Operators and spotters shall be trained in accordance with Rule 62-701.320(15), F.A.C.

1. A trained operator shall be on duty whenever the facility is operating. Operating hours shall be posted at the facility.

2. At least one trained spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. Any prohibited material shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.

(d) The facility shall be operated to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.

(e) Adequate fire protection shall be available at all times.

(f) Access to the facility shall be controlled during the active life of the facility by fencing or other effective barriers to prevent disposal of unauthorized solid waste.

(5) Certification. Certification of construction completion shall be done in accordance with Rule 62-701.320(9)(a), F.A.C.

(6) Closure requirements.

(a) The permit application shall include a closure plan that identifies the steps needed to close the facility.

(b) The owner or operator shall notify the Department in writing prior to ceasing operations, and shall specify a closing date. No waste shall be received by the facility after the closing date.

(c) Within 30 days after receiving the final solid waste shipment, the owner or operator shall remove or otherwise dispose of all solid waste or residue in accordance with the approved closure plan. Stored putrescible wastes shall continue to be managed in accordance with Rule 62-701.710(4)(b), F.A.C.

(d) Closure must be completed within 180 days after receiving the final solid waste shipment. Closure will include removal of all recovered materials from the site. When closure is completed, the owner or operator shall certify in writing to the Department that closure is complete. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.

(7) Financial assurance.

(a) The owner or operator of a waste processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimates for the facility. This proof, along with the closing cost estimates, shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of Rule 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of Rule 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) Closure cost estimates and annual updates thereof shall comply with the provisions of Rules 62-701.630(3) and (4), F.A.C., except that long-term care costs need not be included, and the costs shall be based upon compliance with this section.

(c) If a local government requires financial assurance for closure, which is at least as stringent as that required by this rule, the Department will attempt to establish a cooperative mechanism with the local government and thereby avoid duplicative financial requirements.

(8) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department and construction authorized by that permit shall be completed before the facility receives waste. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(9) Recordkeeping.

(a) Operational records shall be maintained to include a daily log of the quantity of solid waste received, processed, stored, and removed from the site for recycling or disposal, and the county of origin of the waste, if known. These records shall include each type of solid waste, recovered materials, residuals, and unacceptable waste which is processed, recycled, and disposed. Such records shall be compiled on a monthly basis and shall be available for inspection by the Department. Records shall be retained at the facility for three years.

(b) The owner or operator of any facility which recycles solid waste shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes received and the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county

of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year beginning in 1998, and shall cover the preceding calendar year.

(10) Special requirements for facility types.

(a) Transfer stations which accept primarily household waste, commercial waste, or recovered materials, which manage waste on a first-in, first-out basis, and which store waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7) of this section.

(b) Waste processing facilities which accept only construction and demolition debris are exempt from the requirement to provide a leachate control system set forth in paragraph (3)(b) of this section, provided that all areas where waste is stored or processed are covered by a ground water monitoring system which meets the requirements of Rule 62-701.730(4)(b), F.A.C.

(11) Alternate procedures. The owner or operator of a facility may request alternate procedures and requirements in accordance with Rule 62-701.310, F.A.C. However, if such request is based upon the nature of the waste accepted at the facility (for example, if a facility accepts only segregated wastes which are expected to have a minimal environmental impact), the request will be submitted to and acted on by the appropriate District office of the Department as part of a permit application or modification, and need not be accompanied by any additional fee.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.702, 403.704, 403.707 FS. History—New

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(1) Applicability.

(a) No person shall construct or operate an off-site construction and demolition debris disposal facility without a permit issued by the Department. Except as otherwise specifically provided in this rule, such facilities which were constructed or operated in accordance with a general permit issued by the Department on or before June 1, 1996, may continue to operate in accordance with that general permit in accordance with the following schedule:

1. through 2. No change.

3. Owners or operators of facilities operating under a general permit issued after April 1, 1993, shall, by April 1, 1998, either submit a complete permit application that complies with this section, or shall:

a. Submit a ground water monitoring plan that complies with the requirements of Paragraph (4)(b) of this section, and a hydrogeological investigation which complies with the requirements of Subparagraph (2)(a)3. of this section, along with a \$500 processing fee as required by Rule ~~62-701.315(10)~~ ~~62-4.050(4)(h)33~~. The plan shall be implemented within 90 days of submittal;

b. No change.

4. For owners or operators of facilities operating under a general permit issued after April 1, 1993, a modification to that general permit is hereby granted under the following conditions:

a. A person wishing to continue to operate the facility in accordance with a modified general permit shall notify the Department on Form 62-701.900(8).

b. through d. No change.

5. through 6. No change.

(b) through (f) No change.

(2) Application. A permit application for an off-site construction and demolition debris disposal facility, disposal unit, or lateral expansion shall be submitted on Form 62-701.900(6) and shall include the information required in Rules 62-701.320(5), (6), (7), and (8)(a), F.A.C., specifically including:

(a) An engineering report, signed and sealed by a professional engineer, that includes:

1. No change.

2. A geotechnical investigation which meets the criteria of Rule 62-701.410 420, F.A.C.

3. through 4. No change.

(b) through (c) No change.

(d) A closure plan which describes generally how the applicant will comply with Rules 62-701.730(9) and (10), F.A.C.; and

(e) The financial assurance documentation required by Rule 62-701.730(11), F.A.C.; and

~~(f) Documentation that the applicant either owns the land or has legal authorization from the land owner to use the land for a disposal facility and to conduct long-term care.~~

(3) Certification. Certification of construction completion shall be done in accordance with Rule 62-701.320(9)(a), F.A.C. After completion of construction of a construction and demolition debris disposal facility, and before acceptance of any construction and demolition debris, the engineer of record shall certify to the Department on Form 62-701.900(2) that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefor enumerated. The applicant shall provide at least 7 days advance notice to the Department prior to accepting construction and demolition debris so that the Department has the opportunity to inspect the site.

(4) Other requirements. Except as specified in this section, the requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to construction and demolition debris disposal facilities.

(a) No change.

(b) A ground water monitoring plan which meets the criteria set forth in Rule 62-701.510 and Chapter 62-522, F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following exceptions:

1. through 3. No change.

4. Detection wells shall be sampled and analyzed at least semi-annually for the following parameters:

Field Parameters	Laboratory Parameters
pH	Aluminum
Turbidity	Chlorides
Temperature	Nitrate
Specific conductivity	Sulfate
Dissolved oxygen	Total dissolved solids
Water elevations	Iron
Colors and sheens (by observation)	Sodium
	Arsenic
	Cadmium
	Chromium
	Lead
	Mercury
	Total ammonia – N Ammonia
	Phenols
	Those parameters listed in EPA Methods 601 and 602

5. Background water quality shall be ~~established sampled and analyzed~~ in accordance with the provisions of Rule 62-701.510(6)(b)(a), F.A.C., except that sulfate, aluminum and phenols shall also be analyzed for. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in Rule 62-701.510(8)(a), F.A.C., as well as sulfate, aluminum and phenols.

6. No change.

(c) No change.

(d) Waste material from a waste processing facility which is mixed with Class I or Class III waste, either before or after processing, is not considered construction and demolition debris and may not be accepted for disposal at a construction and demolition debris disposal facility.

(5) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder Chapters 62-25 and 62-330, F.A.C. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal or recycling. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(6) No change.

(7) Operation requirements. Owners and operators of construction and demolition debris disposal facilities shall comply with the following requirements by May 1, 1997, or at the time of permit issuance, whichever is sooner:

(a) through (c) No change.

(d) A trained operator shall be on duty at the facility at all times that the facility is operating. In addition, a sufficient number of spotters ~~At least one spotter shall be on duty at the working face to inspect the incoming waste at all times waste is being accepted at the site. Waste shall must be inspected after it is removed from the transport vehicle and prior to placement for final disposal. Any prohibited material shall be removed from the waste stream and placed into appropriate containers or secure storage areas for disposal or recycling at a facility authorized by the Department to receive such waste.~~

(e) The facility shall be operated to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C. If objectionable odors are detected off-site, the owner or operator shall comply with the requirements of Rule 62-701.530(3)(b), F.A.C.

(f) No change.

(g) Plastic buckets may not be accepted at the facility unless they are empty when they arrive.

(h) Carpet remnants which are from a construction or demolition project may be accepted at the facility.

(8) Training. ~~Operators~~ Owners and operators of facilities shall ensure that operators and spotters employed at the facility shall be properly trained in accordance with Rule 62-701.320(15), F.A.C. to operate the facility, and to identify and properly manage any hazardous or prohibited materials which are received at the facility. A training plan shall be included as part of the permit application. The training plan shall either include a list and schedule of those classes offered to the public which will be attended by the facility's operators and spotters, or shall include a description of the facility's in-house training program and a demonstration that this program can be expected to adequately train operators and spotters to operate the facility and to identify and properly manage any hazardous or prohibited materials which are received at the facility. The training plan, along with records documenting how the training plan is being implemented, shall be kept at the facility at all times and be made available for inspection by Department staff. Owners and operators of facilities in operation prior to December 23, 1996, shall comply with this subsection by May 1, 1997, or at the time of permit issuance, whichever is sooner. Within one year of the date that the training plan is submitted to the Department, or within one year of the hiring of any particular operator, each operator shall complete at least 20 hours of training in a course described in the training plan. Within each three-year period after successfully completing the initial training course, each operator shall complete at least 15 hours of continuing training in a course described in the training plan. Spotters must meet

~~the same training requirements as operators except that only 8 hours of initial training and 8 hours of continuing training are required. The Department will maintain a list of relevant training courses which are available in this State.~~

(9) No change.

(10) Long-term care. The owner or operator of the construction and demolition debris disposal facility shall continue to monitor and maintain the facility for five years from the date of closing. This time period shall be extended if assessment monitoring or corrective action has been initiated in accordance with Rule 62-701.510(7), F.A.C., or if site-specific conditions make it likely that any contamination which may emanate ~~from~~ from the disposal area would not be detected within five years.

(11) No change.

(12) Annual Reports. The owner or operator of the facility shall submit an annual report to the Department on Form 62-701.900(7). This report shall include a summary of the amounts and types of wastes received and the amounts and types of wastes disposed of or recycled. The county of origin of materials which are recycled, or a statement that the county of origin is unknown, shall be included in the report. The report shall be submitted no later than April 1 of each year beginning in 1998, ~~and~~ and shall cover the preceding calendar year. This provision applies to all facilities regardless of the compliance schedules in Rule 62-701.730(1), F.A.C.

(13) Recycling.

(a) The owner or operator of a facility which accepts construction and demolition debris for disposal and which also recovers materials from the construction and demolition debris waste stream for purposes of recycling shall meet the requirements of this section as well as the requirements of Rule ~~62-701.710~~ 62-701.700, F.A.C. If there is a conflict between this section and Rule ~~62-701.710~~ 62-701.700, F.A.C., this section shall govern. It is not necessary for the owner or operator to apply for a separate permit as a waste processing materials recovery facility or to pay an additional fee.

(b) The owner or operator of a facility which recovers materials from the construction and demolition debris waste stream for purposes of recycling but which does not dispose of any wastes on-site shall apply for a permit on Form ~~62-701.900(4)(6)~~, and shall comply with the provisions of Rule ~~62-701.710~~ 62-701.700, F.A.C., ~~with the following exceptions and additions:~~

1. ~~At least one spotter shall be on duty at all times that waste is received at the site to inspect the incoming waste. Any prohibited material shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility in accordance with a schedule submitted as part of the operation plan.~~

2. ~~The training requirements of subsection (8) of this section apply.~~

3. The financial assurance requirements of subsection (11) of this section apply, except for those provisions relating to long-term care.

4. The reporting requirements of subsection (12) of this section apply.

5. The requirements of paragraphs (7)(c) and (e) of this section apply. Access to the facility shall be controlled during the active life of the facility, and the facility shall be operated to control objectionable odors in accordance with Rule 62-296.320(2), F.A.C.

6. The requirements of Rules 62-701.700(2)(c) and (e), F.A.C., regarding a leachate control system and leachate containment do not apply if all areas where waste is stored and processed are covered by a ground water monitoring system which meets the requirements of paragraph (4)(b) of this section. Owners and operators of facilities which were permitted prior to January 6, 1993, shall meet the requirements of Rules 62-701.700(2)(c) and (e), F.A.C., or shall meet the requirements of paragraph (4)(b) of this section, at the time of permit renewal.

(c) No change.

(14) No change.

(15) Clean debris. Clean debris may be used as fill or raw material in any area, including waters of the State, subject to receipt of an environmental resource permit from the Department where applicable. Clean debris used as fill material is not solid waste, and such use does not require a solid waste permit under this rule.

(16) through (19) No change.

(20) Fees. The fee for a permit to construct, operate, and close a construction and demolition debris disposal facility, including facilities that also recycle, is \$2500. The fee for a permit to construct, operate, and close a construction and demolition debris recycling facility is \$2000. The fee for renewing a disposal or recycling facility permit which does not involve additional construction is \$1000. The fee for renewing a disposal or recycling facility permit involving only long-term care is \$250.

(20)(21) No change.

Specific Authority 403.0877, 403.704, 403.707 FS. Law Implemented 403.0877, 403.706, 403.707 FS. History—New 8-2-89, Formerly 17-701.061, Amended 1-6-93, Formerly 17-701.730, Amended 12-23-96, 4-23-97, _____.

62-701.801 General Permit for Solid Waste Transfer Station.

(1) General Permit. A general permit is hereby granted to any person for the construction and operation of a solid waste transfer station that has been designed or will be operated in accordance with the standards and criteria set forth in Rules 62-4.540 and 62-701.300, F.A.C., and this section.

(2) Notification. Any person wishing to operate a transfer station pursuant to this section shall notify the Department on Form 62-701.900(4) and provide the following:

(a) Regional map. The regional map shall delineate the service area of the proposed transfer station.

(b) Site plan. The site plan shall include:

1. Site conditions and projected use including all site structures, buildings, fences, gates, entrances and exits, parking areas, on-site roadways, and signs;

2. Property boundaries, access roads, surface water bodies, and the location of 100-year flood plain boundaries;

3. Proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations, and floor plans of these structures and areas, and the general process flow; and

4. Adjacent properties including the location of public and private water supplies on these properties.

(c) Engineering report. The engineering report shall include:

1. A description of the general operating plan for the proposed facility including the origin, composition, and expected weight or volume of all solid waste to be accepted at the facility, the maximum time waste will be stored, where all wastes will be disposed, the capacity of the facility, the operating hours of the facility, and the expected life of the facility;

2. A description of all machinery and equipment to be used, including the design capacity;

3. A transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;

4. A description of the facility's drainage system and water supply system;

5. A plan for hiring and training equipment operators and other personnel concerning the operation of the facility; and

6. A contingency plan describing alternate solid waste handling procedures for periods of inoperation or delays in transporting solid waste.

(3) Design requirements. Minimum design requirements for transfer stations are as follows:

(a) On-site roads and unloading areas shall be designed for efficient movement and unloading of vehicles.

(b) Tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area shall have ventilation systems. The areas that are not enclosed shall be equipped with litter control devices and visual screening.

(c) The facility shall be designed with a leachate control system to prevent discharge of leachate and mixing of leachate with stormwater.

(d) Provisions shall be made for weighing or measuring all incoming solid waste and recovered materials. Storage areas shall be designed to hold the expected volume of materials until they are transferred for disposal or recycling.

(e) Where the general public may use the transfer facility, safety procedures shall be established for private vehicles.

(4) Operational requirements.

(a) Prohibited wastes shall not be accepted at a transfer station. Handling of unauthorized wastes shall be addressed in the contingency plan.

(b) An attendant shall be on duty whenever the facility is operating. Operating hours shall be posted, and fencing, gates, or other means shall be used to prevent unauthorized access when the station is closed.

(c) Litter, insects, odors and vectors shall be controlled to prevent sanitary nuisance and unsightly appearance.

(d) Wastes shall be handled on a first-in, first-out basis to the extent practicable. All waste storage areas shall be cleaned at the end of each day's operations or during continuous operation, as necessary, to prevent odor or vector problems. All floors shall be free of standing liquids. Drainage from cleaning areas shall be discharged to sanitary sewers or the equivalent.

(e) Adequate fire protection must be available at all times.

(f) Recovered materials shall be clearly identified and stored in a safe, sanitary manner. A record of the type and quantity of recovered materials shall be maintained and reported as part of the county's recycling program.

(g) Operational records shall be maintained to include a daily log of the quantity of solid waste received and transported and the origin of the waste. Such records shall be compiled on a monthly basis and shall be available for inspection by the Department. Reports shall be retained at the station for three years.

(5) Certification of construction completion. Within 30 days of completion of construction, the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefor enumerated.

(6) Stormwater. Stormwater shall be controlled in accordance with Chapters 62-25 and 62-330, F.A.C. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(7) Any person wishing to construct or operate a transfer station pursuant to this section shall publish, in a newspaper of general circulation in the area affected, notice of application for a general permit. Such public notice of application shall be published within 14 days after the applicant notifies the Department. Within 21 days after publication of notice, any person whose substantial interests are affected may request a hearing in accordance with Section 120.57, F.S. No person shall begin work pursuant to a general permit until after the

time for requesting a hearing has passed or, if a hearing is requested, until final agency action is taken authorizing construction.

Specific Authority 403.814(1) FS. Law Implemented 403.061, 403.087, 403.088, 403.702-403.73, 403.814 FS. History--New 7-8-82, Formerly 17-4.61, 17-4.610, 17-7.801, Amended 1-6-93, 5-19-94, Formerly 17-701.801, Repealed

62-701.803 General Permit for Off-site Disposal of Land Clearing Debris.

(1) Notification. Notwithstanding the provisions of Rule 62-701.730, F.A.C., facilities which accept for disposal only land clearing debris may operate under a general permit pursuant to Part III of Rule 62-4, F.A.C., and this section. For purposes of this rule, the term "land clearing debris" means rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project. Land clearing debris does not include vegetative matter from lawn maintenance, commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not related directly to a construction project. The owner or operator of the land clearing debris disposal facility shall notify the Department in writing on Form 62-701.900(3) of the intent to use this general permit. Owners or operators of solid waste management facilities which have a permit under Chapter 62-701, F.A.C., to receive land clearing debris are exempt from this requirement. The notification shall include:

(a) A site plan, of a scale not greater than 200 feet to the inch, which shows the project location and identifies the proposed disposal areas, total acreage of the site and of the proposed disposal area, and any other relevant features such as water bodies, wetlands, or potable water wells on or within 200 ~~500~~ feet of the site;

(b) Identification of ground water levels at the site, including the seasonal high ground water level if known;

(c) A general description of the facility operations, including equipment and personnel planned for the operation and closure of the facility, and a training plan which complies with the requirements of Rule 62-701.320(15), F.A.C.;

(d) through (g) No change.

(h) Documentation that the applicant either owns the land or has legal authorization from the landowner ~~land owner~~ to use the land for a disposal facility.

(2) Certification. Certification of construction completion shall be done in accordance with Rule 62-701.320(9)(a), F.A.C. Within 30 days of completion of construction, the applicant or the engineer of record shall certify to the Department that the permitted construction is complete and that it was done in accordance with the plans submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefor enumerated.

(3) Other requirements. The requirements of Rules 62-701.330 through 62-701.630, F.A.C., do not apply to land clearing debris disposal facilities, provided that none of the prohibitions contained in Rule 62-701.300, F.A.C., ~~or the water quality standards contained in Chapters 62-3 and 62-302, F.A.C.,~~ shall be violated.

(4) Stormwater. Stormwater shall be controlled in accordance with Part IV of Chapter 373, F.S., and the rules promulgated thereunder Chapters 62-25 and 62-330, F.A.C. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste for disposal. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(5) through (7) No change.

(8) Inspection of waste. At least one spotter shall be on duty at the working face at all times that the site is operating to inspect the incoming waste. Any material other than land clearing debris shall be removed from the waste stream and placed into appropriate containers for disposal at a permitted facility. Spotters shall be trained in accordance with Rule 62-701.320(15), F.A.C.

(9) through (12) No change.

(13) A general permit issued under this section shall be valid for five years. ~~The permit fee shall be \$100, as required under Rule 62-4.040, F.A.C.~~

Specific Authority 403.704, 403.707, 403.814 FS. Law Implemented 403.707, 403.814 FS. History—New 8-2-89, Amended 1-6-93, 1-2-94, 5-19-94, Formerly 17-701.803, Amended 12-23-96, 4-23-97, _____.

62-701.900 Forms.

The forms used by the Department in the solid waste management program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, DEP Library, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application to Construct, Operate, Modify, or Close a Solid Waste Management Facility, effective _____ May 19, 1994.

(2) Certification of Construction Completion of a Solid Waste Management Facility, effective May 19, 1994.

(3) Notification of Intent to Use a General Permit for a Land Clearing Debris Disposal Facility, effective _____ 12-23-96.

(4) Application to Construct, Operate, or Modify a Waste Processing Facility, effective _____ ~~Notification of Intent to Use a General Permit to Construct and Operate a Transfer Station, effective May 19, 1994.~~

(5) Financial mechanisms for solid waste management facilities requiring closure and/or long-term care, effective _____ May 19, 1994.

(a) Solid Waste Facility Irrevocable Letter of Credit.

(b) Solid Waste Facility Financial Guarantee Bond.

(c) Solid Waste Facility Performance Bond.

(d) Solid Waste Facility Closure/Long-Term Care Insurance Certificate.

(e) Solid Waste Facility Financial Test.

(f) Solid Waste Facility Corporate Guarantee.

(g) Solid Waste Facility Trust Fund Agreement to Demonstrate Closure and/or Long-Term Care Financial Assurance.

(h) Solid Waste Facility Standby Trust Fund Agreement.

(6) Application to Construct, Operate, or Modify a Construction and Demolition Debris Disposal ~~or Disposal with~~ or Recycling Facility, effective _____ April 23, 1997.

(7) Annual Report for a Construction and Demolition Debris Disposal Facility, effective 12-23-96.

(8) Permit Transfer Form, effective _____ ~~Notification of Intent to Modify a General Permit for a Construction and Demolition Debris Disposal Facility, effective April 23, 1997.~~

(9) through (25) No change.

(26) ~~Application and Reporting Form for Recovered Materials Certification, effective _____ 12-23-96.~~

(27) Reporting Form for Recovered Materials, effective _____.

(28) Financial Assurance Cost Estimating Form, effective _____.

Specific Authority 403.704 FS. Law Implemented 403.707 FS. History—New 8-2-89, Amended 1-6-93, 5-19-94, Formerly 17-701.900, Amended 12-23-96, 4-23-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 1999

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE:

RULE NO.:

Citations

64B13-15.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the failure to respond to a continuing education audit a violation appropriate for issuance of a citation.

SUMMARY: The proposed rule amendment adds the failure to respond to a continuing audit as a violation appropriate for issuance of a citation.

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, 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

TIME AND DATE: 10:00 a.m., March 21, 2001

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

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:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of two hundred fifty dollars (\$250.00).

(a) through (d) No change.

(e) Failure to respond to a continuing education audit as required by Rule 64B13-5.001, F.A.C.

(5) through (7) No change.

Specific Authority 463.005, 456.077 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00,_____.

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: January 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Definitions
RULE NO.: 68A-1.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise the definitions and names of the agency's regional boundaries.

SUMMARY: The proposed rule would change region names and revise the list of counties that define the regional boundaries to conform with Commission action taken in November 2000. Proposed changes would adjust county references in four of the agency's five administrative regions to reflect the movement of those counties to a new administrative region and change names of four of the five administrative regions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation and \$6 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-1.004 Definitions.

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

(1) through (60) No change.

(61) Regions – The following geographical portions of the state:

(a) South~~west~~ Region: Charlotte, DeSoto, ~~Glades~~, Hardee, ~~Hernando~~, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota counties.

(b) ~~Northeast~~ Central Region: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, ~~Duval~~, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Madison, ~~Nassau~~, Suwannee, Taylor and Union counties.

(c) No change.

(d) ~~Everglades~~ South Region: Broward, Collier, Dade, Glades, Hendry, ~~Indian River~~, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie counties.

(e) ~~Central~~ Northeast Region: Brevard, ~~Citrus~~, Duval, Flagler, Indian River, Lake, Marion, Nassau, Orange, Osceola, Putnam, Seminole, Sumter, St. Johns and Volusia counties.

(62) through (89) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory L. Holder

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Information Concerning Agency
PURPOSE AND EFFECT: These are technical changes to the rule.

RULE NO.: 68A-2.005

SUMMARY: The changes correct the addresses of our regional offices, make clear how many times a year the Commission meets (5) and adds the agency web site as a location to obtain Commission agendas.

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: 120.525 FS., Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001
PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-2.005 General Information Concerning Agency.

(1) The Commission headquarters is located at 620 South Meridian Street, Tallahassee, Florida ~~32399-1600~~ ~~32304~~, and is open for business between the hours of 8:00 a.m. and 5:00 p.m. on all week days, except State holidays. Regional offices are located at:

(a) ~~3900 Drane Field Road~~ ~~2202 Lakeland Hills Boulevard~~, Lakeland, Florida ~~33811~~ ~~33804~~.

(b) Route 7, Box ~~440~~ ~~402~~, Lake City, Florida 32055.

(c) ~~3911 Highway 2321~~ ~~226 Airport Drive~~, Panama City, Florida ~~32409~~ ~~32405~~.

(d) ~~8535 Northlake Boulevard~~ ~~551 North Military Trail~~, West Palm Beach, Florida ~~33412~~ ~~33406~~.

(e) 1239 Southwest Tenth Street, Ocala, Florida ~~34474~~ ~~32670~~.

(2) No change.

(3) The Commission ~~normally~~ holds public business meetings on a regular basis ~~on a monthly basis~~, convening at various locations around the State ~~for the convenience of the public and under the auspices of Florida Statute 372.061~~. Notice of these meetings is published in the Florida Administrative Weekly periodical as well as by news releases. Copies of meeting agendas can be obtained from Commission headquarters in Tallahassee and from the Commission website at www.state.fl.us/fwc/.

Specific Authority Art. IV, Sec. 9, Fla. Const.. Law Implemented 120.525 FS. History—New 8-1-79, Formerly 39-2.05, 39-2.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. Colonel Julie Jones

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Permits for Hunting or Other Recreational
RULE NO.: 68A-9.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to add a random drawing component to the issuance of quota permits for Miami Corporation WMA.

SUMMARY: The proposed rule would allocate eighty (80) percent of the available quota permits for first-come, first-served issuance and twenty (20) percent for a random drawing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency \$175 in administrative costs and \$120 for legal advertising. No other significant economic impacts are anticipated.

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

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

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

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

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas.

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

(g) Applications for the Miami Corporation WMA shall be filed with the Bureau of Licensing and Permitting no earlier than 8:00 a.m. on the third Monday in July. Only one application per person shall be submitted and applications shall be accepted only from the U. S. Postal Service or a commercial delivery service such as United Parcel Service, Federal Express, or licensed couriers. Hand delivered or faxed applications or any applications received earlier than 8:00 a.m. on the third Monday in July shall be rejected. A quota of eighty (80) percent of the permits available for issuance shall be issued on a first-come, first-served basis from applications received on or after 8:00 a.m. on the third Monday in July. When the first-come, first-served quota is filled, all applications remaining and those received no later than 5:00 p.m. on the second Monday following the third Monday in July shall be included in a random drawing for the remaining twenty (20) percent of the permits.

- (2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.121, 372.57, 375.313 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing the Operation of

RULE NO.:

Private Hunting Preserves 68A-12.010

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reduce hybridization between mallards and mottled ducks resulting from release of mallards on hunting preserves. This rule change would eliminate hunting preserves as a source of feral, captive-reared mallards by eliminating the provision for preserves to release mallards for shooting purposes. Release of black ducks also would be prohibited to preclude the potential for hybridization between black ducks and mottled ducks.

SUMMARY: Proposed rule changes would eliminate the provision for private hunting preserves to release mallards or black ducks for shooting purposes, except that hunting preserves that have commercially released mallards for shooting during the period January 1, 1998, through December 31, 2000, would be allowed to release mallards until June 30, 2006, provided they remain licensed continuously.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$850 for administrative preparation and \$200 for advertising.

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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.010 Regulations Governing the Operation of Private Hunting Preserves.

(1) The executive director may issue a license as provided by § 372.661, F.S., for the establishment and operation of a private hunting preserve to allow the release and taking of captive-raised native and non-native game animals, as specified herein. Application for such license shall be made on Form GFC 333 (incorporated herein by reference, effective April 15, 1992 and available at the Commission's Tallahassee and regional offices). No hunting preserve license shall be issued until the premises of such preserve has been inspected by a representative of the Commission and the requirements of this section have been met.

(2) through (11) No change.

(12) Only mallards ~~or black ducks~~ which are more than two generations removed from the wild may be released for shooting. Such birds may not be handled so as to attract wild waterfowl. No person shall be permitted to shoot game farm ducks on any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if the operation of the preserve attracts concentrations of wild waterfowl. Mallards may be released for shooting on hunting preserves, including preserves denoted as either private or commercial on GFC Form 333, only until June 30, 2006, and only on hunting preserves that:

(a) Produce documentary evidence of having commercially released mallards for shooting during the period January 1, 1998, through December 31, 2000; and

(b) Have been continuously licensed per § 372.661, F.S., since July 1, 2001.

(13) through (19) No change.

(20) The minimum acreage provisions of subparagraphs ~~(4)(3)~~(b)1.-3. and the yardage requirement in subsection ~~(7)(6)~~, shall not apply to those operations licensed prior to July 1, 1996.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, Formerly 39-12.10, Amended 8-5-86, 4-11-90, 4-15-92, 10-20-96, 6-23-99, Formerly 39-12.010, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

RULE NO.: 68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reincorporate a revised list for quota and special-opportunity permits.

SUMMARY: The proposed changes would reincorporate a new reference list for quota and special-opportunity permits. The new list has been revised to reorganize quota hunts consistent with realignment of administrative regions; to make technical corrections; to reduce hunter quotas on Big Shoals WMA to accommodate acreage reductions (archery reduced from 50 to 35, muzzleloading gun reduced from 30 to 20, and spring turkey reduced from 30 to 20); to reduce hunter quotas on Camp Blanding WMA to accommodate acreage reductions (spring turkey reduced from 65 to 35); and to convert hog hunt quotas on Triple N Ranch WMA from special-opportunity to regular quota and increase the hunter quota from 15 to 50.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$664 for administrative preparation and \$27 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001
PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota

and special-opportunity permits,” effective ~~April 30, 2000~~ July 1, 2001, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife
RULE NO.: 68A-15.061

PURPOSE AND EFFECT: Management Areas – Southwest Region
The purposes of the proposed rule changes are to adjust hunting season dates on all regional Wildlife Management Areas (WMAs) to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zones; to add or delete WMAs to reflect changes in the boundaries of administrative regions; to change references to the name of the region; and to make changes in other regulations necessary to improve efficiency in the management of fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Proposed changes would delete references to Chassahowitzka, Croom, and Fisheating Creek WMAs to reflect movement of those WMAs to new administrative regions and change references to the name of the administrative region from South to Southwest. Changes also would establish or revise specific area regulations on WMAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,080 for administrative preparation and \$266 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

~~(1) Croom Wildlife Management Area~~

~~(a) Open season:~~

~~1. Muzzleloading gun — October 27-29.~~

~~2. General gun — November 11 through December 3.~~

~~3. Small game — December 4 through March 4.~~

~~4. Spring turkey — March 20-22, April 3-5 and April 17-19.~~

~~5. Fox, raccoon and bobcat — December 16 through March 12.~~

~~Hunting is permitted from 5 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.~~

~~6. Fishing and frogging — Throughout year.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.~~

~~(c) Camping: Permitted only at designated campsites. A permit issued by the Division of Forestry is required at the Silver Lake, Twin Ponds, Hog Island, River Junction and East Hunt campsites.~~

~~(d) General regulations:~~

~~1. Hunting with dogs is prohibited November 11 — December 3. Hunting with dogs other than bird dogs is prohibited December 4 — December 13, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with Interstate 75 and thence bounded by said interstate.~~

~~2. Motorcycles and all terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area)~~

only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, Florida Statutes, or otherwise legal to operate on public roads. During the general gun, muzzleloading gun and small game seasons, motorcycles or all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area

3. ~~Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.~~

4. ~~The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.~~

5. ~~Only tents, trailers or self-propelled camping vehicles may be used for camping.~~

6. ~~During the general gun and muzzleloading gun seasons, all game taken shall be checked at the check station.~~

7. ~~The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.~~

(1)(2) Green Swamp Wildlife Management Area

(a) Open season:

1. General gun – November 10 ~~11~~ through January 6 ~~7~~.

2. Archery – September 22 ~~23~~ through October 21 ~~22~~, Fridays, Saturdays and Sundays only.

3. Small game – January 12 ~~13~~ through February 10 ~~11~~, Saturdays and Sundays only.

4. Spring turkey – March 16 ~~17~~ through April 21 ~~22~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May 4 ~~5~~ to June 16 ~~17~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (c) No change.

(d) General regulations:

1. through 7. No change.

8. Camps shall be removed by 9 p.m. October 21 ~~22~~, and by 8 p.m. January 6 ~~7~~, February 10 ~~11~~, April 21 ~~22~~ and June 16 ~~18~~.

9. No change.

(2)(3) Green Swamp Wildlife Management Area – West Unit

(a) Open season:

1. Special-opportunity turkey – March 16-19 ~~17-20~~ and 26-29 ~~27-30~~, March 30 ~~31~~ – April 2 ~~3~~, 9-12 ~~10-13~~, and 13-16 ~~14-17~~.

2. Special-opportunity archery – September 22-25 ~~23-26~~ and October 2-5 ~~3-6~~.

3. Special-opportunity general gun – November 10-13 ~~11-14~~ and 17-20 ~~18-21~~, and December 11-14 ~~12-15~~.

4. Special-opportunity hog-still – February 8-10 ~~9-11~~.

5. Special-opportunity hog-dog – February 20-22 ~~21-23~~.

6. Small game – January 4-6 ~~5-7~~ and 11-13 ~~12-14~~.

7. through 8. No change.

(b) through (d) No change.

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

(a) Open season:

1. General gun – October 27 ~~28~~ through November 4 ~~5~~.

2. Small game –

a. November 10-18 ~~11-19~~ and

b. November 21 ~~22~~ through January 13 ~~14~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November 23 ~~24~~.

3. No change.

4. Archery – September 8-9 ~~9-10~~.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. No change.

a. October 27 ~~28~~ through November 4 ~~5~~, by walking hunters.

b. No change.

c. January 26-27 ~~27-28~~.

d. No change.

4. No change.

5. Hunting camps may be set up after 5 p.m. October 19 ~~20~~ and shall be removed by 9 p.m. the last day of the small game season. Camping is permitted from 5 p.m. Friday to 9 p.m. Sunday and on Memorial Day, Independence Day and Labor Day during the remainder of the year.

6. Bird dogs may be trained in designated areas during the bird dog training season, September 15 ~~16~~ through February 10 ~~11~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited.

7. through 10. No change.

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

(a) Open season:

1. General gun – October 27 ~~28~~ through November 4 ~~5~~.

2. Small game – November 10 ~~11~~ through January 13 ~~14~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November 23 ~~24~~.

3. No change.

(b) through (d) No change.

(5)(6) Upper Hillsborough Wildlife Management Area

(a) Open season:

1. Archery – December 8-16 ~~9-17~~ and January 5-13 ~~6-14~~, Saturdays and Sundays only.

2. Muzzleloading gun – November ~~10~~ ~~11~~ through December ~~2~~ ~~3~~, Saturdays and Sundays only.

3. Small game – January ~~19~~ ~~13~~ through February ~~3~~ ~~4~~, Saturdays and Sundays only.

4. Spring turkey – March ~~20-21~~ ~~21-22~~, ~~27-28~~ ~~28-29~~, April ~~3-4~~ ~~4-5~~, ~~10-11~~ ~~11-12~~ and ~~17-18~~ ~~18-19~~.

5. No change.

(b) through (d) No change.

~~(6)~~~~(7)~~ Arbuckle Wildlife Management Area

(a) Open season:

1. Archery – October ~~13~~ ~~14~~ through November ~~2~~ ~~3~~.

2. Muzzleloading gun – November ~~3-11~~ ~~4-12~~.

3. General gun hog – November ~~17-25~~ ~~18-26~~, Saturdays and Sundays only.

4. Spring turkey – March ~~19-21~~ ~~20-22~~, April ~~2-4~~ ~~3-5~~ and April ~~16-18~~ ~~17-19~~.

5. No change.

(b) through (d) No change.

~~(8)~~ Chassahowitzka Wildlife Management Area

~~(a)~~ Open season:

~~1. Archery – September 23 through October 22.~~

~~2. Muzzleloading gun – October 27-29.~~

~~3. General gun – November 11 through January 7.~~

~~4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.~~

~~5. Fishing, frogging and other recreational use – Permitted year-round.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of turkey, bobcat, mink and otter is prohibited. No size or bag limit on wild hogs.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.~~

~~2. Fires are prohibited.~~

~~3. Waterfowl hunting from permanent blinds or structures is prohibited.~~

~~4. Decoys and boats must be removed from the management area daily.~~

~~5. Motor vehicles may be operated only on Indigo Road, Rattlesnake Camp Road and Gopher Road.~~

~~6. All persons shall enter and exit only at designated entrances. Hunters shall check in and out at a check station and check all game taken.~~

~~7. The use of tracked vehicles, motoreycles, or all-terrain vehicles is prohibited.~~

~~(7)~~~~(9)~~ Kicco Wildlife Management Area

(a) Open season:

1. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~, Saturdays and Sundays only.

2. Muzzleloading gun – October ~~27~~ ~~28~~ through November ~~4~~ ~~5~~, Saturdays and Sundays only.

3. General gun hog – November ~~10~~ ~~11~~ through December ~~9~~ ~~10~~, Saturdays and Sundays only.

4. Small game – December ~~15~~ ~~16~~ through January ~~6~~ ~~7~~.

5. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~, Saturdays and Sundays only.

6. No change.

(b) through (d) No change.

~~(8)~~~~(10)~~ Hickory Hammock Wildlife Management Area

(a) Open season:

1. Special-opportunity wild hog – September ~~15-16~~ ~~16-17~~ and ~~22-23~~ ~~23-24~~ and January ~~12-13~~ ~~13-14~~.

2. Muzzleloading gun – October ~~27-28~~ ~~28-29~~.

3. General gun – November ~~10-11~~ ~~11-12~~.

4. Small game – November ~~12~~ ~~13~~ through January ~~6~~ ~~7~~.

5. through 7. No change.

8. Spring turkey – March ~~21-23~~ ~~22-24~~ and April ~~11-13~~ ~~12-14~~.

9. No change.

(b) through (d) No change.

~~(9)~~~~(11)~~ Walk-in-the-Water Wildlife Management Area

(a) Open Season:

1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.

2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

3. General gun hog – November ~~3-11~~ ~~4-12~~.

4. Small game – November ~~17~~ ~~18~~ through December ~~9~~ ~~10~~ and December ~~22~~ ~~23~~ through January ~~6~~ ~~7~~.

5. No change.

(b) through (d) No change.

~~(10)~~~~(12)~~ Hilochee Wildlife Management Area

(a) Open Seasons:

1. No change.

2. Spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~5-7~~ ~~6-8~~.

3. Muzzleloading gun – November ~~2-4~~ ~~3-5~~.

4. General gun hog – December ~~7-9~~ ~~8-10~~, January ~~4-6~~ ~~5-7~~, ~~18-20~~ ~~19-21~~.

5. Small game – February ~~15-17~~ ~~16-18~~.

(b) through (d) No change.

~~(11)~~~~(13)~~ Lake Marion Creek Wildlife Management Area

(a) Open Seasons:

1. Archery – September ~~22-24~~ ~~23-25~~ and ~~28-30~~ September ~~29~~ ~~October 1~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~10-12~~ ~~11-13~~ and ~~16-18~~ ~~17-19~~.

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

5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ March 30 through April 1, and April ~~12-14~~ ~~13-15~~.

6. No change.

(b) through (d) No change.

~~(14) Fisheating Creek Wildlife Management Area~~

~~(a) Open season:~~

~~1. Archery – September 15-17 and 22-24 west of U.S. Highway 27 only.~~

~~2. Muzzleloading gun – October 13-15 and 20-22 west of U.S. Highway 27 only.~~

~~3. General gun – November 3-5 and 24-26 west of U.S. Highway 27 only.~~

~~4. Spring turkey – March 3-6, 9-12, 16-19, 23-26, and March 30 – April 2 west of U.S. Highway 27 only.~~

~~5. Special opportunity spring turkey – March 3-9, March 17-23 east of U.S. Highway 27 only.~~

~~6. General gun hog – December 9-10, west of U.S. Highway 27 only.~~

~~7. Fishing and frogging – Permitted throughout the year.~~

~~(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey and special opportunity spring turkey seasons, the bag limit for turkey shall be one gobbler (or bearded turkey) per permit. During the general gun hog season, only wild hogs may be taken.~~

~~(c) Camping: Permitted at the Fisheating Creek campground throughout the year at designated campsites only. Primitive camping is permitted throughout the area during periods closed to hunting, and, during periods open to hunting, at designated sites only.~~

~~(d) General regulations:~~

~~1. Entry into or exit from the area at locations other than designated entrances is prohibited.~~

~~2. The use of any vehicle, including but not limited to tracked vehicles, all terrain vehicles, or motorcycles, is prohibited. The use of personal watercraft or horses is prohibited. The use of airboats is prohibited west of the “head of the bushes.” All public use shall be prohibited in areas posted as “closed” so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.~~

~~3. Hunters shall check in and out at a check station located at the Palmdale campground when entering and exiting the area and shall check all game taken.~~

~~4. Public access, other than by foot, bicycle, or boat, is prohibited. Entry into or exit at locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, is prohibited, except that vehicular access is permitted in the Palmdale campground.~~

~~5. Hunting with dogs is prohibited.~~

~~6. No deer, wild hog or turkey shall be dismembered until checked at a check station.~~

~~7. Only tents, trailers, or self propelled camping vehicles may be used for camping.~~

~~8. Fires other than campfires are prohibited.~~

Proposed Effective Date: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – North Central Region 68A-15.062

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all regional Wildlife Management Areas (WMAs) to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zones; to add or delete WMAs to reflect changes in the boundaries of administrative regions; to change references to the name of the region; and to make changes in other regulations necessary to improve efficiency in the management of fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Proposed changes would delete rules for Aucilla, Nassau, Cary and Flint Rock WMAs to reflect transfer of those WMAs to a new administrative region; add rules for Citrus, Flying Eagle, Homosassa, Potts, Chassahowitzka, and Croom WMAs to reflect transfer of those WMAs to this administrative region; and change references to the name of the administrative region from Northeast to North Central. Proposed rule changes would reconfigure the spring turkey season and associated hunting zones on Camp Blanding WMA to allow spring turkey hunting in the still hunt portion of the WMA during the first hunt only and in the north and south dog hunt areas and archery areas during the second hunt only. Proposed changes would permit

camping on Lake Butler WMA at designated campsites along the Florida Trail and permit fires only in fire-rings at these designated campsites.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,080 for administrative preparation and \$519 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Camp Blanding Wildlife Management Area

(a) Open season:

1. General gun – November 10 ~~11~~ through January 6 ~~7~~.

2. Spring turkey – March 18-22 ~~19-23~~ and ~~April 16-20~~ in Spring Turkey Zones A, B, and C, ~~D and E,~~ and April 15-19 in Spring Turkey Zones D, E, and F.

3. Archery – September 26-28 ~~27-29~~, and October 3-5 ~~4-6~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November 10 ~~11~~ through January 6 ~~7~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – October 13-14 ~~14-15~~ and October 27-28 ~~28-29~~, south of State Road 16 only.

5. Muzzleloading gun – October 10-12 ~~11-13~~ and October 17-19 ~~18-20~~, north of State Road 16 and County Road 215 only.

6. No change.

7. Trapping – December 1 through January 6 ~~7~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) through (d) No change.

(2) Cypress Creek Wildlife Management Area

(a) Open season:

1. Spring turkey – March 16-24 ~~17-25~~.

2. Archery – September 22 ~~23~~ through October 7 ~~8~~.

3. Muzzleloading gun – October 26-28 ~~27-29~~.

4. through 5. No change.

(b) through (d) No change.

(3) Gulf Hammock Wildlife Management Area

(a) Open season:

1. General gun – November 10 ~~11~~ through January 6 ~~7~~.

2. Spring turkey – March 16 ~~17~~ through April 21 ~~22~~.

3. Archery – September 22 ~~23~~ through October 21 ~~22~~.

4. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after December 4 ~~5~~.

(c) through (d) No change.

(4) Lake Butler Wildlife Management Area

(a) Open season:

1. General gun – November 10 ~~11~~ through January 6 ~~7~~.

2. Small game – January 7 ~~8~~ through March 3 ~~4~~ in still hunt areas only.

3. Spring turkey – March 16 ~~17~~ through April 21 ~~22~~.

4. Archery – September 22 ~~23~~ through October 21 ~~22~~ in the still hunt area only.

5. through 6. No change.

7. Trapping – January 7 ~~8~~ through March 1.

(b) No change.

(c) Camping: Permitted only at designated campsites along the Florida Trail ~~Prohibited.~~

(d) General regulations:

1. No change.

2. Licensed trappers may possess .22 rimfire rifles or pistols from January 7 ~~8~~ through March 1.

3. No change.

4. Dogs may be taken into the dog hunting area November 10 ~~11~~ and shall be removed by January 6 ~~7~~.

5. through 7. No change.

8. Fires are permitted only in fire-rings at designated campsites along the Florida Trail ~~Fires are prohibited on the area.~~

(5) Lochloosa Wildlife Management Area

(a) Open season:

1. General gun – November 10 ~~11~~ through January 6 ~~7~~.

2. Spring turkey – March 16 ~~17~~ through April 21 ~~22~~.

3. Archery – September 22 ~~23~~ through October 21 ~~22~~.

4. Muzzleloading gun – October 26-28 ~~27-29~~.

5. through 6. No change.

7. Trapping – December 1 through 6 ~~7~~ in the still hunt portion of the area only.

(b) through (d) No change.

~~(6) Nassau Wildlife Management Area~~

~~(a) Open season:~~

1. General gun – November 11 through January 7.
 2. Small game – January 8 through March 4.
 3. Spring turkey – March 17 through April 22.
 4. Archery – September 23 through October 22.
 5. Muzzleloading gun – October 27-29.
 6. Fishing and frogging – Throughout year.
 7. Trapping – January 8 through March 1.
- (b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after November 27.
- (c) Camping: Prohibited.
- (d) General regulations:
1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited during the general gun season.
 2. Vehicles may be operated only on named or numbered roads.
 3. Taking of wildlife by use of a gun on or from the rights of way of U.S. Highway A1A and Interstate 95 is prohibited as provided by Rule 68A-4.008, F.A.C.
 4. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.
 5. Fires are prohibited.
 6. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise except on Police Lodge Road to Road 93 for access directly to the boat ramps on Boggy Creek. Vehicles may only enter and exit the area at designated locations.
 7. Public access to the boat ramp on Boggy Creek is permitted throughout the year via Police Lodge Road and Road 93. Access to the remainder of the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.
- (6)(7) Osceola Wildlife Management Area
- (a) Open season:
1. General gun – November 10-11 through January 6-7.
 2. Small game – January 7-8 through March 3-4.
 3. Spring turkey – March 16-17 through April 21-22.
 4. Archery – September 22-23 through October 14-15.
 5. Muzzleloading gun – October 19-26-20-27 in the still hunt area only.
 6. Fox, raccoon, opossum and bobcat – August 4-5 through September 25-26 in the dog hunt portion of the area only from sunset to sunrise.
 7. through 8. No change.
 9. Trapping – January 7-8 through March 1.
- (b) through (c) No change.
- (d) General regulations:
1. No change.
 2. Deer dogs may be trained from October 27-28 through November 5-6, except in the still hunt area.

3. through 9. No change.
- (7)(8) Big Bend Wildlife Management Area – Tide Swamp Unit
- (a) Open season:
1. General gun – November 10-11 through January 6-7.
 2. Archery – September 22-23 through October 21-22.
 3. Muzzleloading gun – October 26-28-27-29.
 4. Small game – January 7-8 through March 3-4.
 5. through 7. No change.
 8. Spring turkey – March 16-17 through April 21-22.
 9. Trapping – January 7-8 through March 1.
- (b) through (d) No change.
- (8)(9) Big Bend Wildlife Management Area – Spring Creek Unit
- (a) Open season:
1. General gun – November 10-11 through January 6-7.
 2. Archery – September 22-23 through October 21-22.
 3. Small game – January 7-8 through March 3-4.
 4. Spring turkey – March 16-17 through April 21-22.
 5. Trapping – January 7-8 through March 1.
 6. through 8. No change.
- (b) through (d) No change.
- (9)(10) Big Bend Wildlife Management Area – Hickory Mound Unit
- (a) Open season:
1. General gun – November 10-11 through January 6-7.
 2. Small game – January 7-8 through March 3-4.
 3. Spring turkey – March 16-17 through April 21-22.
 4. Archery – September 22-23 through October 21-22.
 5. through 7. No change.
 8. Trapping – January 7-8 through March 1.
- (b) through (d) No change.
- (10)(11) Big Bend Wildlife Management Area – Jena Unit
- (a) Open season:
1. General gun – November 10-11 through January 6-7.
 2. Spring turkey – March 16-17 through April 21-22.
 3. Small game – January 7-8 through March 3-4.
 4. through 6. No change.
 7. Trapping – January 7-8 through March 1.
- (b) through (c) No change.
- (d) General regulations:
1. No change.
 2. Licensed trappers may possess .22 rimfire rifles or pistols only from January 7-8 through March 1.
 3. through 8. No change.
- (12) Aucilla Wildlife Management Area
- (a) Open season:
1. General gun – November 11 through January 7.
 2. Small game – January 8 through March 4.
 3. Spring turkey – March 17 through April 22.

- 4. Archery — September 23 through October 22.
- 5. Early duck — In the September season established by Rule 68A-13.003, F.A.C.
- 6. Duck and coot — During the duck and coot season established by Rule 68A-13.003, F.A.C.
- 7. Fishing and frogging — Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.
- 8. Trapping — January 8 through March 1.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season. Antlerless deer may not be taken during the archery season.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 - 1. The taking of wild hogs by the use of dogs is prohibited.
 - 2. Hunting with dogs other than bird dogs and waterfowl retrievers is prohibited south of U.S. 98.
 - 3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken.
 - 4. Public access is prohibited north of U.S. Highway 98 and west of the Waecissa River, other than during periods when public hunting is allowed, and seven days before each open hunting season except that portion of the area bounded on the west by Firebreak 14, on the east by the Waecissa River, on the north and west by the southern boundary of Section 11, the western boundary of Sections 12 and 1, and the northern boundary of Section 1, Township 3 South, Range 3 East, and on the south by the western and northern boundaries of Section 12, the eastern boundary of Section 1, Township 4 South, Range 3 East, and the northern boundary of Section 6, Township 4 South, Range 4 East, which will be open for public access throughout the year.
 - 5. Vehicles may be operated only on designated roads.
 - 6. During the general gun and small game seasons, hunting as specified by Rule 68A-24.002(2)(b), F.A.C., is permitted.
 - 7. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.
 - 8. Fires are prohibited.
 - 9. The use of all terrain vehicles (ATVs) is prohibited.
 - 10. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C.
 - 11. Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.
 - 12. On that portion of the area south of U.S. 98, hunting shall be restricted to small game.

(11)(13) No change.

- (12)(14) Raiford Wildlife Management Area
 - (a) Open season:
 - 1. Archery — September 22 23 through October 7 8.
 - 2. Muzzleloading gun — October 26-28 27-29.
 - 3. Archery and muzzleloading gun — November 10-18 11-19.
 - 4. Spring turkey — March 16-24 17-25.
 - 5. No change.
 - (b) through (d) No change.
- (13)(15) Cedar Key Scrub Wildlife Management Area
 - (a) Open season:
 - 1. General gun — November 10-18 11-19.
 - 2. Archery — September 22 23 through October 7 8.
 - 3. Muzzleloading gun — October 26-28 27-29.
 - (b) through (d) No change.
- (16) Cary Wildlife Management Area
 - (a) Open season:
 - 1. Archery — October 14-15, November 4-5 and 18-19, December 9-10 and 23-24.
 - 2. Muzzleloading gun — December 30-31 and January 13-14.
 - 3. Bird dog training — October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.
 - (b) Legal to take: All legal game except that only wild hogs and antlered deer may be taken during the muzzleloading gun season.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 - 1. Fires are prohibited.
 - 2. Hunting with dogs is prohibited except that bird dogs are permitted during bird dog training season.
 - 3. Vehicles may be operated on designated roads only.
 - 4. The use of all terrain vehicles (ATVs) is prohibited.
 - 5. Crossbows are prohibited.
 - 6. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 - 7. On that portion of the area open for hunting horses are allowed only on established roads during periods when hunting is permitted.
 - 8. The possession of firearms other than blank firing pistols is prohibited during bird dog training season.
- (14)(17) Andrews Wildlife Management Area
 - (a) Open season:
 - 1. Archery — September 28-30 29 through October 1 and October 5-7 6-8.
 - 2. Muzzleloading gun — October 26-28 27-29 and November 2-4 3-5.
 - 3. General gun — November 16-18 17-19.
 - 4. Small game — January 4-6 5-7 and 11-13 12-14.

- 5. Spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~12-14~~ ~~13-15~~.
- 6. Supervised deer-hog youth hunt – October ~~13-14~~ ~~14-15~~ and ~~20-21~~ ~~21-22~~.
- 7. No change.
(b) through (d) No change.
~~(15)~~~~(18)~~ Big Shoals Wildlife Management Area
(a) Open season:
 - 1. Archery – September ~~24-29~~ ~~25-30~~, October ~~1-6~~ ~~2-7~~ and October ~~8-13~~ ~~9-14~~.
 - 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~ and November ~~2-4~~ ~~3-5~~.
 - 3. Small game – December ~~17-22~~ ~~18-23~~ and December ~~24-29~~ ~~25-30~~.
 - 4. Spring turkey – March ~~21-23~~ ~~22-24~~ and April ~~11-13~~ ~~12-14~~.
 - 5. No change.
(b) through (d) No change.
~~(16)~~~~(19)~~ Twin Rivers Wildlife Management Area
(a) Open season:
 - 1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.
 - 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 - 3. General gun – November ~~10-20~~ ~~11-21~~.
 - 4. Small game – December ~~1-23~~ ~~2-24~~.
 - 5. Spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~12-14~~ ~~13-15~~.
 - 6. No change.
(b) through (d) No change.
~~(17)~~~~(20)~~ Twin Rivers Wildlife Management Area – Blue Springs Unit
(a) Open season:
 - 1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.
 - 2. Supervised small game – October ~~13-21~~ ~~14-22~~, east of Black Creek only.
 - 3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 - 4. General gun – November ~~10-25~~ ~~11-26~~.
 - 5. Small game – January ~~11~~ ~~12~~ through February ~~10~~ ~~11~~, Fridays, Saturdays and Sundays only.
 - 6. Spring turkey – March ~~16-19~~ ~~17-20~~ and ~~20-24~~ ~~21-25~~.
 - 7. No change.
(b) through (d) No change.
~~(19)~~~~(22)~~ Holton Creek Wildlife Management Area
(a) Open season:
 - 1. Mobility-impaired general gun – September ~~28-30~~ ~~29~~ through October ~~1~~, October ~~12-14~~ ~~13-15~~, October ~~26-28~~ ~~27-29~~ and November ~~2-4~~ ~~3-5~~.

- 2. Mobility-impaired spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~12-14~~ ~~13-15~~.
- 3. No change.
(b) through (d) No change.
~~(20)~~~~(23)~~ Steinatchee Falls Wildlife Management Area
(a) Open season:
 - 1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.
 - 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 - 3. General gun – November ~~10-18~~ ~~11-19~~.
 - 4. Small game – December ~~1-16~~ ~~2-17~~.
 - 5. Spring turkey – March ~~16-31~~ ~~17~~ through April ~~1~~.
 - 6. No change.
(b) through (d) No change.
~~(21)~~~~(24)~~ Goethe Wildlife Management Area
(a) Open season:
 - 1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.
 - 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 - 3. General gun (still hunt) – November ~~10-13~~ ~~11-14~~.
 - 4. General gun (dog hunt) – November ~~14-18~~ ~~15-19~~.
 - 5. Small game – November ~~24~~ ~~25~~ through December ~~9~~ ~~10~~.
 - 6. Spring turkey – March ~~16-24~~ ~~17-25~~.
 - 7. No change.
(b) through (d) No change.
~~(22)~~~~(25)~~ San Pedro Bay Wildlife Management Area
(a) Open season:
 - 1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.
 - 2. Small game – January ~~7~~ ~~8~~ – March ~~3~~ ~~4~~.
 - 3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.
 - 4. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.
 - 5. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 - 6. through 7. No change.
 - 8. Trapping – January ~~7~~ ~~8~~ through March 1.
(b) through (d) No change.
~~(26)~~ Flint Rock Wildlife Management Area
~~(a) Open season:~~
 - 1. General gun – November 11 through January 7.
 - 2. Small game – January 8 through March 4.
 - 3. Spring turkey – March 17 through April 22.
 - 4. Archery – September 23 through October 22.
 - 5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
 - 6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
 - 7. Fishing and frogging – Permitted during periods the area is open for access.
 - 8. Trapping – January 8 through March 1.
(b) Legal to take: All legal game, fish, frogs, and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season.
(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs other than waterfowl retrievers and bird dogs is prohibited.
2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
3. Access is permitted only by individuals possessing a valid recreational user permit except as provided by 372.57, F.S., and only during periods open to hunting and 7 days before each open hunting season.
4. Vehicles may be operated only on designated roads, and vehicular access is restricted to designated entrances.
5. Taking of wildlife by use of a gun on or from the right of way of State Road 59 is prohibited as provided by Rule 68A-4.008(4), F.A.C.
6. Fires are prohibited.
7. The use of all terrain vehicles (ATVs) is prohibited.

(23) Citrus Wildlife Management Area

(a) Open season:

1. Modern gun – December 15-16 and January 5-6.
2. Small game – January 7 through March 3.
3. Muzzleloading gun – December 8-9 and December 29-30.
4. Archery – November 10 through December 2.
5. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the muzzleloading gun and modern gun seasons, antlerless deer may be taken by permit only. Antlerless deer may be taken during the first 9 days of the archery season, but only one antlerless deer may be harvested per quota permit or per person exempted from license and stamp requirements by s. 372.57(1) and (6), F.S. No size or bag limit for wild hogs.

(c) Camping: Permitted in designated campsites only.

(d) General regulations:

1. Only bird dogs may be used for hunting during the small game season. Dogs are prohibited at other times except as authorized.
2. The use of two-wheeled or all-terrain vehicles is prohibited.
3. Vehicles may be operated only on named or numbered roads.
4. No deer shall be dismembered or removed until checked at the check station.
5. The use of horses for hunting is prohibited except during the small game season.
6. The possession of guns using other than center-fire cartridges is prohibited during the modern gun season.
7. Hunting quail is prohibited between Trail 16 and State Road 480.
8. Bird dogs may be used during authorized field trials.

9. Bird dogs may be trained in the area between Trail 16 and Trail 20 October 1 through 31. Scheduled bird dog trial events are authorized only in the area between Trail 16 and County Road 480.

10. Only tents, trailers or self-propelled camping vehicles may be used for camping.

11. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

12. Camping equipment may not be taken into the area prior to 14 days before the archery season and shall be removed by 6:00 p.m. six days after the close of the small game season.

13. Persons operating vehicles shall enter and exit only at designated entrances.

14. Horses are restricted to named or numbered roads and designated horse trails.

(24) Flying Eagle Wildlife Management Area

(a) Open season:

1. Archery – September 29 – October 7.
2. Muzzleloading gun – October 26-28.
3. General gun – November 10-18.
4. Small game – November 23-25 and December 14-16.
5. Spring turkey – March 16-19 and 20-24.
6. Early duck – In September, season established by Rule 68A-13.003, F.A.C.
7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers (except mink and otter). Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

(c) Camping: Prohibited during periods open for hunting.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited.
2. Hunting with dogs is prohibited except that waterfowl retrievers and bird dogs are allowed during small game and early duck seasons.
3. The possession of centerfire and rimfire rifles is prohibited.
4. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.
5. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.
6. Hunters shall check in and out at the check station when entering and exiting the area and check all game taken.
7. No deer, wild hog or turkey shall be dismembered until checked at the check station.

8. During the early duck season, shooting hours are from one-half hour before sunrise until 12 noon each day.

(25) Potts Wildlife Management Area

(a) Open season:

1. Spring turkey – March 16-19 and 20-24.
2. Archery – September 22-30.
3. Muzzleloading gun – October 26-28.
4. General gun hog-dog – November 16-18.
5. Small game – December 1-9.
6. Fishing and frogging – Permitted throughout the year.
7. Trapping – Prohibited.

(b) Legal to take: All legal game, wild hogs, fish, and frogs. The bag limit for turkey shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun hog-dog hunt.

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

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District.

2. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

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

5. No game shall be dismembered until checked at the check station.

6. Only tents, trailers or self-propelled camping vehicles may be used for camping.

7. The name and address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(26) Homosassa Wildlife Management Area

(a) Open season:

1. General gun hog – September 6-9 and 13-16.
2. Small game – November 10 through December 2 and December 22 through January 6.

3. Special-opportunity spring turkey – March 16-22 and March 30 through April 5.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: Only wild hogs may be taken during the hog season. There is no bag or size limit restrictions on hogs. All legal small game and furbearers may be taken during the small game season. Wild turkeys may only be taken during the special-opportunity spring turkey season. The bag limit for turkeys shall be one gobbler (or bearded turkey) per special-opportunity permit. Fish and frogs are legal to take throughout the year.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated firelines.

3. Vehicles may be parked only in designated parking areas.

4. The use of tracked vehicles, airboats, motorcycles, all-terrain vehicles or horses is prohibited.

5. Small game hunters are required to sign-in and sign-out at game registration boxes and record all game taken.

6. Public access to the area is prohibited during the period from 8:00 pm to 5:00 am.

7. A special-opportunity hunt permit shall be required for every person entering the area during special-opportunity hunts.

8. The possession of centerfire rifles is prohibited.

(27) Croom Wildlife Management Area

(a) Open season:

1. Muzzleloading gun – October 26-28.
2. General gun – November 10 through December 2.
3. Small game – December 3 through March 3.
4. Spring turkey – March 19-21, April 2-4 and April 16-18.

5. Fox, raccoon and bobcat – December 15 through March 11. Hunting is permitted from 5 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) Camping: Permitted only at designated campsites. A permit issued by the Division of Forestry is required at the Silver Lake, Twin Ponds, Hog Island, River Junction and East Hunt campsites.

(d) General regulations:

1. Hunting with dogs is prohibited November 10 – December 2. Hunting with dogs other than bird dogs is prohibited December 3 – December 12, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with Interstate 75 and thence bounded by said interstate.

2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, Florida Statutes, or otherwise legal to operate on public roads. During the general gun, muzzleloading gun and small game seasons, motorcycles or all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.

4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.

5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

6. During the general gun and muzzleloading gun seasons, all game taken shall be checked at the check station.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(28) Chassahowitzka Wildlife Management Area

(a) Open season:

1. Archery – September 22 through October 21.

2. Muzzleloading gun – October 26-28.

3. General gun – November 10 through January 6.

4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.

5. Fishing, frogging and other recreational use – Permitted year-round.

(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of turkey, bobcat, mink and otter is prohibited. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs other than retrievers or bird dogs is prohibited west of the Main grade, on the U.S. Fish and Wildlife Service portion of the property and east of the Swamp grade. Dogs with a shoulder height greater than 17 inches are prohibited in that portion of the area lying east of the Main grade and west of the Swamp grade.

2. Fires are prohibited.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

4. Decoys and boats must be removed from the management area daily.

5. Motor vehicles may be operated only on Indigo Road, Rattlesnake Camp Road and Gopher Road.

6. All persons shall enter and exit only at designated entrances. Hunters shall check in and out at a check station and check all game taken.

7. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

Proposed Effective Date: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – Northwest Region 68A-15.063

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all regional Wildlife Management Areas (WMAs) to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zones; to add or delete WMAs to reflect changes in the boundaries of administrative regions; and to make changes in

other regulations necessary to improve efficiency in the management of fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Proposed changes would add rules for Aucilla and Flint Rock WMAs to reflect transfer of those WMAs to this administrative region. Changes also would establish or revise specific area regulations on WMAs as follows:

Flint Rock WMA – the taking of antlered deer would be restricted to those with forked antlers only.

Moore's Pasture WMA – the general gun season would be extended from 48 days to 58 days.

Robert Brent WMA – the taking of antlered deer would be restricted to those with forked antlers only.

Point Washington WMA – taking wildlife by use of a gun would be prohibited on Steel Field Road and Bunker Road.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,080 for administrative preparation and \$289 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Type I Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through February ~~10~~ ~~11~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B.).

2. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

3. No change.

4. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

5. through 7. No change.

8. Quail (Zone A) – December ~~18~~ ~~19~~ through January ~~6~~ ~~7~~.
(b) through (d) No change.

(2) Apalachicola Wildlife Management Area

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through January ~~30~~ ~~31~~.

2. Small game – November ~~10-21~~ ~~11-22~~, November ~~26~~ ~~27~~ through December ~~7~~ ~~8~~ and ~~January 31~~ ~~February 1~~ through March ~~3~~ ~~4~~.

3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

4. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

5. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

6. Muzzleloading gun and archery – February ~~14-24~~ ~~15-25~~.

7. No change.

8. Fox, raccoon, opossum and bobcat – October 1 through March ~~3~~ ~~4~~ in that portion of the area in Liberty County lying west of State Road 65 and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 357 and 349, on the west by Forest Roads 348 and F.H. 13, 314, 309, and 344. No guns may be used prior to November ~~22~~ ~~23~~.

9. Trapping – ~~January 31~~ ~~February 1~~ through March 1.

10. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~22-25~~ ~~23-26~~ and from December ~~8-19~~ ~~9-20~~. Wild hogs may be taken only during the archery, muzzleloading gun, general gun, archery and muzzleloading and small game hunts. No size or bag limits on wild hogs.

(c) No change.

(d) General regulations:

1. No change.

2. Bird dogs may be trained from June 1 through March ~~3~~ ~~4~~.
4. Deer dogs may be trained from October ~~27~~ ~~28~~ through November ~~15~~ ~~16~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. No change.

4. During the November ~~10~~ ~~11~~ through March ~~3~~ ~~4~~ period, hunting as specified by Rule 68A-24.002(2)(b), F.A.C. is permitted.

5. through 7. No change.

(3) Apalachicola Wildlife Management Area – Bradwell Unit

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8-12~~ ~~9-13~~.

2. Archery – October ~~13-28~~ ~~14-29~~.

3. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

4. Small game – November ~~10-15~~ ~~11-16~~ and ~~19-21~~ ~~20-22~~.
5. Spring turkey – March ~~16-17~~ ~~17-18~~ and March ~~29-31~~ ~~30~~ through April 1.
6. through 7. No change.
- (b) through (d) No change.
- (4) Blackwater Wildlife Management Area
- (a) Open season:
 1. General gun – November ~~22-25~~ ~~23-26~~ and December 8 9 through January ~~30~~ ~~31~~.
 2. Small game – November ~~10-21~~ ~~11-22~~, November ~~26~~ ~~27~~ through December ~~7~~ ~~8~~ and ~~January 31~~ ~~February 1~~ through March ~~3~~ ~~4~~.
 3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.
 4. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.
 5. Muzzleloading gun – November ~~16-18~~ ~~17-19~~, in the still hunt area only (except in the field trial area).
 6. Muzzleloading gun and archery – February ~~14-25~~ ~~15-25~~, in the still hunt area only (except in the field trial area). January ~~18-20~~ ~~19-21~~ in the designated field trial area only.
 7. Fox, raccoon, opossum and bobcat – May 1 through March ~~10~~ ~~11~~, north of State Road 4 (except in the still hunt area).
 8. through 9. No change.
- (b) Legal to take: All legal game, fish, frogs and furbearers. During the January ~~18-20~~ ~~19-21~~ archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs.
- (c) No change.
- (d) General regulations:
 1. That portion known as the field trial area which is bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west $\frac{3}{4}$ mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point $\frac{1}{2}$ mile northeast of the Coldwater Recreation Area shall be open to deer hunting only during the archery season before November 1 and during the January ~~18-20~~ ~~19-21~~ archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Saturdays and Wednesdays only) and the second phase of the dove season (Wednesdays only), and the third phase of the dove season (Wednesdays only) until January 1 on fields posted as open to dove hunting.
 2. through 9. No change.
- (5) Blackwater Wildlife Management Area-Hutton Unit
- (a) Open season:
 1. Archery – October ~~13-21~~ ~~14-22~~.
 2. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

3. Quail – November ~~10-11~~ ~~11-12~~ and ~~21-22~~ ~~22-23~~; December ~~1-2~~ ~~2-3~~, ~~10-11~~ ~~11-12~~, ~~15-16~~ ~~16-17~~, and ~~24-25~~ ~~25-26~~; and ~~29-30~~ ~~30-31~~.
4. General gun – January ~~12-20~~ ~~13-21~~.
5. Spring turkey – March ~~16-18~~ ~~17-19~~, March ~~29-31~~ ~~30~~ through April 1, and April ~~12-14~~ ~~13-15~~.
6. No change.
- (b) through (d) No change.
- (6) Blackwater Wildlife Management Area – Carr Unit
- (a) Open season:
 1. Quail: November ~~10-13~~ ~~11-14~~, ~~15-18~~ ~~16-19~~, ~~22-25~~ ~~23-26~~, November ~~29~~ ~~30~~ through December ~~2~~ ~~3~~, December ~~6-9~~ ~~7-10~~, ~~13-16~~ ~~14-17~~, ~~20-23~~ ~~21-24~~, ~~27-30~~ ~~28-31~~, January ~~3-6~~ ~~4-7~~, ~~10-13~~ ~~11-14~~, ~~17-20~~ ~~18-21~~, ~~24-27~~ ~~25-28~~, January 31 through February ~~3~~ ~~4~~, ~~7-10~~ ~~8-11~~, ~~14-17~~ ~~15-18~~ and ~~21-24~~ ~~22-25~~.
 - (b) through (d) No change.
 - (7) Edward Ball Wildlife Management Area
 - (a) Open season:
 1. General gun – November ~~22-25~~ ~~23-26~~ and December 8 9 through January ~~30~~ ~~31~~ (Mondays, Tuesdays and Wednesdays closed to hunting after December ~~16~~ ~~17~~ in the dog-hunt area only).
 2. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.
 3. Muzzleloading gun and archery – February ~~14-24~~ ~~15-25~~ (Mondays, Tuesdays and Wednesdays closed to hunting).
 4. through 8. No change.
 - (b) through (d) No change.
 - (8) Joe Budd Wildlife Management Area
 - (a) Open season:
 1. Archery – December ~~7~~ ~~8~~ through January ~~6~~ ~~7~~ (Fridays, Saturdays and Sundays only).
 2. Archery and muzzleloading gun – January ~~11-27~~ ~~12-28~~ (Fridays, Saturdays and Sundays only).
 3. Small game – October ~~6~~ ~~7~~ through December ~~2~~ ~~3~~, Saturdays and Sundays only.
 4. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~ (Saturdays and Sundays only).
 5. No change.
 - (b) through (d) No change.
 - (9) Robert Brent Wildlife Management Area
 - (a) Open season:
 1. General gun – November ~~22-25~~ ~~23-26~~ and December 8 9 through January ~~30~~ ~~31~~.
 2. Small game – November ~~10-21~~ ~~11-22~~, November ~~26~~ ~~27~~ through December ~~7~~ ~~8~~ and ~~January 31~~ ~~February 1~~ through March ~~3~~ ~~4~~.
 3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.
 4. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.
 5. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.
 6. Archery and muzzleloading gun – February ~~14-24~~ ~~15-25~~.

7. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~22-25~~ ~~23-26~~ and from December ~~8-19~~ ~~9-20~~. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) through (d) No change.

(10) Bluewater Creek ~~Champion International~~ Wildlife Management Area

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through January ~~30~~ ~~31~~.

2. Small game – February ~~16~~ ~~17~~ through March ~~3~~ ~~4~~, Saturdays and Sundays only.

3. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

4. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

5. Archery and muzzleloading gun – January 31 through February 13 ~~1-14~~.

6. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

7. Fishing and frogging – Prohibited except by permit from International Paper Company ~~Champion International Corporation~~.

(b) through (d) No change.

(11) Point Washington Wildlife Management Area

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through January ~~30~~ ~~31~~.

2. Small game – November ~~10-21~~ ~~11-22~~, November ~~26~~ ~~27~~ through December ~~7~~ ~~8~~ and January 31 ~~February 1~~ through March ~~3~~ ~~4~~.

3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

4. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

5. Muzzleloading gun – November ~~16-18~~ ~~17-19~~ in still hunt areas only.

6. Archery and muzzleloading gun – February ~~14-24~~ ~~15-25~~.

7. through 8. No change.

9. Fox, raccoon, opossum and bobcat – November ~~10~~ ~~11~~ through March ~~3~~ ~~4~~ in that portion of the dog hunt area west of S.R. 79, and March ~~4~~ ~~5~~ through March ~~15~~ ~~16~~ and April ~~22~~ ~~23~~ through July 15 in that portion of the dog hunt area east of S.R. 79.

(b) through (c) No change.

(d) General regulations:

1. through 5. No change.

6. During the November ~~10~~ ~~11~~ through March ~~3~~ ~~4~~ period in all areas where hunting with the use of deer dogs is permitted, hunting as specified by Rule 68A-24.002(2)(b), F.A.C., is permitted.

7. No change.

8. Taking of wildlife by use of a gun on or from rights-of-way of State Roads 79 or 388, County Roads 2300 or 2296, Landfill Road, U.S. 98, Steel Field Road, Bunker Road, ~~starting at its junction with State Road 79 west to its junction with Otter Creek Road~~, Otter Creek Road starting at its junction with Steel Field Road north to its junction with Otter Creek Bridge Road and Otter Creek Bridge Road is prohibited as provided by Rule 68A-4.008, F.A.C.

9. No change.

(12) Moore's Pasture Wildlife Management Area

(a) Open season:

1. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

2. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

3. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through January ~~30~~ ~~31~~.

4. Archery and muzzleloading gun – February ~~9-10~~ ~~10-11~~, ~~15-17~~ ~~16-18~~ and February ~~22-24~~ ~~23-25~~.

5. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

6. through 7. No change.

(b) through (d) No change.

(13) Talquin Wildlife Management Area

(a) Open season:

1. General gun – November ~~23-25~~ ~~24-26~~ and December ~~8~~ ~~9~~ through December ~~30~~ ~~31~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~4~~ ~~5~~ through March ~~3~~ ~~4~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~ (Saturdays and Sundays only).

5. through 6. No change.

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken December ~~29~~ ~~30~~. No size or bag limit on wild hogs.

(c) No change.

(d) General regulations:

1. through 3. No change.

4. Hunters shall check in and out at the check station on December ~~29~~ ~~30~~ and check all game taken.

5. No change.

(14) Ochlockonee River Wildlife Management Area

(a) Open season:

1. Archery and muzzleloading gun – November ~~23-25~~ ~~24-26~~ and December ~~8~~ ~~9~~ through December ~~30~~ ~~31~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~4~~ ~~5~~ through March ~~3~~ ~~4~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(15) Tate's Hell Wildlife Management Area

(a) Open season:

1. General gun – November ~~22-25~~ ~~23-26~~ and December ~~8~~ ~~9~~ through January ~~30~~ ~~31~~.

2. Small game – November ~~10-21~~ ~~11-22~~, November ~~26~~ ~~27~~ through December ~~7~~ ~~8~~ and ~~January 31~~ ~~February 1~~ through March ~~3~~ ~~4~~.

3. Archery – October ~~13~~ ~~14~~ through November ~~11~~ ~~12~~.

4. Muzzleloading gun – November ~~16-18~~ ~~17-19~~.

5. Muzzleloading gun and archery – February ~~14-24~~ ~~15-25~~.

6. through 8. No change.

9. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

10. through 11. No change.

(b) Through (c) No change.

(d) General regulations:

1. Deer dogs may be trained from October ~~27~~ ~~28~~ through November ~~15~~ ~~16~~.

2. through 5. No change.

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

(a) Open season:

1. Small game – November ~~10~~ ~~11~~ through January ~~30~~ ~~31~~.

2. General gun still – November ~~22-25~~ ~~23-26~~ and December ~~8-16~~ ~~9-17~~.

3. through 4. No change.

5. Spring turkey – March ~~16-17~~ ~~17-18~~, March ~~23-24~~ ~~24-25~~, March ~~30-31~~ through April ~~1~~ and April ~~6-7~~ ~~7-8~~.

6. through 7. No change.

(b) through (d) No change.

(17) Aucilla Wildlife Management Area

(a) Open season:

1. General gun – November 10 through January 6.

2. Small game – January 7 through March 3.

3. Spring turkey – March 16 through April 21.

4. Archery – September 22 through October 21.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.

8. Trapping – January 7 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season. Antlerless deer may not be taken during the archery season.

(c) Camping: Prohibited.

(d) General regulations:

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

2. Hunting with dogs other than bird dogs and waterfowl retrievers is prohibited south of U.S. 98.

3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken.

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

5. Vehicles may be operated only on designated roads.

6. During the general gun and small game seasons, hunting as specified by Rule 68A-24.002(2)(b), F.A.C., is permitted.

7. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.

8. Fires are prohibited.

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

10. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C.

11. Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.

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

(18) Flint Rock Wildlife Management Area

(a) Open season:

1. General gun – November 10 through January 6.

2. Small game – January 7 through March 3.

3. Spring turkey – March 16 through April 21.

4. Archery – September 22 through October 21.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Permitted during periods the area is open for access.

8. Trapping – January 7 through March 1.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. Wild hogs may be taken only during the archery season and the first 23 days of general gun season.

(c) Camping: Prohibited.

(d) General regulations:

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

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

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

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

5. Taking of wildlife by use of a gun on or from the right-of-way of State Road 59 is prohibited as provided by Rule 68A-4.008(4), F.A.C.

6. Fires are prohibited.

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

Proposed Effective Date: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

RULE NO.: 68A-15.064

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all regional Wildlife Management Areas (WMAs) to conform with proposed 2001-2002 hunting season dates for the appropriate

hunting zones; to add or delete WMAs to reflect changes in the boundaries of administrative regions; to change references to the name of the region; and to make changes in other regulations necessary to improve efficiency in the management of fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Proposed changes would add rules for Fisheating Creek WMA to reflect a transfer of this WMA to this administrative region. Proposed changes would delete rules for Fort Drum WMA to reflect a transfer of this WMA to a new administrative region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,080 for administrative preparation and \$162 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for Type I Wildlife Management Areas – ~~Everglades~~ South Region.

(1) J.W. Corbett Wildlife Management Area

(a) Open season:

1. General gun – November ~~3~~ 4 through December ~~30~~ 31.

2. Small game – ~~December 31~~ ~~January 1~~ through February ~~10~~ 11.

3. Spring turkey – March ~~2~~ 3 through April ~~7~~ 8 (Saturdays and Sundays only).

4. Archery – August ~~25~~ 26 through September ~~16~~ 17.

5. Muzzleloading gun – September ~~29~~ 30 through October ~~14~~ 15.

6. Raccoon season – ~~December 31~~ ~~January 1~~ through February ~~10~~ 11.

7. No change.

(b) through (d) No change.

(2) Holey Land Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~20-28~~ 21-29.
 2. General gun – Vehicle, November ~~3-18~~ 4-19 (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.
 3. Archery – August ~~25~~ 26 through September ~~16~~ 17.
 4. Muzzleloading gun – September ~~29~~ 30 through October ~~14~~ 15.
 5. through 6. No change.
- (b) through (e) No change.

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

(a) Open season:

1. General gun – Walk, October ~~20-28~~ 21-29, Conservation Areas 3A North and 2 only. December 1-31 in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.
 2. General gun – Vehicle (airboats and tracked vehicles only), November ~~3-18~~ 4-19, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.
 3. Archery – August ~~25~~ 26 through September ~~16~~ 17, Conservation Area 3A North only.
 4. Muzzleloading gun – September ~~29~~ 30 through October ~~14~~ 15, in Conservation Area 3A North only.
 5. through 6. No change.
- (b) through (e) No change.

(4) Rotenberger Wildlife Management Area

(a) Open season:

1. General gun – Walk, October ~~20-28~~ 21-29.
 2. General gun – Vehicle (airboats and tracked vehicles only), November ~~3-18~~ 4-19 by quota permit only.
 3. Archery – August ~~25~~ 26 through September ~~16~~ 17.
 4. Muzzleloading gun – September ~~29~~ 30 through October ~~14~~ 15.
 5. through 6. No change.
- (b) through (d) No change.

(5) Big Cypress Wildlife Management Area

(a) Open season:

1. No change.
2. Small game – The day following the close of general gun season through February ~~3~~ 4.
3. Archery – September ~~1~~ 2 through September 30 ~~October 1~~ in all units, and November ~~10~~ 11 through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October ~~6-21~~ 7-22, except in the Deep Lake Unit.

5. Spring turkey – March ~~2~~ 3 through April ~~7~~ 8.

6. through 7. No change.

- (b) through (d) No change.

- (6) No change

~~(7) Fort Drum Wildlife Management Area~~

~~(a) Open season:~~

- ~~1. Special opportunity deer – November 11-17.~~
- ~~2. Small game – December 9-24.~~
- ~~3. Special opportunity turkey – March 17-23, March 31 through April 6 and April 14-20.~~
- ~~4. Special opportunity wild hog – September 5-7, 12-14, and 19-21.~~

- ~~5. Fishing – Permitted throughout the year.~~

~~(b) Legal to take: All legal game and fish. One antlered deer per special opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. No bag or size limit on wild hogs. Taking of wild hogs during the special opportunity turkey hunt is prohibited.~~

~~(c) Camping: Permitted only at designated campsites.~~

~~(d) General Regulations:~~

- ~~1. Hunting with dogs other than bird dogs and retrievers during the small game season is prohibited.~~
- ~~2. Hunters shall enter and exit at Gate 1 only and check in and out at the designated check station when entering or exiting the area.~~
- ~~3. During nonhunting periods, access shall be through designated points only along State Road 60.~~
- ~~4. During periods open to hunting, vehicles may be operated only on named or numbered roads. During the remainder of the year, vehicles may be operated only on Entrance Road.~~

~~5. Persons participating in the special opportunity deer, turkey or wild hog hunts must be in possession of a special opportunity hunt permit.~~

~~6. During special opportunity hunts, only permittees may use tents, trailers or self propelled camping vehicles at designated campsites. During the remainder of the year, only tent camping shall be permitted and only at designated campsites.~~

~~7. The use of tracked vehicles, airboats, motoreycles, or all-terrain vehicles is prohibited.~~

~~8. Horses are permitted only during nonhunting periods and permitted only on designated trails.~~

~~(7)(8) Okaloacoochee Slough Wildlife Management Area~~

~~(a) Open season:~~

- ~~1. Archery – September ~~8-14~~ 9-15 and ~~15-23~~ 16-24.~~
- ~~2. Muzzleloading gun – October ~~13-15~~ 14-16.~~
- ~~3. General gun – October ~~27-30~~ 28-31 and October 31 through November 4 ~~November 1-5~~.~~

4. General gun hog – November 17-23 ~~18-24~~.
5. Spring turkey – March 2-5 ~~3-6~~ and 6-10 ~~7-11~~.
6. through 7. No change.

(b) through (d) No change.

(8) Fisheating Creek Wildlife Management Area

(a) Open season:

1. Archery – September 14-16 and 21-23 west of U.S. Highway 27 only.

2. Muzzleloading gun – October 12-14 and 19-21 west of U.S. Highway 27 only.

3. General gun – November 2-4 and 23-25 west of U.S. Highway 27 only.

4. Spring turkey – March 2-5, 8-11, 15-18, 22-25, and March 29 – April 1 west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March 2-8, March 16-22 east of U.S. Highway 27 only.

6. General gun hog – December 8-9, west of U.S. Highway 27 only.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey and special-opportunity spring turkey seasons, the bag limit for turkey shall be one gobbler (or bearded turkey) per permit. During the general gun hog season, only wild hogs may be taken.

(c) Camping: Permitted at the Fisheating Creek campground throughout the year at designated campsites only. Primitive camping is permitted throughout the area during periods closed to hunting, and, during periods open to hunting, at designated sites only.

(d) General regulations:

1. Entry into or exit from the area at locations other than designated entrances is prohibited.

2. The use of any vehicle, including but not limited to tracked vehicles, all-terrain vehicles, or motorcycles, is prohibited. The use of personal watercraft or horses is prohibited. The use of airboats is prohibited west of the “head of the bushes.” All public use shall be prohibited in areas posted as “closed” so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.

3. Hunters shall check in and out at a check station located at the Palmdale campground when entering and exiting the area and shall check all game taken.

4. Public access, other than by foot, bicycle, or boat, is prohibited. Entry into or exit from locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, is prohibited, except that vehicular access is permitted in the Palmdale campground.

5. Hunting with dogs is prohibited.

6. No deer, wild hog or turkey shall be dismembered until checked at a check station.

7. Only tents, trailers, or self propelled camping vehicles may be used for camping.

8. Fires other than campfires are prohibited.

Proposed Effective Date: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

Specific Regulations for Type I Wildlife

RULE NO.:

Management Areas – Northeast Region 68A-15.065

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all regional Wildlife Management Areas (WMAs) to conform with proposed 2001-2002 hunting season dates for the appropriate hunting zones; to add or delete WMAs to reflect changes in the boundaries of administrative regions; to change references to the name of the region; and to make changes in other regulations necessary to improve efficiency in the management of fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the region to conform with 2000-2001 hunting season dates for the appropriate hunting zones. Proposed changes would delete rules for Citrus, Flying Eagle, Homosassa, and Potts WMAs to reflect transfer of those WMAs to a new administrative region; add rules for Cary, Nassau, and Fort Drum WMAs to reflect transfer of those WMAs to this administrative region; and change references to the name of the administrative region from Central to Northeast. Changes also would establish or revise specific area regulations on WMAs as follows:

Nassau WMA – provide that fishing and frogging is permitted during periods the area is open for hunting or scouting and make technical changes to reflect removal of lands south of US Highway A1A.

Cary WMA – remove size and bag limit on wild hogs.

Lake George WMA – clarify rule language that specifies conditions for public access.

Triple N Ranch WMA – convert the special-opportunity hog hunt to a general gun hog hunt and revise associated rule language accordingly; clarify rule language that authorizes use of horses for hunting during small-game season without restricting such use to roads; and authorize vehicle access for scouting by special-opportunity hunt permittees the Saturday and Sunday prior to any special-opportunity hunt.

Tiger Bay WMA – delete permit requirements and fishing restrictions for Ranch Pond.

Tiger Bay Wildlife Management Area – Rima Ridge Unit – prohibit operation of any boat powered by an internal combustion engine on Scoggin and Indian lakes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,080 for administrative preparation and \$522 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Bull Creek Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~14~~ through January ~~6~~ ~~7~~.

2. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

4. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~. A special quota permit will be required for the September ~~22-23~~ ~~23-24~~ hunt.

5. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

6. through 7. No change.

(b) through (d) No change.

~~(2) Citrus Wildlife Management Area~~

~~(a) Open season:~~

~~1. Modern gun – December 16-17 and January 6-7.~~

~~2. Small game – January 8 through March 4.~~

~~3. Muzzleloading gun – December 9-10 and December 30-31.~~

~~4. Archery – November 11 through December 3.~~

~~5. Fishing and frogging – Throughout year.~~

~~(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the muzzleloading gun and modern gun seasons, antlerless deer may be taken by permit only. Antlerless deer may be taken during the first 9 days of the archery season, but only one antlerless deer may be harvested per quota permit or per person exempted from license and stamp requirements by s. 372.57(1) and (6), F.S. No size or bag limit for wild hogs.~~

~~(c) Camping: Permitted in designated campsites only.~~

~~(d) General regulations:~~

~~1. Only bird dogs may be used for hunting during the small game season. Dogs are prohibited at other times except as authorized.~~

~~2. The use of two-wheeled or all-terrain vehicles is prohibited.~~

~~3. Vehicles may be operated only on named or numbered roads.~~

~~4. No deer shall be dismembered or removed until checked at the check station.~~

~~5. The use of horses for hunting is prohibited except during the small game season.~~

~~6. The possession of guns using other than center-fire cartridges is prohibited during the modern gun season.~~

~~7. Hunting quail is prohibited between Trail 16 and State Road 480.~~

~~8. Bird dogs may be used during authorized field trials.~~

~~9. Bird dogs may be trained in the area between Trail 16 and Trail 20 October 1 through 31. Scheduled bird dog trial events are authorized only in the area between Trail 16 and County Road 480.~~

~~10. Only tents, trailers or self-propelled camping vehicles may be used for camping.~~

~~11. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~12. Camping equipment may not be taken into the area prior to 14 days before the archery season and shall be removed by 6:00 p.m. six days after the close of the small game season.~~

~~13. Persons operating vehicles shall enter and exit only at designated entrances.~~

~~14. Horses are restricted to named or numbered roads and designated horse trails.~~

~~(2)(3) Miami Corporation Wildlife Management Area~~

~~(a) Open season:~~

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~. Hunting is prohibited on Wednesdays and Thursdays, except the first nine days, Thanksgiving Day, Christmas Day and New Year's Day.

2. Fishing and frogging – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~ or as authorized by permit from the landowner.

3. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~, in the still hunt area, Saturdays and Sundays only.

4. Muzzleloading gun – October ~~26-28~~ ~~27-29~~, only in the still hunt area and north of Maytown Road.

5. Small game – January ~~7-20~~ ~~8-21~~.

(b) through (d) No change.

~~(3)~~~~(4)~~ Ft. McCoy Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Small game – January ~~7-27~~ ~~8-28~~.

3. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

4. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

5. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

6. No change.

(b) through (d) No change.

~~(4)~~~~(5)~~ Georgia – Pacific Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

4. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

5. No change.

(b) through (d) No change.

~~(5)~~~~(6)~~ Ocala Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

3. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

4. Muzzleloading gun – October ~~26-28~~ ~~27-29~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~10~~ ~~11~~ through April ~~14~~ ~~15~~.

6. No change.

7. Spring turkey – March ~~21-24~~ ~~22-25~~, ~~28-31~~ ~~March 31-April 1~~, ~~April 4-7~~ ~~5-8~~ and ~~11-14~~ ~~12-15~~, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

8. through 9. No change.

(b) Legal to take:

1. No change.

2. Furbearing animals – During the November ~~10~~ ~~11~~ through March 1 period, hunting as specified in Rule 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March ~~4~~ ~~5~~ through April ~~14~~ ~~15~~

only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January ~~7~~ ~~8~~ through April ~~14~~ ~~15~~, only in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of SR 19.

(c) No change.

(d) General regulations:

1. through 7. No change.

8. Dogs may be used to pursue rabbits from January ~~7~~ ~~8~~ through April ~~14~~ ~~15~~ in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

9. No change.

(e) No change.

~~(6)~~~~(7)~~ Richloam Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

3. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

4. No change.

5. Trapping – January ~~7~~ ~~8~~ through March 1.

(b) through (d) No change.

~~(7)~~~~(8)~~ Richloam Wildlife Management Area – Baird Unit

(a) Open season:

1. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.

2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

3. General gun – November ~~10-18~~ ~~11-19~~.

4. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~22-24~~ ~~March 23-25~~, and ~~29-31~~ ~~March 30~~ through April 1.

5. Small game – December ~~1-16~~ ~~2-17~~ and January ~~19~~ ~~20~~ through February ~~10~~ ~~11~~.

6. No change.

(b) through (d) No change.

~~(8)~~~~(9)~~ Three Lakes Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

3. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

4. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

5. No change.

6. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

7. General gun for mobility-impaired – November ~~2-4~~ ~~3-5~~.

8. General gun-dog – December ~~6-9~~ ~~7-10~~, ~~20-23~~ ~~21-24~~ and ~~27-30~~ ~~December 28-31~~ in that area between the Florida Turnpike and U.S. 441 only.

9. No change.

(b) through (e) No change.

~~(9)~~~~(10)~~ Prairie Lakes Unit, Three Lakes Wildlife Management Area

(a) Open season:

1. Archery – September ~~28-30~~ ~~29~~ through October ~~1~~ and October ~~5-7~~ ~~6-8~~.

2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

3. General gun – November ~~16-18~~ ~~17-19~~ and ~~23-25~~ ~~24-26~~.

4. Small game – December ~~8-23~~ ~~9-24~~.

5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ March ~~30~~ through April ~~1~~ and April ~~12-14~~ ~~13-15~~.

6. No change.

7. General gun hog – November ~~30~~ through December ~~2~~ December ~~1-3~~ and January ~~4-6~~ ~~5-7~~.

(b) through (d) No change.

~~(10)(11)~~ Tiger Bay Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

4. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ March ~~30~~ through April ~~1~~ and April ~~12-14~~ ~~13-15~~.

6. No change.

(b) No change.

1. No change.

~~2. Ranch Pond: Fishing is prohibited, except by permit issued pursuant to subsection 68A-9.002(1), F.A.C. No person shall take in any one day more than 4 freshwater fish including catfish and fish of the type generally called panfish such as bream, crappie (speckled perch), shellcracker or warmouth in the aggregate. No person shall kill or possess any black bass.~~

(c) through (d) No change.

~~(11)(12)~~ Tiger Bay Wildlife Management Area – Rima Ridge Unit

(a) Open Season:

1. General gun – November ~~10~~ ~~11~~ – ~~18~~ ~~19~~.

2. Archery – September ~~22~~ ~~23~~ through October ~~7~~ ~~8~~.

3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

4. Small game – November ~~22~~ ~~23~~ through December ~~30~~ ~~31~~.

5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ March ~~30~~ through April ~~1~~ and April ~~12-14~~ ~~13-15~~.

6. No change.

~~7.6.~~ Trapping – Trapping is prohibited.

(b) through (c) No change.

(d) General regulations:

1. through 5. No change.

~~6. No person shall operate any boat powered by an internal combustion engine on Scoggin and Indian lakes.~~

~~(12)(13)~~ Relay Wildlife Management Area

(a) Open season:

1. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

2. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~ (Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

4. Small game – January ~~7~~ ~~8~~ through March ~~3~~ ~~4~~.

5. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

6. No change.

(b) through (d) No change.

~~(13)(14)~~ Tosohatchee Wildlife Management Area

(a) Open season:

1. Archery – September ~~27-30~~ ~~28~~ through October ~~1~~ and October ~~4-7~~ ~~5-8~~.

2. Muzzleloading gun – October ~~11-14~~ ~~12-15~~ and ~~18-21~~ ~~19-22~~.

3. Modern gun – November ~~15-18~~ ~~16-19~~ and ~~23-25~~ ~~24-26~~.

4. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ March ~~30~~ through April ~~1~~, and April ~~12-14~~ ~~13-15~~.

5. General gun-hog – January ~~11-17~~ ~~12-18~~ and ~~25-31~~ January ~~26~~ through February ~~1~~.

(b) through (d) No change.

~~(14)(15)~~ Seminole Ranch Wildlife Management Area

(a) Open season:

1. Archery – October ~~5-7~~ ~~6-8~~ and ~~12-14~~ ~~13-15~~.

2. Muzzleloading gun – October ~~27-28~~ ~~28-29~~ and November ~~3-4~~ ~~4-5~~.

3. Modern gun – November ~~16-18~~ ~~17-19~~.

4. Small game – November ~~24-25~~ ~~25-26~~, December ~~1-2~~ ~~2-3~~ and ~~8-9~~ ~~9-10~~.

5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~22-24~~ ~~23-25~~ and ~~29-31~~ March ~~30~~ through April ~~1~~.

6. General gun-hog – February ~~9-15~~ ~~10-16~~.

7. No change.

(b) through (d) No change.

~~(15)(16)~~ Jumper Creek Wildlife Management Area

(a) Open season:

1. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.

2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.

3. General gun – November ~~10~~ ~~11~~ through January ~~6~~ ~~7~~.

4. Small game – January ~~7-27~~ ~~8-28~~.

5. Spring turkey – March ~~16~~ ~~17~~ through April ~~21~~ ~~22~~.

6. No change.

(b) through (d) No change.

~~(16)(17)~~ Rock Springs Run Wildlife Management Area

(a) Open season:

1. Archery – September ~~28-30~~ and ~~29~~ October ~~5-7~~ ~~1~~ and ~~6-8~~.

2. Muzzleloading gun – October ~~12-14~~ ~~13-15~~ and ~~19-21~~ ~~20-22~~.

3. Modern gun – November ~~9-11~~ ~~10-12~~ and ~~16-18~~ ~~17-19~~.

4. Small game – December ~~1-2~~ ~~2-3~~, ~~8-9~~ ~~9-10~~ and January ~~5-6~~ ~~6-7~~.

(b) through (d) No change.

~~(17)(18)~~ Guana River Wildlife Management Area

- (a) Open season:
1. No change.
 2. General gun – November ~~16-18~~ ~~17-19~~ and ~~23-25~~ ~~24-26~~.
 3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~ and November ~~2-4~~ ~~3-5~~.
 4. Archery – October ~~12-14~~ ~~13-15~~ and ~~19-21~~ ~~20-22~~.
 5. Small game – November 30 through December 2 ~~1-3~~, December 7-9, 8-10 ~~January 4-6~~ ~~5-7~~, 11-13 ~~12-14~~, 18-20 ~~19-21~~ and 25-27 ~~26-28~~.
 6. through 7. No change.
- (b) through (e) No change.
- ~~(18)~~~~(19)~~ Half Moon Wildlife Management Area
- (a) Open season:
1. Archery – September ~~22-24~~ ~~23-25~~ and ~~28-30~~ ~~September 29~~ ~~October 1~~.
 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 3. General gun – November ~~10-12~~ ~~11-13~~ and ~~16-18~~ ~~17-19~~.
 4. Small game – November 30 through December 2 ~~December 1-3~~, December 7-9 ~~8-10~~, and 14-16 ~~15-17~~.
 5. Spring turkey – March ~~22-24~~ ~~23-25~~, ~~29-31~~ ~~March 30~~ ~~through April 1~~ and April 5-7 ~~6-8~~.
 6. No change.
- (b) through (d) No change.
- ~~(19)~~~~(20)~~ Caravelle Ranch Wildlife Management Area
- (a) Open season:
1. Archery – September ~~22-30~~ ~~23~~ ~~through October 1~~.
 2. Supervised small game – October ~~7-15~~ ~~8-16~~.
 3. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 4. General gun – November ~~10-18~~ ~~11-19~~.
 5. No change.
 6. Small game – November ~~22~~ ~~23~~ through January ~~6~~ ~~7~~, Thursdays, Fridays, Saturdays and Sundays only.
 7. Spring turkey – March ~~16-19~~ ~~17-20~~ and ~~20-24~~ ~~21-25~~.
 8. through 9. No change.
- (b) through (d) No change.
- ~~(20)~~~~(21)~~ Lake George Wildlife Management Area
- (a) Open season:
1. Archery – September ~~22~~ ~~23~~ through October ~~21~~ ~~22~~.
 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 3. General gun – November ~~10-25~~ ~~11-26~~.
 4. Small game – November ~~26~~ ~~27~~ through March ~~3~~ ~~4~~.
 5. Spring turkey – March ~~16-18~~ ~~17-19~~, ~~29-31~~ ~~March 30~~ ~~through April 1~~, and April 12-14 ~~13-15~~.
 6. No change.
- (b) through (d) No change.
- ~~(21)~~~~(22)~~ Lake George Wildlife Management Area – Dexter/Mary Farms Unit
- (a) Open season:
1. Small game – November ~~10~~ ~~11~~ through December ~~2~~ ~~3~~ and December ~~22~~ ~~23~~ through January ~~6~~ ~~7~~.
 2. Special-opportunity turkey – March ~~16-22~~ ~~17-23~~, March ~~30~~ ~~31~~ – April ~~5~~ ~~6~~ and ~~13-19~~ ~~14-20~~.
 3. General gun-hog – January ~~12-15~~ ~~13-16~~, ~~16-21~~ ~~17-22~~, ~~22-27~~ ~~23-28~~.
 4. through 5. No change.
- (b) through (c) No change.
- (d) General regulations:
1. through 3. No change.
 4. The Bluffton Recreation Area shall be open throughout the year from sunrise to sunset via the St. Johns River Road only. During periods when the Dexter Mary Farms Unit is closed to hunting, vehicle access to areas other than the Bluffton Recreation Area is allowed only by permit from the Division of Forestry. Individuals in possession of a special-opportunity turkey hunt permit shall have vehicular access to the Dexter Mary Farms Unit from sunrise to sunset on the Saturday and Sunday preceding the hunt. During periods when the area is closed to hunting, public access is allowed only to the Bluffton Recreation Area via St. Johns River Road. All other access shall be by permit from the Division of Forestry, except individuals in possession of a special-opportunity turkey hunt permit shall have vehicular access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt. The Bluffton Recreation Area shall be open for public access only from sunrise to sunset.
 5. through 10. No change.
- (e) No change.
- ~~(22)~~~~(23)~~ Seminole Forest Wildlife Management Area
- (a) Open season:
1. Archery – September ~~22-25~~ ~~23-26~~ and ~~26-30~~ ~~September 27~~ ~~through October 1~~.
 2. Muzzleloading gun – October ~~26-28~~ ~~27-29~~.
 3. General gun – December ~~1-4~~ ~~2-5~~ and ~~5-9~~ ~~6-10~~.
 4. Small game – January ~~12-27~~ ~~13-28~~, Saturdays and Sundays only.
 5. Spring turkey – March ~~16-19~~ ~~17-20~~ and ~~20-24~~ ~~21-25~~.
 6. General gun for mobility-impaired – October ~~19-21~~ ~~20-22~~.
 7. No change.
- (b) through (d) No change.
- ~~(24)~~ Flying Eagle Wildlife Management Area:
- ~~(a) Open season:~~
1. Archery – ~~September 30~~ ~~October 8~~.
 2. Muzzleloading gun – ~~October 27-29~~.
 3. General gun – ~~November 11-19~~.
 4. Small game – ~~November 24-26~~ and ~~December 15-17~~.
 5. Spring turkey – ~~March 17-20~~ and ~~21-25~~.
 6. Early duck – ~~In September, season established by Rule 68A-13.003, F.A.C.~~
 7. Fishing and frogging – ~~Permitted throughout the year.~~

(b) Legal to take: All legal game, fish, frogs and furbearers (except mink and otter). Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

(c) Camping: Prohibited during periods open for hunting.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited.

2. Hunting with dogs is prohibited except that waterfowl retrievers and bird dogs are allowed during small game and early duck seasons.

3. The possession of centerfire and rimfire rifles is prohibited.

4. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.

5. The use of tracked vehicles, motoreycles or all terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.

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

7. No deer, wild hog or turkey shall be dismembered until checked at the check station.

8. During the early duck season, shooting hours are from one half hour before sunrise until 12 noon each day.

~~(23)~~(25) Triple N Ranch Wildlife Management Area

(a) Open seasons:

1. General gun Special opportunity hog – October ~~12-14~~ 14-15, 19-21 ~~21-22, and 26-28~~ October 28-29 and November 4-5.

2. Special opportunity deer – November ~~10-16~~ 11-17.

3. Small game – November ~~24~~ 25 through January ~~20~~ 21.

4. Special opportunity turkey – March ~~16-22~~ 17-23, March ~~30~~ 31 – April ~~5~~ 6 and ~~13-19~~ 14-20.

5. through 6. No change.

(b) Legal to take: Wild hogs during the special opportunity wild hog hunts, with a daily bag of 2, no size limit. One antlered deer may be taken per special opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking antlered deer not having at least one antler with four or more points is prohibited. All legal small game and furbearers during the small game season. Turkey during the special opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special opportunity turkey hunt permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

1. No change.

2. Vehicles or horses may be used only on named and numbered roads except that horses are not restricted to roads during the small game season. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.

3. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.

3. through 5. renumbered 4. through 6. No change.

~~7.~~ Individuals in possession of a special opportunity turkey hunt permit may ~~shall~~ have vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt.

7. through 8. renumbered 8. through 9. No change.

~~(26)~~ Homosassa Wildlife Management Area:

(a) Open season:

1. General gun hog – September ~~7-10~~ and ~~14-17.~~

2. Small game – November ~~11~~ through December ~~3~~ and December ~~23~~ through January ~~7.~~

3. Special opportunity spring turkey – March ~~17-23~~ and March ~~31~~ through April ~~6.~~

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: Only wild hogs may be taken during the hog season. There is no bag or size limit restrictions on hogs. All legal small game and furbearers may be taken during the small game season. Wild turkeys may only be taken during the special opportunity spring turkey season. The bag limit for turkeys shall be one gobbler (or bearded turkey) per special opportunity permit. Fish and frogs are legal to take throughout the year.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated firelines.

3. Vehicles may be parked only in designated parking areas.

4. The use of tracked vehicles, airboats, motoreycles, all terrain vehicles or horses is prohibited.

5. Small game hunters are required to sign in and sign out at game registration boxes and record all game taken.

6. Public access to the area is prohibited during the period from 8:00 pm to 5:00 am.

7. A special opportunity hunt permit shall be required for every person entering the area during special opportunity hunts.

8. The possession of centerfire rifles is prohibited.

~~(24)~~(27) Etoniah Creek Wildlife Management Area

(a) Open season:

1. Archery – September ~~22~~ 23 through October ~~7~~ 8.

2. Muzzleloading gun – October ~~26-28~~ 27-29.
3. General gun – November ~~10-18~~ 11-19.
4. No change.
5. Spring turkey – March ~~16-18~~ 17-19, ~~22-24~~ 23-25, March ~~29-31~~ 30 through April 1.

6. No change.
- (b) through (d) No change.

~~(25)(28)~~ Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit

- (a) Open season:
 1. Archery – October ~~5-7~~ 6-8 and ~~12-14~~ 13-15.
 2. Muzzleloading gun – November ~~2-4~~ 3-5.
 3. General gun – November ~~16-18~~ 17-19.
 4. Small game – December ~~8-23~~ 9-24 (Saturdays and Sundays only).

5. No change.
- (b) through (c) No change.

~~(26)(29)~~ Lake Panasoffkee Wildlife Management Area

- (a) Open season:
 1. Special-opportunity turkey – March ~~21-24~~ 22-25, and April ~~2-5~~ 3-6, and April ~~18-21~~ 19-22.

2. Special-opportunity archery – September ~~27-30~~ 28 October 1, October ~~4-7~~ 5-8 and ~~16-19~~ 17-20, November ~~1-4~~ 2-5 and ~~13-16~~ 14-17, November ~~29~~ 30 – December ~~2~~ 3 and ~~11-14~~ 12-15, and January ~~3-6~~ 4-7.

3. Special-opportunity hog-still – February ~~1-3~~ 2-4.
4. Special-opportunity hog-dog – February ~~13-15~~ 14-16.
5. Small game – January ~~18-20~~ 19-21 and ~~25-27~~ 26-28.

6. through 7. No change.
- (b) through (d) No change.

~~(30)~~ Potts Wildlife Management Area

- (a) Open season:

1. Spring turkey – March 17 through 20 and March 21 through 25.

2. Archery – September 23 through October 1.

3. Muzzleloading gun – October 27-29.

4. General gun hog-dog – November 17-19.

5. Small game – December 2-10.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) Legal to take: All legal game, wild hogs, fish, and frogs. The bag limit for turkey shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun hog-dog hunt.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Water Management District. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers are prohibited. Lumber, sheet metal or other building materials is prohibited. Each camper shall assure that their

campsite is clean at all times. The alteration, defacing, moving, tampering in any way with official markings of campsites is prohibited.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District.

2. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

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

5. No game shall be dismembered until checked at the check station.

6. Only tents, trailers or self-propelled camping vehicles may be used for camping.

7. The name and address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

~~(27)(31)~~ Ross Prairie Wildlife Management Area

- (a) Open Season:

1. Supervised small game – October ~~13-19~~ 14-20, November ~~17-23~~ 18-24, December ~~15-21~~ 16-22 and January ~~12-18~~ 13-19.

- (b) through (d) No change.

~~(28)(32)~~ Buck Lake Wildlife Management Area

- (a) Open season:

1. Archery – September ~~22-30~~ 23 – October 1 and October ~~1-7~~ 2-8.

2. Muzzleloading gun – October ~~26-28~~ 27-29.

3. General gun – November ~~10-13~~ 11-14 and ~~14-18~~ November 15-19.

4. Small Game – December ~~1-16~~ 2-17.

5. Spring turkey – March ~~16-19~~ 17-20 and ~~20-24~~ 21-25.

6. No change.

- (b) through (d) No change.

~~(29)~~ Nassau Wildlife Management Area

- (a) Open season:

1. General gun – November 10 through January 6.

- 2. Small game – January 7 through March 3.
 - 3. Spring turkey – March 16 through April 21.
 - 4. Archery – September 22 through October 21.
 - 5. Muzzleloading gun – October 26-28.
 - 6. Fishing and frogging – During periods the area is open for hunting or scouting.
 - 7. Trapping – January 7 through March 1.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after November 26.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 - 1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited during the general gun season.
 - 2. Vehicles may be operated only on named or numbered roads.
 - 3. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.
 - 4. Fires are prohibited.
 - 5. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.
 - 6. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.
- (30) Cary Wildlife Management Area
- (a) Open season:
 - 1. Archery – October 13-14, November 3-4 and 17-18, December 8-9 and 22-23.
 - 2. Muzzleloading gun – December 29-30 and January 12-13.
 - 3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.
 - (b) Legal to take: All legal game except that only wild hogs and antlered deer may be taken during the muzzleloading gun season. No size or bag limit on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 - 1. Fires are prohibited.
 - 2. Hunting with dogs is prohibited except that bird dogs are permitted during bird dog training season.
 - 3. Vehicles may be operated on designated roads only.
 - 4. The use of all-terrain vehicles (ATVs) is prohibited.
 - 5. Crossbows are prohibited.
 - 6. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 - 7. On that portion of the area open for hunting, horses are allowed only on established roads during periods when hunting is permitted.

- 8. The possession of firearms other than blank-firing pistols is prohibited during bird dog training season.
 - (31) Fort Drum Wildlife Management Area
 - (a) Open season:
 - 1. Special-opportunity deer – November 10-16.
 - 2. Small game – December 8-23.
 - 3. Special-opportunity turkey – March 16-22, March 30 through April 5 and April 13-19.
 - 4. Special-opportunity wild hog – September 4-6, 11-13, and 18-20.
 - 5. Fishing – Permitted throughout the year.
 - (b) Legal to take: All legal game and fish. One antlered deer per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. No bag or size limit on wild hogs. Taking of wild hogs during the special-opportunity turkey hunt is prohibited.
 - (c) Camping: Permitted only at designated campsites.
 - (d) General Regulations:
 - 1. Hunting with dogs other than bird dogs and retrievers during the small game season is prohibited.
 - 2. Hunters shall enter and exit at Gate 1 only and check in and out at the designated check station when entering or exiting the area.
 - 3. During nonhunting periods, access shall be through designated points only along State Road 60.
 - 4. During periods open to hunting, vehicles may be operated only on named or numbered roads. During the remainder of the year, vehicles may be operated only on Entrance Road.
 - 5. Persons participating in the special-opportunity deer, turkey or wild hog hunts must be in possession of a special-opportunity hunt permit.
 - 6. During special-opportunity hunts, only permittees may use tents, trailers or self-propelled camping vehicles at designated campsites. During the remainder of the year, only tent camping shall be permitted and only at designated campsites.
 - 7. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited.
 - 8. Horses are permitted only during nonhunting periods and permitted only on designated trails.

(32) This rule shall take effect on July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 7-1-01.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations on Type II Wildlife Management Areas

RULE NO.: 68A-16.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to organize Type II Wildlife Management Areas by administrative region; adjust hunting season dates to conform to the 2001-2002 calendar; and to incorporate other changes to allow the agency to more efficiently manage wildlife resources and public use on these areas.

SUMMARY: The proposed rule changes would organize the Type II Wildlife Management Areas by administrative region and would adjust all hunting season dates to conform to the 2001-2002 hunting season dates for the respective zones. Changes would also establish or revise specific area regulations on Type II Wildlife Management Areas as follows: Eglin Air Force Base – the proposed changes would correct the dates of the small game season in Unit 10 and allow retrievers to be used in addition to bird dogs; would add Mondays as a designated hunt day during the first and second phases of the dove season; and would establish fishing regulations for Duck Pond including a daily aggregate bag of 20 panfish and prohibitions on taking or possessing bluegill or redear sunfish less than eight inches in length or black bass less than 16 inches total length. Tyndall Air Force Base – the proposed changes would create a muzzleloading gun season (November 16-18); would prohibit the discharge of a firearm or gun on, upon, or across any road open for public access; would eliminate duplicative regulations; and would expand spring turkey season to include all designated areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$915 for administrative preparations and \$670 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68A-16.005 follows. See Florida Administrative Code for present text.)

68A-16.005 Specific Regulations on Type II Wildlife Management Areas.

(1) Southwest Region:

(a) Avon Park Air Force Range – Polk and Highlands counties:

1. Open season:

a. Archery – September 22 through October 21, Friday, Saturday, Sunday, and Monday only.

b. Muzzleloading gun – October 27 through November 4, Friday, Saturday, Sunday, and Monday only.

c. General gun – November 10 through December 30, Friday, Saturday, Sunday, and Monday only and at other times as designated by the U.S. Air Force.

d. Small game – December 31 through March 2, Friday, Saturday, Sunday, and Monday only.

e. Spring turkey – March 16 through April 21, Friday, Saturday, Sunday, and Monday only.

f. Fishing and frogging – During periods when hunting is allowed and at other times as provided by U.S. Air Force regulations.

g. Trapping – Prohibited.

h. Camping – On designated campsites during periods when area is open to hunting and at other times as provided by U.S. Air Force regulations.

2. Legal to take:

a. All legal game, fish, frogs, turtles (except gopher tortoises), and furbearers. All other animals are protected and may not be harassed, injured, killed, or removed from the installation except as specifically authorized by the Natural Resource Manager.

b. Antlerless deer may be taken during the archery season and on October 27, December 8 and 15. Antlered deer may be taken during archery season, muzzleloading gun season, and the first four weekend hunting periods of general gun season.

c. Turkey of either sex may be taken only during the archery season. Turkey may not be taken during the muzzleloading gun or general gun season.

3. General regulations:

a. Hunters may enter the area at noon on Thursday and must exit by 8:00 p.m. on Monday during each hunting period except during the opening weekends of archery, muzzleloading gun, general gun, and spring turkey season when hunters may not enter until noon on Friday. During the closing weekends of the above seasons, hunters must exit by 8:00 p.m. Sunday. During small game season, hunters may enter on the opening day and must exit by 8:00 p.m. Sunday on the closing weekend.

b. Hunters may enter and exit the area only at the main gate and the Frostproof gate.

c. Hunters and individuals accompanying hunters must wear a minimum of 500 square inches of daylight orange material above the waist as an outer garment when in any hunt area during muzzleloading gun, general gun, or small game season. Blaze-orange clothing is not required for hunting waterfowl in Kissimmee and Arbuckle marshes or during the archery or spring turkey season.

d. Persons determined by the U.S. Air Force or Commission personnel to be intoxicated will be required to leave the area and the privilege to enter the area shall be revoked.

e. The discharge of guns is prohibited on, from, or across any public campsite.

f. Loaded, capped, or primed guns are prohibited and ammunition must be physically separated from guns at check stations, public campsites, the Natural Resources office, within 50 feet of Frostproof, Kissimmee, or Van Eeghan roads, while being transported through the Cantonment area (Main Base), or in vehicles on designated roads.

g. Pistols with barrels longer than nine inches are prohibited.

h. Hunting with or possession of dogs is prohibited during the general gun season in designated areas. Hunting with bird dogs or retrievers is permitted throughout the area during the small game season.

i. Each permit holder and his/her guest is allowed to have a combined total of three dogs during any daily hunting period.

j. Rifles other than muzzleloaders are prohibited.

k. Running of dogs at night is prohibited.

l. Vehicles may be operated only on designated roads except bird hunters with bird dogs may hunt from vehicles during the small game season in designated vehicle-bird dog areas.

m. Two- or three-wheeled motor vehicles and airboats are prohibited. Horses are permitted with written permission of the Natural Resources Manager.

n. Vehicles shall not be parked in such a manner as to obstruct roads or firelanes.

o. The use of vehicles is prohibited in the hunt area between 10:00 p.m. and 4:30 a.m. except on Frostproof and Kissimmee roads, or in case of emergency.

p. All hunters must submit an outdoor recreation report prior to leaving the area during any weekend hunting period.

q. Hunt permit-holders, guests, or dependents must display their hunt permits, hunting licenses, and identification, and submit to a vehicle inspection upon request from any Hunt Program employee, U.S. Air Force Security Police Officer, or Wildlife Officer.

r. Hunters shall check all game taken at the Natural Resources office when open.

s. During the general gun season, hunting in the designated dog hunting area is restricted to hunters using dogs. No tree stands may be erected.

t. The possession of a gun is prohibited in the Sandy Point Wildlife Refuge.

u. Entering a closed management unit is prohibited.

(2) North Central Region:

(a) Little River – Suwannee County:

1. Open season:

a. Archery – September 22-24, September 29 through October 1, and October 6-8.

b. Muzzleloading gun – October 26-28.

c. Small game – December 1-5 and 22-26.

d. Fishing – Permitted throughout the year.

e. Trapping – Prohibited.

f. Camping – Permitted by landowner permit.

g. Dog training – Prohibited.

2. Legal to take – Deer and wild hogs. No size or bag limit on wild hogs. Only rabbit and gray squirrel may be taken during small game season.

3. General regulations:

a. Vehicles may be operated only on designated roads.

b. The use of all-terrain vehicles is prohibited.

c. All persons shall enter and exit only at designated points.

d. Hunting with dogs, including leashed dogs, is prohibited.

e. All hunters shall check in and out at designated entrances.

(b) Middle Aucilla – Madison, Taylor, and Jefferson counties:

1. Open season:

a. General gun – November 10 through January 6.

b. Small game – January 7 through March 3.

c. Archery – September 22 through October 21.

d. Muzzleloading gun – October 27 through November 4.

e. Spring turkey – March 16 through April 21.

f. Fishing – Permitted throughout the year.

g. Trapping – Prohibited.

h. Camping – Prohibited.

i. Dog training – Prohibited.

2. Legal to take – All legal game, fish, and furbearers. Antlerless deer may be taken during the archery season only. Turkey may be taken only during the spring turkey season. No size or bag limit on wild hogs.

3. General regulations:

a. Vehicles may be operated only on designated roads.

b. Hunting or possession of wild hogs with dogs is prohibited.

c. The use of all-terrain vehicles is prohibited.

(c) Troy Springs – Lafayette County:

1. Open season:

a. Small game – November 10 through January 6 except on Sundays and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.

b. Fishing – Permitted throughout the year.

c. Trapping – Prohibited.

d. Camping – Permitted year-round on Ruth Springs and Walker tracts. Permitted only during periods closed to hunting on the Adams Tract. A written permit from the Suwannee River Water Management District is required for all camping.

2. Legal to take – Rabbit, gray squirrel, and fish only.

3. General regulations:

a. Vehicles may be operated only on named or numbered roads.

b. The use of all-terrain vehicles is prohibited.

c. Hunting with dogs, including leashed dogs, is prohibited.

d. Public access is permitted only through designated access points.

(d) Bayard – Clay County:

1. Open season:

a. Archery – September 22 through October 7 and November 17-25.

b. Muzzleloading gun – October 27 through November 4.

c. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

d. Trapping – Prohibited.

e. Camping – Permitted by hunt permit holders at the designated sites in Area 3 only during periods open to hunting; year-round at designated sites in Area 1 only; and during non-hunting periods at designated campsites in Areas 2 and 3 only.

f. Fishing and frogging – Permitted throughout the year.

2. Legal to take – All legal game, fish, frogs, and furbearers. The bag limit shall be one deer per hunt permit; wild hogs of any size with no bag limit may be taken during any hunt; turkey of either sex during archery season only; quail, gray squirrel, and rabbit.

3. General regulations:

a. Hunting with dogs is prohibited.

b. Vehicles may be operated only on named or numbered roads.

c. Vehicles may be parked only at designated parking areas.

d. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

e. During hunting periods, public access is restricted to those individuals with valid hunt permits.

f. All hunters must check in and out at the designated check station and check all game taken.

g. Horses are permitted throughout the year in Area 1 and only during non-hunting periods in Areas 2 and 3.

h. Horses and non-motorized bicycles may be used only on named or numbered roads and designated trails.

i. Vehicular access is permitted on all hunt days plus the weekend and the day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.

j. A hunt permit is not required for fishing or frogging during periods closed to hunting.

k. Hunting shall be permitted only in Areas 2 and 3.

l. Hunt permits are transferable.

m. Only shotguns may be used during the spring turkey season.

n. Vessels may be used to access the area from St. Johns River.

(3) Northwest Region:

(a) Eglin Air Force Base – Santa Rosa, Okaloosa, and Walton counties:

1. Area regulations:

a. The possession or use of a gun is permitted only during established open seasons in which the use of such equipment is authorized or at, or while proceeding to and from authorized Eglin target ranges. Centerfire pistols or other rifles are permitted only at approved target ranges and Units 7 and 11 unless specifically authorized by the Air Base Wing Commander. All rifles and centerfire pistols must be unloaded and encased while in transit to approved target ranges and Units 7 and 11.

b. The possession of loaded, capped or primed guns in designated camping areas is prohibited.

c. The possession of guns in closed areas or the possession of dogs or firearms in special archery areas is prohibited without specific authorization by the Air Base Wing Commander.

d. Persons may not enter any “closed” area without specific authorization from the Air Base Wing Commander.

e. Bird dogs may be trained with the aid of a blank pistol in designated areas during daylight hours.

f. Taking of wildlife by use of a gun on or from the rights-of-way of any paved Eglin road, Range Roads 213, 234, and the portion of Range Road 211 from Highway 85 west to Range Road 610, and all other roads posted as such, is prohibited, as provided by Rule 68A-4.008, F.A.C.

g. Vehicles may be operated only on numbered roads.

h. All persons must check in and out at the designated check station and check all game taken in Units 7 and 11 except during the small game season.

i. The use of all-terrain vehicles is prohibited.

j. All persons hunting quail in Unit 6 shall check in and out at the check station and check all game taken.

k. Motorized vehicles are prohibited in Units 4, 5, 8, 9, 11, and 17, and in Units 1, 2, 3, 7, and 16 except during designated hunts.

l. Driving a metal object into any tree or hunting from a tree in which a metal object has been driven is prohibited.

m. No person shall park any vehicle in a manner which obstructs a road, gate, or firelane.

2. Archery hunts:

a. Open season – October 13 through November 11 in all open, stalk, and archery-only areas.

b. Legal to take – Antlered deer, antlerless deer before November 12 only, gray squirrel, and rabbit. Furbearers after November 30 only.

3. Muzzleloading gun:

a. Open season – November 16-18.

b. Legal to take – Antlered deer, gray squirrel, and rabbit.

4. General gun for mobility-impaired:

a. Open season – February 2-3.

b. Legal to take – All legal game, and antlerless deer.

c. General regulations:

i. Use of all-terrain vehicles is allowed by permit only.

5. General gun hunts:

a. Open season – November 22-25, December 8-30, and January 19 through February 3 in all units except Units 6 and 16; November 22-25 and December 8-30 in Units 6 and 16; and at other times and in areas designated by the Air Base Wing Commander.

b. Legal to take – All legal game and furbearers. Furbearers may be taken after November 30. Antlerless deer may be taken by permit only.

c. General regulations:

i. Possession or use of any dog in any special archery area is prohibited.

ii. Possession or use of any dog other than a bird dog is prohibited in all still-hunt areas.

iii. Dogs may be transported through still-hunt areas on Eglin Road 211 between State Road 85 and Honey Creek and on Eglin Road 211 between Wolf Creek and Range Road 236.

iv. During general gun season, all persons hunting in Unit 16 shall check all game taken.

6. Small game hunt:

a. Open season – December 31 through January 18 in all units except Unit 6 and the area north of Range Road 211, west of State Road 85, and east of State Road 87. November 10 through February 14 only in Unit 6 and the area north of Range Road 211, west of State Road 85, and east of State Road 87.

b. Legal to take – Quail, rabbit, gray squirrel, furbearers, coyote, armadillo, and migratory birds in season.

c. General regulations – Bird dogs and retrievers may be used in designated dog and still-hunt areas. Dogs may be used to take rabbit in Unit 10 from December 31 through January 18.

7. Archery and muzzleloading gun:

a. Open season – February 8-11 and 15-17 except in Units 6 and 16.

b. Legal to take – Antlered deer, gray squirrel, quail, rabbit, and furbearers.

c. General regulations – Only bow and arrow and muzzleloading guns are allowed.

8. Dove season:

a. Open season – First and second phase of the dove season on Mondays, Wednesdays, and Saturdays only. Third phase of the dove season during the general gun season only.

b. General regulations:

i. A daily dove field permit denoting a specific field is required during the first and second phase prior to the general gun season.

9. Spring turkey season:

a. Open season – March 16 through April 21.

b. General regulations – Only shotguns or bow and arrow may be used.

10. Special hunt:

a. Open season – February 9-10.

b. Legal to take – Any deer (except spotted fawns).

11. Trapping:

a. Open season – December 8 through March 1.

b. Legal to take – All legal furbearers.

12. Fox, raccoon, opossum, and bobcat:

a. Open season – May 15 through August 31 with dogs.

b. General regulations:

i. One .22 caliber pistol using .22 short cartridges per hunting party may be used. All other guns are prohibited.

ii. Fox, raccoon, opossum, and bobcat hunting is permitted only in Units 10 and 12.

13. Fishing:

a. Fishing is permitted only from 1 1/2 hours before sunrise to 1 1/2 hours after sunset except during May 1 through September 30 when it is permitted from 1 1/2 hours before sunrise until 10:00 p.m.

b. Trotlines or bush hooks are prohibited in all ponds.

c. Duck Pond: No person shall take in any one day more than 20 panfish in the aggregate. No person shall kill or possess any bluegill or redear sunfish less than eight inches total length. No person shall kill or possess any black bass less than 16 inches total length.

14. Camping: Permitted only at designated campsites.

(b) Lower Escambia – Escambia and Santa Rosa counties:

1. Open season:

a. General gun – November 22-25 and December 8 through January 2 except Parker and Morgan Islands (November 22-25 and December 8-31).

b. Small game – November 10 through December 7 and January 3 through March 3 except Parker and Morgan Islands (November 10-15, November 19 through December 7, and February 1 through March 3).

c. Duck and dove – As established by Rules 68A-13.003 and 68A-13.008, F.A.C.

d. Muzzleloading gun – November 16-18.

e. Archery – October 13 through November 11.

f. Archery and muzzleloading gun – February 14-24 except on Parker and Morgan Islands (January 1-31 and February 14-24).

g. Spring turkey – March 16 through April 21.

h. Fox, raccoon, and bobcat – November 1 through July 31 except during spring turkey season.

i. Fishing and frogging – Permitted throughout the year.

j. Camping – Permitted throughout the year.

2. Legal to take – All legal game, furbearers, fish, and frogs. Antlerless deer (except spotted fawns) may be taken only during the archery season. Turkey may be taken only during the designated spring turkey season. Raccoon may be taken by the use of firearms during the November 1 through March 1 period only.

3. General regulations:

a. Vehicles may not be operated on roads posted as closed.

b. Vehicles may be operated only on graded or maintained roads.

c. Taking hogs by the use of dogs is prohibited.

d. Centerfire rifles are prohibited except during the general gun or spring turkey season.

e. Hunting with dogs other than bird dogs is prohibited during daylight hours November 10-21, November 26 through December 7, and January 3 through March 3; also, November 22-25 and December 8 through January 2 in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.

f. The use or possession of dogs is prohibited on Parker and Morgan Islands except in accordance with Rule 68A-24.002(2)(b), F.A.C., when hunting raccoon.

g. Permanent camping structures are prohibited.

h. Taking of wildlife by use of a gun on or from rights-of-way of State Road 184 and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.

i. The use of all-terrain vehicles is prohibited.

(c) Tyndall Air Force Base – Bay County:

1. Archery season:

a. Hunting – October 13 through 21 daily and October 22 through November 11 on Wednesdays, Saturdays, Sundays, and federal holidays only.

b. Legal to take – All legal game except turkey and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least five inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

2. Muzzleloading gun:

a. Hunting – November 16-18 in designated areas.

b. Legal to take – All legal game except turkey. Taking of antlered deer not having at least one forked antler and having one or more antlers at least five inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

3. Special hunt unit:

a. General gun – December 15-16, 29-30, and January 26-27.

b. Legal to take – Antlered or antlerless deer only.

c. Hunters shall possess a special hunt permit while participating in these hunts.

4. General gun:

a. Hunting – November 22-25 and December 8 through February 13 on Saturdays, Sundays, Wednesdays, federal holidays from November 22 through February 13, and daily from December 15 through 30 except Christmas Day. Hunt days are subject to change by order of the Wing Commander.

b. Legal to take – All legal game (except turkey) and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least five inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. Antlerless deer may be taken by permit only.

5. Special hunt:

a. Hunting – November 17-18, December 1-12 and 15-16.

b. Legal to take – Any deer (except spotted fawns).

6. Dove season:

a. First phase – Permitted on designated fields on Saturdays, Sundays, and Wednesdays only.

b. Second and third phases – Permitted in any open area on Saturdays, Sundays, and Wednesdays only.

c. Hunters shall possess a dove hunting permit during the first phase of the dove season and either a dove hunting permit or a general gun permit during the second and third phases.

7. Spring turkey:

a. Hunting – March 16-17, 23-24, 30-31, April 6-7, 13-14, and 20-21.

b. Legal to take – Gobblers or bearded turkey. The bag limit for turkey shall be one gobbler (or bearded turkey) per Tyndall turkey hunting permit.

c. Only shotguns or bow and arrow may be used.

8. Fishing:

a. Fishing is prohibited in all waters posted as closed.

b. The operation of gasoline-powered boats is prohibited on freshwater lakes.

c. Persons fishing on freshwater lakes shall conform to established limits, fishing dates and hours, and possess a valid fishing permit.

d. Trotlines or bush hooks are prohibited.

9. General regulations:

a. The possession or use of any firearms on Tyndall Air Force Base is prohibited during closed seasons and during closed days.

b. Only muzzleloading guns or shotguns are permitted during firearms hunts and during special hunts.

c. Hunting with dogs other than bird dogs is prohibited.

d. Vehicles may be operated only on established roads.

e. Fires are prohibited.

f. Camping is prohibited.

g. Trapping is prohibited.

h. The use or possession of centerfire and rimfire rifles and pistols is prohibited.

i. Taking of wildlife on or from the rights-of-way of any road open to vehicular access is prohibited as provided by Rule 68A-4.008, F.A.C.

j. All hunters shall check in and out at a check station prior to entering or exiting the East and West Units during any open hunting season and shall check all game harvested.

k. Driving a metal object into any tree or hunting from a tree in which a metal object has been driven is prohibited.

l. Hunters hunting south of Sabre Drive are required to park in designated parking areas.

m. During special hunts, hunting is permitted from designated stands only.

(d) Upper Chipola River – Jackson County:

1. Open season:

a. General gun – November 22-25 and December 8 through January 1.

b. Archery – October 13 through November 11.

c. Muzzleloading gun – November 16-18.

d. Small game – November 10-21, November 26 through December 7, and January 2 through March 3.

e. Archery and muzzleloading gun – February 16-17 and 23-24.

f. Spring turkey – March 16 through April 21.

g. Duck and coot – During the duck and coot season as established by Rule 68A-13.003, F.A.C.

h. Dove – During the dove seasons established by Rule 68A-13.008, F.A.C.

i. Camping – Permitted throughout the year.

j. Fishing and frogging – Permitted throughout the year.

k. Trapping – December 1 through March 1.

2. Legal to take – All legal game, fish, frogs, and furbearers. Antlerless deer may be taken only during the archery season. Bearded turkey or gobblers may not be taken during the general gun season.

3. General regulations:

a. Taking or attempting to take deer with the aid of dogs is prohibited.

b. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or firelines.

c. Vehicles may be operated only on graded or maintained roads.

d. The use of all-terrain vehicles is prohibited.

(e) Apalachicola River – Gulf and Liberty counties:

1. Open season:

a. General gun – November 22-25 and December 8 through February 13.

b. Archery – October 13 through November 11.

c. Muzzleloading gun – November 16-18.

d. Small game – November 10-21, November 26 through December 7, and February 14 through March 3.

e. Archery and muzzleloading gun – February 14-24.

f. Spring turkey – March 16 through April 21.

g. Duck and coot – During the duck and coot season as established by Rule 68A-13.003, F.A.C.

h. Dove – During the dove seasons established by Rule 68A-13.008, F.A.C.

i. Camping – Permitted throughout the year.

j. Fishing and frogging – Permitted throughout the year.

k. Trapping – December 1 through March 1 in still hunt areas and February 1 through March 1 in dog hunt areas.

2. Legal to take – All legal game, fish, frogs, and furbearers. Antlerless deer may be taken only during the archery season. During the general gun season, bearded turkey or gobblers may be taken only during the period of November 22-25 and December 8-19.

3. General regulations:

a. Hunting with dogs other than bird dogs is prohibited in designated still hunt areas. Designated still hunt areas are those lands lying east of the Apalachicola River and north and east of the Florida River and Larkins Slough in Liberty County; that area in Gulf County known as Cutoff Island which is bounded on the north by the Chipola Cutoff, on the west and south by the Chipola River, and on the east by the Apalachicola River; and all lands lying west of the Chipola River in Gulf County.

b. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or firelines.

c. Vehicles may be operated only on graded or maintained roads.

d. The use of all-terrain vehicles is prohibited.

(f) Choctawhatchee River – Bay, Walton, Washington, and Holmes counties:

1. Open season:

a. General gun – November 22-25 and December 8 through February 13 except Holmes Creek Unit and East River Island.

b. Archery – October 13 through November 11.

c. Muzzleloading gun – November 16-18.

d. Small game – November 10-21, November 26 through December 7, and February 14 through March 3.

e. Archery and muzzleloading gun – February 14-24, Holmes Creek Unit and East River Island November 22-25 and December 8 through February 24.

f. Spring turkey – March 16 through April 21 only in that portion of the area south of the pipeline right-of-way located up river (north) of Cedar Log Landing (Walton County) and Douglas Ferry Landing (Washington County).

g. Duck and coot – During the duck and coot season as established by Rule 68A-13.003, F.A.C.

h. Dove – During the dove seasons established by Rule 68A-13.008, F.A.C.

i. Camping – Permitted throughout the year.

j. Fishing and frogging – Permitted throughout the year.

k. Trapping – December 1 through March 1 in still hunt areas and February 1 through March 1 in dog hunt areas.

2. Legal to take – All legal game (except turkey shall not be taken in that portion of the area north of the pipeline right-of-way), fish, frogs, and furbearers. During the general gun season, bearded turkey or gobblers may be taken only in the portion of the area south of the pipeline right-of-way during the period of November 22-25 and December 8-19.

3. General regulations:

a. Hunting with dogs other than bird dogs is prohibited in designated still hunt areas. Designated still hunt areas are Holmes Creek Unit (those lands in Washington County lying west of S.R. 79 and east of C.R. 284) and East River Island (those lands in Township 1 North, Ranges 17 and 18 West which are bounded on the south and east by East River and on the west and north by the Choctawhatchee River).

b. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or firelines.

c. Vehicles may be operated only on graded or maintained roads.

d. The use of all-terrain vehicles is prohibited.

(g) Upper Choctawhatchee River – Holmes County:

1. Open season:

a. Archery – October 13 through November 11.

b. Muzzleloading gun – November 16-18.

c. General gun – November 22-25 and December 8 through February 13.

d. Small game – November 10-15, 19-21, November 26 through December 7, and February 25 through March 3.

e. Archery and muzzleloading gun – February 14-24.

f. Fishing and frogging – Permitted throughout the year.

g. Trapping – December 1 through March 1.

h. Duck and dove – As established in Rules 68A-13.003 and 68A-13.008, F.A.C.

i. Camping – Permitted throughout the year.

2. Legal to take – All legal game (except turkey), fish, frogs, and furbearers.

3. General regulations:

a. Hunting with dogs other than bird dogs and retrievers is prohibited.

b. The use of all-terrain vehicles is prohibited.

(h) Yellow River – Santa Rosa County:

1. Open season:

a. Archery – October 13 through November 11.

b. Muzzleloading gun – November 16-18.

c. General gun – November 22-25 and December 8 through February 13.

d. Small game – November 10-15, 19-21, November 26 through December 7, and February 25 through March 3.

e. Archery and muzzleloading gun – February 14-24.

f. Spring turkey – March 16 through April 21.

g. Fishing and frogging – Permitted throughout the year.

h. Trapping – December 1 through March 1.

i. Duck and dove – As established by Rules 68A-13.003 and 68A-13.008, F.A.C.

j. Camping – Permitted throughout the year.

2. Legal to take – All legal game, fish, frogs, and furbearers.

3. General regulations:

a. Hunting with dogs other than bird dogs and retrievers is prohibited.

b. The use of all-terrain vehicles is prohibited.

(i) Econfina Creek – Bay and Washington counties:

1. Open seasons except in the mobility-impaired hunt area:

a. Archery – October 13 through November 11.

b. Muzzleloading gun – November 16-18.

c. General gun – November 22-25 and December 8 through January 30.

d. Archery and muzzleloading gun – February 14-24.

e. Small game – November 10 through March 3.

f. Spring turkey – March 16 through April 21.

g. Raccoon – November 10 through March 15 and April 22 through July 31.

h. Duck and coot – During the duck and coot season as established by Rule 68A-13.003, F.A.C.

- i. Trapping – December 1 through March 1.
- j. Fishing and frogging – Permitted throughout the year.
- k. Camping – Permitted only at designated sites.
- 2. Open seasons in the mobility-impaired area (mobility-impaired hunt area south of S.R. 20 and east of Enfinger Road):
 - a. General gun – November 23-25, January 11-13, 18-20, 25-27, and January 30 through February 1.
 - b. Spring turkey – March 16-17, 22-24, 29-31, April 5-7, 12-14, and 19-21.
 - c. Fishing and frogging – Permitted throughout the year.
- 3. Legal to take – All legal game, fish, frogs, and furbearers. Taking of antlerless deer is prohibited except during archery season and in the mobility-impaired hunt area during general gun for mobility-impaired hunts. In the mobility-impaired hunt area, antlerless deer (bag limit of one per three-day hunt) may be taken only by persons possessing valid mobility-impaired certificates. Turkey may be taken only during archery or spring turkey season.
 - a. In that portion of the area lying south of S.R. 20 and north of S.R. 388, taking fish is prohibited except by permit issued pursuant to Rule 68A-9.002(1), F.A.C. No person shall take in any one day more than four freshwater fish. No person shall kill or possess any black bass.
- 5. General regulations:
 - a. Vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.
 - b. The possession or use of all-terrain vehicles or motorcycles is prohibited except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.
 - c. The possession or consumption of intoxicating beverages is prohibited.
 - d. Hunting with dogs other than bird dogs or retrievers is prohibited south of S.R. 20, east of Econfina Creek, west of Econfina Road and south of Greenhead Road, and north of Duma Jack Road except that dogs may be used to take raccoons (except in the mobility-impaired hunt area).
 - e. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or a mobility-impaired hunting assistant permit. The mobility-impaired hunting assistant permit shall authorize hunting by the holder and is valid only when the mobility-impaired certificate holder is present on the wildlife management area.
 - f. Taking of wildlife by use of a gun on or from rights-of-way of Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, S.R. 20, or C.R. 388 is prohibited.
- (4) Northeast Region:
 - (a) Upper St. Johns River Marsh – Indian River, Brevard, and Osceola counties:

- 1. Open season:
 - a. Archery – September 22 through October 23.
 - b. Muzzleloading gun – October 27 through November 4.
 - c. General gun – November 10 through January 20.
 - d. Small game – January 21 through March 3.
 - e. Spring turkey – March 16 through April 21.
 - f. Trapping – Prohibited.
 - g. Fishing and frogging – Permitted year-round.
 - h. Camping – Permitted in designated campsites only.
 - i. Waterfowl may be hunted in accordance with federal migratory bird regulations.
- 2. Legal to take – All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the archery season and the period November 17-18. Turkey of either sex may be taken during the archery or muzzleloading gun season. The period of November 10 through January 6 is open for bearded turkey only. No bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun, and small game season.
 - 3. General regulations:
 - a. Hunt permits are non-transferable.
 - b. Motorized tracked or wheeled vehicles are prohibited on the marsh. Motorized boats are prohibited in those portions of the area posted as “walk-in only.”
 - c. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited in or on any public campsite, the Fellsmere Grade, C-54 right-of-way, and all levees.
 - d. The discharge of any gun is prohibited on, from, or across any public campsite.
 - e. Permanent camps are prohibited. Camping by the use of tents, trailers, and self-propelled camping vehicles is permitted at designated campsites only.
 - f. Driving a metal object into any tree or hunting from any tree in which a metal object has been driven is prohibited.
 - g. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.
 - h. The use or possession of guns is permitted only during periods and in areas open to hunting.
 - i. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.
 - j. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.
 - k. The possession or use of guns is prohibited in the St. Johns Water Management Area, S.N. Knight West Impoundment, and as posted in the Blue Cypress Water Management Area except for shotguns during the duck and coot season.
 - l. A hunt permit is not required for fishing or frogging.

m. Public access is prohibited from within 1,000 feet of any posted construction site.

n. Hunting with dogs is prohibited except during the small game season. Waterfowl retrievers are permitted during the duck and coot season. Hunting hogs with the aid of dogs is prohibited except during the period January 23-27.

o. Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.

p. Airboats must cross levees at designated airboat crossings.

q. Bush hooks are prohibited.

r. No person shall use an airboat to take wildlife, frogs, or fish, or for other recreational uses on the area unless such airboat is equipped with an orange flag at least 10 inches wide and 12 inches long displayed at a minimum height of 10 feet above the bottom of the vessel.

s. Public access on Levee 74 North is allowed only at designated entrances.

(b) Ralph E. Simmons Memorial – Nassau County:

1. Open season:

a. General gun – November 17-25.

b. Archery – September 22-30.

c. Muzzleloading gun – October 27 through November 4.

d. General gun for mobility-impaired – October 13-16.

e. Small game – December 17-30 and February 2-10.

f. Trapping – Prohibited.

g. Camping – Permitted by hunt permit holders at designated sites during periods open to hunting and at other times by Special District Permit.

h. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

i. Fishing and frogging – Permitted throughout the year.

2. Legal to take – Antlered deer except antlerless deer may be taken during the archery season and general gun for mobility-impaired hunt. The bag limit shall be one antlered and one antlerless deer per hunt permit. Wild hogs of any size with no bag limit, turkey of either sex during archery season only, quail, gray squirrel, and rabbit.

3. General regulations:

a. Hunting with dogs is prohibited except bird dogs may be used during the small game season.

b. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area. Mobility-impaired hunters must possess a Water Management District Special Use Permit to use tracked vehicles, all-terrain vehicles, and horses during hunting seasons other than the general gun for mobility-impaired season.

c. Vehicles may be parked only at designated parking areas.

d. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

e. During hunting periods, public access is restricted to those individuals with valid hunt permits. No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.

f. All hunters must check in and out at the designated check station and check all game taken.

g. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.

h. Non-motorized bicycles may be used only on named or numbered roads and designated trails.

i. A hunt permit is not required for fishing or frogging during periods closed to hunting.

j. Hunt permits are transferable.

(c) Emerald Marsh – Lake County:

1. Open season:

a. Duck and coot:

i. During the September season established by Rule 68A-13.003, F.A.C.

ii. During the first phase of the duck and coot season established by Rule 68A-13.003, F.A.C.

iii. During the first day, last day, and each Wednesday, Saturday, and Sunday of the second phase of the duck and coot season established by Rule 68A-13.003, F.A.C.

b. Fishing and frogging – Permitted throughout the year.

c. Trapping – Prohibited.

d. Camping – Prohibited except by landowner permit.

2. Legal to take – Ducks, coots, snipe, fish, and frogs. Legal shooting hours for ducks, coots, and snipe are from the beginning hour established in Rule 68A-13.003, F.A.C., until 1:00 p.m.

3. General regulations:

a. A hunt permit is not required for fishing or frogging.

b. Hunt permits are transferable.

c. Vehicles are prohibited except at designated locations.

d. Air-powered boats, all-terrain vehicles, tracked vehicles, and motorcycles are prohibited.

e. Guns are prohibited except that shotguns are allowed during periods when hunting is allowed and guns may be used by authorized Nuisance Feral Hog Trappers.

f. Establishment of or hunting from a permanent blind is prohibited.

g. Unleashed dogs are prohibited except that retrievers are allowed during the duck and coot season.

- h. Hunting is prohibited within 500 feet of any paved road, pumping facility, or posted construction site.
- i. Possession of black bass is prohibited.
- j. Possession of cast nets and minnow lift nets is prohibited.
- k. Hunting from perimeter levees is prohibited.
- (d) Dunns Creek – Putnam County:
 - 1. Open season:
 - a. Archery – September 22 through October 7 and November 17-25.
 - b. Muzzleloading gun – October 27 through November 4.
 - c. Spring turkey – March 16-18, 29-31, and April 12-14.
 - d. Trapping – Prohibited.
 - e. Camping – Permitted by hunt permit holders at designated campsites only, during periods open to hunting and at other times by special District permit.
 - f. Fishing and frogging – Permitted throughout the year.
 - 2. Legal to take – All legal game, fish, frogs, and furbearers. The bag limit shall be one antlered and one antlerless deer per hunt permit. Wild hogs of any size with no bag limit may be taken during any hunt. Turkey of either sex may be taken during the archery season only. Quail, gray squirrel, and rabbit.
 - 3. General regulations:
 - a. Hunting with dogs is prohibited.
 - b. Vehicles may be operated only on named or numbered roads.
 - c. Vehicles may be parked only at designated parking areas.
 - d. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
 - e. During hunting periods, public access is restricted to those individuals with valid hunt permits.
 - f. All hunters shall check in and out at the check station and check all game taken.
 - g. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.
 - h. Non-motorized bicycles may be used only on named or numbered roads and designated trails.
 - i. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.
 - j. A hunt permit is not required for fishing or frogging during periods closed to hunting.
 - k. Hunt permits are transferable.
 - l. Only shotguns may be used during the spring turkey season.
 - m. Vessels may be used to access the area from Dunns Creek.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 12-3-79, 7-13-80, 8-4-81, 10-15-81, 11-17-81, 8-29-82, 7-27-83, 9-27-83, 8-13-84, 8-21-85, 9-23-85, Formerly 39-16.05, Amended 8-5-86, 8-13-87, 8-18-88, 8-17-89, 8-21-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 8-15-95, 9-15-96, 8-7-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-16.005, Amended 7-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

RULE NO.: 68A-17.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to organize Wildlife and Environmental Areas by administrative region; to adjust hunting season dates to conform to the 2001-2002 calendar; and to incorporate other changes to allow the agency to more efficiently manage wildlife resources and public use on these areas.

SUMMARY: The proposed changes would organize Wildlife and Environmental Areas (WEA) by administrative region and would adjust hunting season dates to conform to the 2001-2002 calendar. Changes would also establish or revise specific area regulations as follows: Split Oak and Hickey Creek Mitigation Parks--the proposed change would prohibit access from 1/2 hour after sunset to 1/2 hour before sunrise. John G. and Susan H. Dupuis Jr. WEA – the proposed change would prohibit dogs except retrievers used during the small game season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$915 for administrative preparation and \$270 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68A-17.005 follows. See Florida Administrative Code for present text.)

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region

(a) Little Gator Creek – Pasco County

1. The designated wood stork rookery area is closed to public access.

2. The disturbance or removal of any tree or plant is prohibited.

3. Fishing is permitted on the Withlacoochee River only.

4. Unauthorized public access is prohibited.

5. The possession of dogs or trapping devices is prohibited.

(b) Lake Placid – Highlands County

1. The use of motorized vehicles is prohibited.

2. Horseback riding is allowed by permit only.

(c) Hickey Creek Mitigation Park – Lee County

1. Hunting or possession of guns is prohibited.

2. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

3. Camping or campfires are prohibited.

4. The possession of dogs, horses, or other pets or livestock is prohibited.

5. Access is restricted to foot traffic only.

6. Access is prohibited from one-half hour after sunset to one-half hour before sunrise.

7. The release of any wildlife on the area is prohibited.

(d) Platt Branch Mitigation Park – Highlands County

1. Hunting or possession of guns is prohibited.

2. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

3. Camping or campfires are prohibited.

4. The possession of dogs, horses, or other pets or livestock is prohibited.

5. Access is restricted to foot traffic only.

6. The release of any wildlife on the area is prohibited.

(e) Lake Wales Ridge – Highlands County

1. The use of motorized vehicles is prohibited.

2. Horseback riding is allowed by permit only.

(f) Bullfrog Creek Mitigation Park – Hillsborough County

1. The possession of dogs, horses, or other pets or livestock is prohibited.

2. Access is restricted to foot traffic only.

(2) North Central Region

(a) Santa Fe Swamp – Bradford County

1. Open season (hunting prohibited at other times):

a. Archery – September 22 through October 21.

b. Muzzleloading gun – October 26-28.

c. Archery and muzzleloading gun – November 10 through January 6.

d. Spring turkey – March 16 through April 21.

e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, and deer with one or more antlers at least five inches in length. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles may be operated only on Cow Pen Road from the entrance to the designated parking area.

c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.

d. Hunting with dogs is prohibited.

e. Wild hogs may not be transported alive.

(b) Perry Oldenburg Mitigation Park – Hernando County

1. Hunting or possession of firearms is prohibited.

2. Fires are prohibited.

3. Disturbance or removal of any trees or plants is prohibited.

4. Possession of dogs or trapping devices is prohibited.

5. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.

6. Camping is prohibited.

(c) Fort White Mitigation Park – Gilchrist County

1. The possession of dogs, horses, or other pets or livestock is prohibited.

2. Access is restricted to foot traffic only.

(d) Chinsegut – Hernando County

1. Unauthorized public access is prohibited on that portion of the area lying east of C.R. 581. Access is permitted by foot traffic only on that portion of the area lying south of the intersection of U.S. 41 and C.R. 581 and west of U.S. 41 known as the Big Pine Tract.

2. Fishing is prohibited.

3. The possession of dogs or trapping devices is prohibited.

(3) Northwest Region

(a) Judges Cave – Jackson County

1. Hunting or possession of guns is prohibited.

2. Unauthorized public access is prohibited.

3. Judges Cave will be closed to entry from March 15 through September 15.

4. Fires are prohibited.

5. The disturbance or removal of any tree or plant is prohibited.

(b) Apalachicola River – Gulf, Franklin, and Liberty counties

1. Hunting shall be allowed only during the open seasons established for migratory birds in Rules 68A-13.003 and 68A-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel, and wild hogs in Rule 68A-13.004, F.A.C., except for the following:

a. Antlerless deer may only be taken during the archery season.

b. Turkeys of either sex may only be taken during the archery and muzzleloading gun seasons.

c. General gun season shall open the fourth Thursday in November and close three days thereafter and reopen the second Saturday in December and close 53 days thereafter.

d. During the first phase of dove seasons established by Rule 68A-13.009, F.A.C., doves may be taken in posted dove fields on Saturdays only.

2. Furbearers may be taken in accordance with the provisions of Rule 68A-24.002, F.A.C., except the use or possession of dogs is prohibited during the spring turkey season.

3. General regulations:

a. Camping is limited to tents and camping vehicles. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal, or other building materials is prohibited.

b. Unauthorized removal or cutting of trees or plants is prohibited.

c. No person shall operate a vehicle south of the gate on the Catfish Creek Canal Levee Road.

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

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

f. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields during the first phase of dove season.

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

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

i. Fires other than campfires are prohibited.

(c) L. Kirk Edwards – Leon County

1. Open season: gray squirrel – during the open season for gray squirrel established in Rule 68A-13.004, F.A.C.

2. Migratory game birds may be taken during seasons established in Rules 68A-13.003 and 68A-13.008, F.A.C.

(4) South Region

(a) Southern Glades – Dade County

1. Open seasons:

a. Archery – September 8 through October 7.

b. Muzzleloading gun – October 12-14.

c. General gun – October 27 through December 2.

d. Ducks, coots, and snipe – During the seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

e. Fishing is permitted throughout the year.

f. Frogging – December 1 through March 1.

2. Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots, and snipe may be taken during seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

3. General regulations:

a. Dogs are prohibited except waterfowl retrievers may be used during the duck, coot, and snipe seasons.

b. The possession of any firearm containing shells or cartridges or capped or primed muzzleloading guns is prohibited on levees, improved roads, and at check stations. The discharge of guns is prohibited on, from, or across any check station, levee, or improved road.

c. Hunting or discharge of any firearm east of the C-109 road, within 500 yards of the Dade Work Camp, or any building or structure is prohibited.

d. Motorized vehicles and boats (including tracked vehicles, all-terrain vehicles, and airboats) are prohibited in the area except that airboats may be used in Units 1 and 4 from December 1 through March 1 and outboard motor boats may be used within canals.

e. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or trails.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County

1. Open season:

a. Archery – September 8-10, 15-17, and 21-23.

b. Muzzleloading gun – October 6-8, 13-15, and 19-21.

c. General gun – October 27-29 and November 3-5.

d. General gun for mobility-impaired – November 10-11.

e. General gun hog – November 13-15, 20-22, 27-29, and December 4-6. Wild hogs only. No bag or size limit.

f. Spring turkey – March 5-7, 16-18, and 23-25.

g. Small game – December 8 through January 27.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one forked antler and having one or more antlers at least five inches in length visible above the hairline. The forked antler shall have at least two points one inch or greater in length. Antlerless deer (except spotted fawns) may be taken during the archery season and by permit only during the muzzleloading gun, general gun, and general gun mobility-impaired seasons. The bag limit for deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting or live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

e. The possession or consumption of intoxicating beverages is prohibited.

f. Dogs are prohibited except retrievers during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota hunt permit for the area.

m. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. Mobility-impaired hunters may be accompanied by another person who shall not be required to meet hunting license, permit, or stamp requirements, provided he or she assists the mobility-impaired hunter in a non-hunting capacity.

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(c) CREW – Collier and Lee counties

1. Open season:

- a. Archery hog hunt – September 8-16, Corkscrew Marsh Unit only.
- b. Muzzleloading gun hog hunt – October 13-21, Corkscrew Marsh Unit only.
- c. Trapping is prohibited.
- 2. Legal to take: Wild hogs (no bag or size limit)
- 3. Camping: Primitive camping is allowed at designated sites with written authorization from the South Florida Water Management District.
- 4. General regulations:
 - a. The use of trailers or recreational vehicles for camping is prohibited.
 - b. Fires other than campfires at approved campsites are prohibited.
 - c. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.
 - d. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.
 - e. The use of tracked vehicles, motorcycles, all-terrain vehicles, or vessels, except canoes or kayaks, is prohibited.
 - f. Vehicles may be operated only on named or numbered roads designated for vehicles.
 - g. The use or possession of horses is restricted to designated equestrian trails.
 - h. Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.
 - i. Persons may not enter the Corkscrew Marsh Unit before sunrise and must exit the area before sunset.
- (d) Florida Keys – Monroe County
 - 1. Hunting or possession of firearms or guns is prohibited.
 - 2. Fishing is permitted throughout the year.
 - 3. Camping is prohibited.
 - 4. General regulations:
 - a. Fires are prohibited.
 - b. Constructing or erecting a permanent or semi-permanent structure is prohibited.
 - c. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.
 - d. Unauthorized disturbance, detachment, possession, or removal of any plant or animal, dead or alive, is prohibited.
 - e. Unauthorized planting of trees, shrubs, or other vegetation is prohibited.
 - f. No person shall place, expose, or distribute any grain or other food for wildlife except as authorized by permit from the Executive Director.
 - g. No person shall release wildlife or any species on the area.

- h. The disturbance or removal of any man-made, cultural, or natural materials or features, or non-renewable resources is prohibited.
- i. Vehicles may be operated only on named or numbered roads.
- j. No person shall park any vehicle in a manner which obstructs a road, gate, or firelane.
- k. Public access is prohibited in areas posted as “Restricted” for protection of threatened or endangered species or environmentally sensitive areas.
 - 1. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
 - m. Vessels may be launched at designated ramps only.
- (5) Northeast Region
 - (a) Brannan Field Mitigation Park – Duval and Clay counties
 - 1. Hunting or possession of firearms is prohibited.
 - 2. Possession of dogs or trapping devices is prohibited.
 - 3. Access shall be restricted to foot traffic only. No motorized vehicles or horseback riding shall be allowed.
 - (b) Split Oak Forest Mitigation Park – Orange and Osceola counties
 - 1. Hunting or possession of firearms is prohibited.
 - 2. Fires are prohibited.
 - 3. Disturbance or removal of any trees or plants is prohibited.
 - 4. Possession of dogs or trapping devices is prohibited.
 - 5. Access shall be restricted to foot traffic at designated access points or horseback riding which shall be allowed only by permit.
 - 6. Access is prohibited from one-half hour after sunset to one-half hour before sunrise.
 - 7. Camping is prohibited.
 - 8. The release of any wildlife on the area is prohibited.

Specific Authority: Art. IV, Sec. 9, Fla. Const. Law Implemented: Art. IV, Sec. 9, Fla. Const. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
RULE NO.: 68A-20.005
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to rename certain Fish and Wildlife Conservation Commission administrative regions and adjust specific Fish Management Area rules accordingly in order to conform to the realignment so as to improve administration of activities relating to management of fish and wildlife resources.

SUMMARY: The proposed rule would rename the Northeast Region the North Central Region, rename the Central Region the Northeast Region, rename the South Region the Southwest Region, and rename the Everglades Region the South Region. Proposed amendments would move Duval County FMA's, from the North Central Region to the Northeast Region, and move the Indian River County FMA from the South Region to the Northeast Region to conform to agency regional realignment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$375 for administrative preparation and \$185 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001
PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

- (1) No change.
- (2) ~~North Central~~ Northeast Region:
 - (a) through (e) No change.
 - (f) ~~St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:~~

~~1. The use of boats propelled by gasoline motors is prohibited.~~

~~2. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(g) Oceanway Pond, Duval County:~~

~~1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~2. The use of boats propelled by gasoline motors is prohibited.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(h) Hanna Park Ponds, Duval County:~~

~~1. Possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~2. The use of boats propelled by gasoline motors is prohibited.~~

~~3. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~4. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(i) Pope Duval East Pond – Duval County:~~

~~1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~2. The use of boats propelled by gasoline motors is prohibited.~~

~~3. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~4. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(j) Pope Duval West Pond, Duval County:~~

~~1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~2. The use of boats propelled by gasoline motors is prohibited.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. No person shall kill or possess any black bass less than 16 inches in total length.~~

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(k) Bethesda Pond, Duval County:

1. The use of boats propelled by gasoline motors is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(l)(4) No change.

(m) Huguenot Pond, Duval County:

1. The use of boats propelled by gasoline motors is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(n) Crystal Springs Park — Duval County:

1. No person between the ages of 16 years and 64 years shall fish unless accompanied by an angler less than 16 years of age; by an angler 65 years of age or older; by angler who has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to s. 372.561(5)(b), F.S.; or by an angler with proof of acceptance as a client for developmental services by the Department of Children and Family Services.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. The use of boats is prohibited.

6. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(o) through (p) renumbered (g) through (h) No change.

(3) Northeast Central Region:

(a) through (z) No change.

(aa) St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(bb) Oceanway Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(cc) Hanna Park Ponds, Duval County:

1. Possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(dd) Pope Duval East Pond – Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ee) Pope Duval West Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ff) Bethesda Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(gg) Huguenot Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(hh) Crystal Springs Park – Duval County:

1. No person between the ages of 16 years and 64 years shall fish unless accompanied by an angler less than 16 years of age; by an angler 65 years of age or older; by angler who has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to s. 372.561(5)(b), F.S.; or by an angler with proof of acceptance as a client for developmental services by the Department of Children and Family Services.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. The use of boats is prohibited.

6. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ii) Blue Cypress, Indian River County:

1. No daily bag limit for channel catfish.

2. Trotlines may be used.

(4) Southwest Region:

(a) through (u) No change.

(5) South Everglades Region:

(a) Blue Cypress, Indian River County:

1. No daily bag limit for channel catfish.

2. Trotlines may be used.

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

(6) This rule shall become effective on July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 12-12-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-1-92, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 3-24-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Methods of Taking Freshwater Fish

RULE NO.: 68A-23.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to rename certain Fish and Wildlife Conservation Commission (FWC) administrative regions and preserve the status quo for use of cast nets in certain counties, which were moved when boundaries for administrative regions were changed due to a realignment.

SUMMARY: The proposed rule would preserve the status quo for use of cast nets to take nongame fish due to changes in FWC regional administrative boundaries by adding language that prohibits use of cast nets in Duval, Indian River, and Nassau counties and adding language that allows use of cast nets in Citrus, Glades, and Hernando counties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$375 for administrative preparation and \$60 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

THE FULL TEXT OF THE PROPOSED RULE IS:

RULE TITLE: Bag Limits, Length Limits, Open Seasons: Freshwater Fish
RULE NO.: 68A-23.005

68A-23.002 General Methods of Taking Freshwater Fish. (1) through (2) No change.

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish a minimum length limit for largemouth bass in order to protect and restore the population in Lake Jackson (Leon County).

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in Rule 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. Nongame fish may be taken with cast nets in the Northeast Central Region, except in Duval, Indian River, and Nassau counties or with the exception of those St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale-Griffin canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch. Nongame fish may be taken by use of cast nets in Citrus, Glades, and Hernando counties.

SUMMARY: The proposed rule would replace the 15- to 19-inch slot-length limit for largemouth bass in Lake Jackson (Leon County) with an 18-inch minimum length limit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$375 for administrative preparation, \$41 for advertising, and \$200 for signs and brochures.

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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001
PLACE: Holiday Inn-Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (6) No change.

(7) In that portion of the state north and west of the Suwannee River (including in the Suwannee River and in any tributary river, creek or stream of the Suwannee River), bag or length limits are as follows:

(a) through (d) No change.

(e) Lake Jackson proper, including Little Lake Jackson west of Highway 27, Megginis Arm of Lake Jackson north of Interstate 10, and Fords Arm of Lake Jackson west of Meridian

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.02, Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-98, 4-15-99, Formerly 39-23.002, Amended 7-1-00, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

Road: No person shall kill or possess any black bass ~~that is 15 inches or more in total length and less than 18 49 inches in total length.~~

(8) through (9) No change.

(10) This rule shall become effective on July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Introduction of Non-Native Aquatic Species

RULE NO.: 68A-23.008

in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to rename certain Fish and Wildlife Conservation Commission (FWC) administrative regions and preserve the status quo for possession, culture, and transportation of *Tilapia (Oreochromis) aurea* without permit in certain counties, which were moved when boundaries for administrative regions were changed due to a realignment.

SUMMARY: The proposed rule would preserve the status quo for possession, culture, and transportation of *Tilapia (Oreochromis) aurea* without permit in certain areas, due to changes in FWC regional administrative boundaries by adding language that provides for these activities in Citrus and Hernando counties in the new North Central Region; in all counties of the new Northeast region except Duval and Nassau; and, in the new Southwest Region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$375 for administrative preparation and \$55 for legal 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, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001
PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.008 Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish.

(1) No change.

(2) Restricted non-native aquatic species:

(a) The following aquatic species or hybrids thereof may be possessed only under permit from the executive director.

1. through 8. No change.

9. Tilapias [*Tilapia (Oreochromis) aurea*, *T. (O.) hornorum*, *T. (O.) mossambica* and *Tilapia (O.) nilotica*]. *T. (O.) aurea* may be possessed, cultured, and transported without permit in the following areas: North Central Region, Citrus and Hernando counties only; Northeast Region, all counties, except Duval and Nassau; Central, South and Southwest Everglades regions.

10. through 13. No change.

(b) through (c) No change.

(3) through (8) No change.

(9) This rule shall become effective on July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.08, Amended 4-13-88, 7-1-89, 10-30-89, 7-1-92, 7-1-94, 4-12-98, Formerly 39-23.008, Amended 10-10-00, 7-1-01.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Designation of Candidate Species; Prohibitions, Permits 68A-27.0021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the flatwoods salamander (*Ambystoma cingulatum*) from the Candidate Species list.

SUMMARY: The flatwoods salamander was added to the Candidate Species list at the end of Phase 1 (biological status) of the listing action process to list the salamander as a Species of Special Concern. Phase 2 (management plan) of the listing action process is now being completed and the flatwoods salamander will be added to the Species of Special Concern list, as noticed in another Notice of Proposed Rule, and concurrently removed from the Candidate Species list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$215 for administrative preparation and \$235 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.0021 Designation of Candidate Species; Prohibitions, Permits.

(1) through (2) No change.

(3) The following species are hereby declared to be candidate species: none Flatwoods salamander (*Ambystoma cingulatum*).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99, Formerly 39-27.0021, Amended 4-30-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Designation of Species of Special Concern; Prohibitions; Permits 68A-27.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add the flatwoods salamander (*Ambystoma cingulatum*) to Species of Special Concern list and make a technical reorganization of the rule.

SUMMARY: A petition to add the flatwoods salamander to the list of Species of Special Concern was received on September 8, 1999. The Commission approved starting Phase 1 (biological status) of the listing action process at its October 6-8, 1999 meeting. A notice requesting written comments on the biological status of the flatwoods salamander was issued in the October 22, 1999 Florida Administrative Weekly. One comment was received and evaluated. A preliminary biological status report was developed and recommended that the flatwoods salamander be added to the list of Species of Special Concern. The report was sent to a biological review panel of non-Commission scientists in December 1999. A final biological status report was approved on March 1, 2000. The Commission determined at its March 29-31, 2000 meeting that adding the flatwoods salamander to the Species of Special Concern list was warranted, thereby ending Phase 1 and beginning Phase 2 (management plan) of the listing action process. A notice requesting information on the conservation needs of the flatwoods salamander and any economic and social factors that should be considered in its management was issued in the May 12, 2000 Florida Administrative Weekly. No comments were received. A draft management plan for flatwoods salamander was developed, and a notice of the availability of the draft plan that requested information on anticipated regulatory economic and social impacts of the management plan was issued in the October 13, 2000 Florida Administrative Weekly. Eight comments were received and evaluated. A final management plan is now under development. The management plan will recommend prohibiting the direct take of flatwoods salamanders, an action that will be implemented as part of this rulemaking action. The proposed rule is also relocating existing language which describes special categories of Species of Special Concern.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$215 for administrative preparation and \$235 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m., each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

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

Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) No change.

(a) No person shall take, possess, transport, or sell any Species of Special Concern included in this paragraph subsection or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002(4)

shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

~~(b)1.~~ No change.

(2) through 49. No change.

(2) No person shall directly take any Flatwoods salamander (*Ambystoma cingulatum*) or parts thereof or their eggs except as authorized by Commission rule or by permit from the executive director. The above listed species have been further categorized by the numbers in parentheses under the following criteria:

~~(a) (1) Has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained.~~

~~(b) (2) May already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking.~~

~~(c) (3) May occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree.~~

~~(d) (4) Has not sufficiently recovered from past population depletion.~~

~~(e) (5) Occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives. The species of special concern prohibitions in Rule 68A-27.002(4) shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited
 RULE NO.: 68B-4.012

PURPOSE AND EFFECT: The purpose of this rule amendment is to prohibit the spearfishing of any marine species while diving in fresh water. This will clarify that marine species can only be taken by spearfishing in saltwater, eliminating a conflict with fresh water rules that prohibit possession of spear guns in or upon the fresh waters of the state.

SUMMARY: A new subsection (3) is added to Rule 68B-4.012, F.A.C., to prohibit the spearfishing of marine species in fresh water. The rule amendment is proposed to become effective July 1, 2001.

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 AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.012 Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited.

(1) Powerheads

(a) No person shall use any powerhead to harvest any fish in state waters. Powerheads may be possessed while diving in state waters for the purpose of personal protection.

(b) The possession of any fish that has been harvested with a powerhead, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term "harvest" for purposes of this subsection means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish to possession.

(d) This subsection shall not be construed to effect the repeal of subsection (5) of Section 370.08, Florida Statutes.

(2) Rebreathers

(a) No person diving in state waters by means of a rebreather shall harvest any marine species. Use of rebreathers for any nonconsumptive purpose is allowed in state waters.

(b) The possession of any fish that has been harvested by a person diving in state waters by means of a rebreather, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term "harvest" for purposes of this subsection means the catching or taking of a marine species by any means, followed by a reduction of the species to possession, whether or not the species has been killed or wounded.

(3) Spearfishing: No person shall harvest or attempt to harvest any marine species by the use of any hand or mechanically propelled, single or multi-pronged spear or lance, barbed or barbless, while diving in fresh water.

PROPOSED EFFECTIVE DATE: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Amended 7-15-96, 1-1-97, Formerly 46-4.012, Amended 7-1-01.

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: January 24, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Florida Keys National Marine Sanctuary

<p>RULE TITLES:</p> <p>Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-use Area</p> <p>Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters</p>	<p>RULE NOS.:</p> <p>68B-6.002</p> <p>68B-6.003</p>
---	---

PURPOSE AND EFFECT: The purpose of these rule amendments is to implement a plan of the Florida Keys National Marine Sanctuary to establish a state waters reserve (closure area) near the Dry Tortugas. The rule amendments set up and provide regulations for use of the Tortugas North Ecological Reserve within the Sanctuary. The effect of such a reserve would be to minimize human influences, to provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within the closure area. This rulemaking is initiated after a series of joint public hearings throughout South Florida to gather public comment and suggestions regarding the proposed reserve.

SUMMARY: Rule 68B-6.002, F.A.C., is amended to add a new subsection (4) to the rule to describe the boundaries of the Tortugas North Ecological Reserve. Subsection (1) of Rule 68B-6.003, F.A.C., is amended to add the Tortugas North Ecological Reserve to the state waters of the Florida Keys National Marine Sanctuary to which the no-take provisions of the subsection will apply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule would prohibit fishing in the state portion of two 151 square nautical mile areas adjacent to Fort Jefferson National Park. The configuration was determined by stakeholders based on the need for a no-take study area in a pristine location and situated to use ocean currents to function as a replenishment area. A study of commercial fishing operations that used the existing special protected areas and no-take zones, comparing them with fishing operations not using those areas determined general increases in net income. The total areas were not of sufficient area to displace effort and affect total fishing income. The rule may affect small businesses by requiring them to shift operation. The rule will affect all fishing businesses. The rule will not affect small cities or counties. The rule will not increase paperwork or reporting requirements. The most significant agency implementation cost is for enforcement.

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 MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-6.002 Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-use Area.

(1) through (3) No change.

(4) TORTUGAS NORTH ECOLOGICAL RESERVE – For purposes of the restrictions specified in Rule 68B-6.003, the Tortugas North Ecological Reserve shall consist of all state waters located within the following geographic boundary coordinates:

Point	Latitude	Longitude
<u>1</u>	<u>24°46.00'N</u>	<u>83°06.00'W</u>
<u>2</u>	<u>24°45.40'N</u>	<u>82°54.00'W</u>
<u>3</u>	<u>24°45.30'N</u>	<u>82°48.00'W</u>
<u>4</u>	<u>24°43.32'N</u>	<u>82°48.00'W</u>
<u>5</u>	<u>24°43.32'N</u>	<u>82°52.00'W</u>
<u>6</u>	<u>24°43.00'N</u>	<u>82°54.00'W</u>
<u>7</u>	<u>24°39.00'N</u>	<u>82°58.00'W</u>
<u>8</u>	<u>24°39.00'N</u>	<u>83°06.00'W</u>

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Formerly 46-6.002, Amended.

68B-6.003 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters.

(1) ECOLOGICAL RESERVE AND SANCTUARY PRESERVATION AREAS – The following activities are prohibited within the Western Sambos Ecological Reserve, Tortugas North Ecological Reserve, and the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Newfound Harbor Key, Rock Key, and Sand Key Sanctuary Preservation Areas, described in Rule 68B-6.002:

(a) Possessing, moving, harvesting, removing, taking, damaging, disturbing, breaking, cutting, spearing, or otherwise injuring any coral, marine invertebrate, fish, bottom formation, algae, seagrass or other living or dead organism, including shells, or attempting any of these activities. However, fish, invertebrates, and marine plants may be possessed aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area, provided such vessel is in continuous transit through such reserve or area and such resources are stowed in a cabin, locker, or similar storage area prior to entering and during transit through such reserve or area.

(b) Except as provided in subparagraphs 1. and 2. below, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area (other than Sand Key), provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area. The following fishing activities are allowed as indicated:

1. Catch and release fishing by trolling is allowed in the Sand Key Sanctuary Preservation Area.

2. The harvest of baitfish species (ballyhoo, balao, halfbeaks, or herring only) is allowed in the Sanctuary Preservation Areas specified in Rule 68B-6.002(2), subject to the following conditions:

a. No person shall engage in such harvest except pursuant to a valid permit issued for such purpose by the National Marine Sanctuary Division of the National Ocean Service on behalf of the Florida Keys National Marine Sanctuary.

b. In the Newfound Harbor Key Sanctuary Preservation Area, harvest pursuant to this subparagraph shall only be by means of a cast net with a stretched length (the distance from

the horn at the center of the net, with the net gathered and pulled taut, to the lead line) no greater than 14 feet. In the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Rock Key, and Sand Key Sanctuary Preservation Areas, harvest pursuant to this subparagraph shall only be by means of a cast net or modified lampara net.

c. All bycatch (species other than ballyhoo, balao, halfbeaks, or herring) shall be returned to the water alive.

d. Contact with or disturbance of the seabed is prohibited.

e. Harvest of baitfish in the Sanctuary Preservation Areas specified herein by the use of any gear other than those specifically allowed in this subparagraph is prohibited.

(c) Touching living or dead coral, including but not limited to, standing on a living or dead coral formation.

(d) Except for passage without interruption through the area, for law enforcement purposes, or for purposes of monitoring pursuant to 15 C.F.R. §922.164(d)(2), violating a temporary access restriction imposed by the Director of the Office of Ocean and Coastal Resource Management of the National Oceanic and Atmospheric Administration or designee pursuant to 15 C.F.R. §922.164(d)(2).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-97, Amended 11-16-98, 12-2-99, Formerly 46-6.003, 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: January 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimp

RULE TITLE: RULE NO.:

Northwest Region Food Shrimp Production 68B-31.010
Gear Specifications

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete the scheduled expiration of the allowance for the use of skimmer trawls for food shrimp production in a portion of Apalachicola Bay. Studies on the effects of such gear completed thus far indicate that the gear can safely be allowed beyond the scheduled July 1, 2001 sunset date. The effect of this rule amendment will be to allow those food shrimp producers who have been experimenting with skimmer trawls to continue until a final decision is made on the appropriateness of the gear.

SUMMARY: Paragraph (1)(c) of Rule 68B-31.010, F.A.C., is amended to delete the scheduled July 1, 2001 expiration of the allowance for the use of skimmer trawls in food shrimp production in Apalachicola Bay.

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 AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, March 29-30, 2001

PLACE: Holiday Inn – Capital, 1355 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-31.010 Northwest Region Food Shrimp Production Gear Specifications.

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

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

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

1. Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 16 feet in length.
2. The vertical bars shielding the trawl opening are spaced no further than 3 inches apart.
3. No more than two such trawls, unconnected, shall be towed by a single vessel at any time.
4. The netting of the trawl shall be no larger in mesh area than specified by Rule 68B-31.0035(2).

(b) No more than two unconnected otter trawls, each with a perimeter around the leading edge of the net not greater than 66 feet and a net no larger in mesh area than specified by Rule 68B-31.0035(2). The two otter trawls allowed in the nearshore and inshore Florida waters of this region shall include any try net being towed.

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

1. The perimeter around the leading edge of any skimmer trawl shall not exceed 56 feet.
2. No more than two skimmer trawls, unconnected other than being attached to the same vessel, shall be deployed from a single vessel at any time.
3. The netting of a skimmer trawl shall be no larger in mesh area than specified by Rule 68B-31.0035(2).

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, 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: January 26, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2001

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 4 (January 26, 2001) and Vol. 27, No. 6 (February 9, 2001), Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

Division of Fire Marshal

RULE NOS.: 4K-1.001, 4K-1.002, 4K-1.003, 4K-1.004
RULE TITLES: Purpose and Scope, Application Process, Review Process and Reward Criteria, Reward Disbursement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 23, June 9, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-5
RULE CHAPTER TITLE: Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determination of Compliance

RULE NO.: 9J-5.004
RULE TITLE: Public Participation

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that the above rule, as noticed in Vol. 26, No. 42, October 20, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

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

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. 16, April 21, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the staff at the Joint Administrative Procedures Committee.

The rule shall now read as follows:

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. Each subsequent application submitted shall be accompanied by the appropriate application fee.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-17.001
RULE TITLE: Examination Fees for Embalmers and Funeral Directors; Manner of Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 6, February 11, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the staff at the Joint Administrative Procedures Committee.

The rule shall now read as follows:

Subsections (5) and (6) shall be deleted in their entirety.

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