

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-20.012, 6A-20.025
RULE TITLES: Critical Teacher Shortage Tuition Reimbursement Program, Grants for Teachers for Special Training in Exceptional Student Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 51, December 22, 2000, Florida Administrative Weekly have been withdrawn.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.031
RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)l., Florida Statutes, published in Vol. 27, No. 11, Match 16, 2001, of the Florida Administrative Weekly:

4-211.0031 should be changed to read "4-211.031".

Delete Shirley Kerns and the contact person and replace with "Audrey Higgins".

The remainder of the rule reads as published.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-2.024
RULE TITLE: Construction Materials Mining Activities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 31, August 4, 2000, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0503
RULE TITLE: Definition of Qualified Instructional Personnel

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 51, December 22, 2000, Florida Administrative Weekly was continued from March 29, 2001, to April 10, 2001.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: 61G15-32.002, 61G15-32.003, 61G15-32.004
RULE TITLES: Definitions, Common Requirements to All Fire Protection Engineering Documents, Design of Water Based Fire Protection Systems

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Engineers hereby gives notice of an additional public hearing on the above-referenced rules to be held on April 24, 2001, at 1:30 p.m., at The Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612. This additional public hearing is being held in response to comments received from the Notice of Hearing held March 5, 2001. The rule was originally published in Vol. 27, No. 3, of the January 19, 2001, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-62R

RULE CHAPTER NO.: 62-214
 RULE CHAPTER TITLE: Requirements for Sources Subject to the Federal Acid Rain Program

RULE NO.: 62-214.340
 RULE TITLE: Exemptions

NOTICE OF WITHDRAWAL

Notice is hereby given that the amendment to Rule 62-214.340(3)(a), F.A.C., as noticed in Vol. 27, No. 7, (February 16, 2001), Florida Administrative Weekly has been withdrawn.

The amended language was included in error.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 96-104R

RULE CHAPTER NO.: 62-701
 RULE CHAPTER TITLE: Solid Waste Management Facilities
 RULE NOS.: 62-701.220
 RULE TITLES: General Applicability
 62-701.300 Prohibitions
 62-701.320 Solid Waste Management Facility Permit Requirements, General

62-701.510 Water Quality and Leachate Monitoring Requirements
 62-701.520 Special Waste Handling
 62-701.530 Gas Management Systems
 62-701.600 Landfill Final Closure
 62-701.710 Waste Processing Facilities
 62-701.730 Construction and Demolition Debris Disposal and Recycling
 62-701.900 Forms

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. 27, No. 8, February 23, 2001 issue of the Florida Administrative Weekly:

62-701.220 General Applicability.

(2)(g) The collection and processing of soil, rocks, vegetative debris, asphalt, and similar materials normally associated with and actually from 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.

(7) There are several requirements in this chapter that stormwater be controlled in accordance with Part IV of Chapter 373 and the rules promulgated thereunder. Unless otherwise specifically provided, the referenced rules are Chapter 62-25, F.A.C., for facilities within the Northwest Florida Water Management District, and Chapter 62-330, F.A.C., for all other facilities.

62-701.300 Prohibitions.

(6)(a)2. The biomedical waste has been properly incinerated so that little or no organic material remains in the ash residue, 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

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

(15)(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 continued ~~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.

62-701.510 Water Quality and Leachate Monitoring Requirements.

(6)(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. The owner or operator of a solid waste disposal unit may request a permit condition or modification from the appropriate District Office of the Department to use an alternate monitoring frequency for background wells. The Department will approve such condition or 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.

(9)(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 Department shall approve such submittals if the permittee specifies in the operation plan a method of electronic submittals which is compatible with the Department's information systems. 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:

62-701.520 Special Waste Handling.

(4) 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, F.A.C., may be disposed of at permitted disposal facilities and may, if it meets the criteria of Rules 62-701.200(39)(24), (59)(37), and (61)(38), F.A.C., be used as cover material at permitted landfills.

62-701.530 Gas Management Systems.

(2)(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, or a single monitoring probe extending from the soil surface to the water table, are necessary to draw gas samples from the permeable layers.

62-701.600 Landfill Final Closure.

(5)(g)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 six ~~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.

62-701.710 Waste Processing Facilities.

(1)(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 that meet the registration requirements of Rule 62-709.320, F.A.C., 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.

(e) This rule shall not apply to the following:

1. No change.
2. Facilities owned or operated by local governments which serve as drop-off points for household waste, provided:
 - a. No change.
 - b. All putrescible waste, household garbage, yard trash, or other waste which may produce leachate is containerized; and
 - c. No change.
3. Household hazardous waste collection centers operated by or exclusively on behalf of a local government; and
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.~~

(9)(b) The owner or operator of any facility which recycles construction and demolition debris 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.

62-701.730 Construction and Demolition Debris Disposal and Recycling.

(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 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.

62-701.900 Forms.

(7) Annual Report for a Construction and Demolition Debris ~~Disposal~~ Facility, effective _____ ~~12-23-96.~~

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.007
 RULE TITLE: Limited License as Allowed in Section 456.015, F.S.

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 11, March 16, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided the staff of the Joint Administrative Procedures Committee.

Subsection (1) shall now read as follows:

(1) A limited license shall be issued by the Board of Dentistry to an applicant who has retired or intends to retire from the practice of dentistry or dental hygiene and intends to practice only pursuant to the restrictions of the limited license granted pursuant to 456.015, F.S., if the applicant:

(a) Has been licensed for practice in any jurisdiction in the United States for at least ten (10) years in the profession for which the applicant seeks a limited license.

(b) Has not committed or is not under investigation for prosecution for any act which would constitute the basis for discipline pursuant to the provisions of Chapter 466, F.S.

(c) Practices only in the employ of public agents of non-profit agencies or institutions which meet the requirements of 501(c)(3) of the Internal Revenue Code, are permitted under 64B5-7.006 and which provide professional liability coverage for acts or omissions of the limited licensee.

(d) Complies with all continuing education requirements of active licensees.

(e) Pays a fee of \$300. If the applicant for a limited license submits a notarized statement from the employer stating the applicant will not receive monetary compensation for any service involving the practice of dentistry or dental hygiene, the application and all licensure fees shall be waived.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-12.020
 RULE TITLE: Courses Required of Dentists for Renewal and Reactivation

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 11, March 16, 2001, issue of the Florida Administrative Weekly. The changes

are in response to comments provided the staff of the Joint Administrative Procedures Committee. Subsection (2) shall now read as follows:

(2) Instruction in laws and rules governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies. The requirements of this paragraph may be met by completion of a correspondence course.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003
 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 11, March 16, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided the staff of the Joint Administrative Procedures Committee. Subsection (3)(b) shall now read as follows:

(3)(b) A dentist utilizing pediatric conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing pediatric conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support), PALS (Pediatric Advanced Life Support), or a course providing similar instruction which has been approved by the Board. An entity seeking approval of such a course shall appear before the Board and demonstrate that the content of such course and the hours of instruction are substantially equivalent to those in an ACLS or PALS course.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.205	Eligibility Determination Process
65A-1.602	Food Stamp Program Case Processing

CONTINUATION OF PROPOSED RULEMAKING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 2:00 p.m., April 24, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

PURPOSE: To discuss changes to these rules in response to Florida Legal Services' February 8 written comments concerning rescheduling missed appointments, reactivating denied or withdrawn applications and Food Stamp forms for approval and denial of applications.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection 68A-9.004(1)(b)1., (c)1. and (g) of this proposed rule which was published in Vol. 27, No. 8, Florida Administrative Weekly, February 23, 2001, so that when adopted these provisions relating to the Miami Corporation WMA will be deleted.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-12.010	Regulations Governing the Operation of Private Hunting Preserves

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection 68A-12.010(12)(a),(b),(c),(d) of this proposed rule which was published in Vol. 27, No. 8, Florida Administrative Weekly, February 23, 2001, so that when adopted, it will read as follows:

(12) Only mallards which are more than two generations removed from the wild may be released for shooting and only in accordance with the provisions of this paragraph. 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, 2008, and only in accordance with the following:

- (a) Produce documentary evidence of having commercially released mallards for shooting during the period January 1, 1998, through December 31, 2000,
- (b) Have been continuously licensed per §372.661, F.S., since July 1, 2001; and
- (c) No more than 9,000 mallards shall be released by a permittee during the open season.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection 68A-15.065(2), F.S. of this proposed rule which was published in Vol. 27, No. 8, Florida Administrative Weekly, February 23, 2001, so that when adopted, the specific regulations relating to the Miami Corporation WMA will be deleted and subsequent subsections renumbered.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Florida Keys National Marine Sanctuary

RULE NOS.: 68B-6.002
 RULE TITLES: Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-use Area

68B-6.003
 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters

EASTERN DRY ROCKS

Point	Latitude	Longitude
1	24°27.92'N	81°50.55'W
2	24°27.73'N	81°50.33'W
3	24°27.47'N	81°50.80'W
4	24°27.72'N	81°50.86'W

HENS AND CHICKENS

Point	Latitude	Longitude
1	24°56.38'N	80°32.86'W
2	24°56.21'N	80°32.63'W
3	24°55.86'N	80°32.95'W
4	24°56.04'N	80°33.19'W

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments Rule Chapter 68B-6, F.A.C., as published in the February 23, 2001 issue (Vol. 27, No. 8) of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on March 30, 2001, in Tallahassee, Florida. The proposed amendments to Rule 68B-6.002 and Rule 68B-6.003 were changed by the addition of a proposed effective date of July 1, 2001, in each. The proposed amendments to the rules will now read as follows:

68B-6.002 Designation of Boundaries of Ecological Reserve, Sanctuary Preservation Areas, and Special-use Area.

(1) WESTERN SAMBOS ECOLOGICAL RESERVE – For purposes of the restrictions specified in Rule 68B-6.003, the Western Sambos Ecological Reserve shall consist of all state waters located within the following geographic boundary coordinates:

Point	Latitude	Longitude
1	24°33.70'N	81°40.80'W
2	24°28.40'N	81°41.90'W
3	24°28.50'N	81°43.70'W
4	24°33.50'N	81°43.10'W

(2) SANCTUARY PRESERVATION AREAS – For purposes of the restrictions specified in Rule 68B-6.003, the respective sanctuary preservation areas shall consist of all state waters within the following sets of geographic boundary coordinates:

CHEECA ROCKS

Point	Latitude	Longitude
1	24°54.42'N	80°36.91'W
2	24°54.25'N	80°36.77'W
3	24°54.10'N	80°37.00'W
4	24°54.22'N	80°37.15'W

NEWFOUND HARBOR KEY

Point	Latitude	Longitude
1	24°37.10'N	81°23.34'W
2	24°36.85'N	81°23.28'W
3	24°36.74'N	81°23.80'W
4	24°37.00'N	81°23.66'W

ROCK KEY

Point	Latitude	Longitude
1	24°27.48'N	81°51.35'W
2	24°27.30'N	81°51.15'W
3	24°27.21'N	81°51.60'W
4	24°27.45'N	81°51.65'W

SAND KEY

Point	Latitude	Longitude
1	24°27.58'N	81°52.29'W
2	24°27.01'N	81°52.32'W
3	24°27.02'N	81°52.95'W
4	24°27.61'N	81°52.94'W

(3) EASTERN SAMBOS SPECIAL-USE AREA – For purposes of the restrictions specified in Rule 68B-6.003, the Eastern Sambos Special-use Area shall consist of all state waters located within the following geographic boundary coordinates:

Point	Latitude	Longitude
1	24°29.84'N	81°39.59'W
2	24°29.55'N	81°39.35'W
3	24°29.37'N	81°39.96'W
4	24°29.77'N	81°40.03'W

(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:

<u>Point</u>	<u>Latitude</u>	<u>Longitude</u>
<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>

PROPOSED EFFECTIVE DATE: JULY 1, 2001.

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 7-1-01.

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).

(2) **EASTERN SAMBOS SPECIAL-USE AREA** – The Eastern Sambos Special-use Area is a "research only area" set aside to provide for scientific research or education relating to protection and management, through the issuance of a National Marine Sanctuary General or Historical Resources Permit pursuant to 15 C.F.R. §922.166. Except as may be authorized pursuant to such a permit, within the Eastern Sambos Special-use Area described in Rule 68B-6.002, the following activities are prohibited:

(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.

(b) Fishing by any means.

PROPOSED EFFECTIVE DATE: JULY 1, 2001.

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 7-1-01.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 348, CRUISE & CASH RULE NO.: 53ER01-15

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 348, "CRUISE & CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-15 Instant Game Number 348, CRUISE & CASH.

(1) Name of Game. Instant Game Number 348, "CRUISE & CASH."

(2) Price. CRUISE & CASH tickets sell for \$2.00 per ticket.

(3) CRUISE & CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning CRUISE & CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any CRUISE & CASH lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbols captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners.

(a) The holder of a ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall be entitled to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$15.00, \$30.00, \$50.00, \$250, \$500, \$5,000, and \$10,000.

(b) The holder of a ticket which entitles the player to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a CRUISE & CASH lottery ticket which entitles the holder to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(c) The holder of a ticket having an "anchor" symbol in the "YOUR NUMBERS" play area shall be entitled to a prize of one three-day Carnival® cruise for two persons. Embarkation must occur by December 15, 2002. Cruises will embark from the Port of Miami or Port Canaveral and will include: ocean view stateroom with a large picture window located within the top four guest decks; all on-board snacks and meals, all shipboard entertainment; use of all shipboard facilities; 24 hour stateroom service; all port charges and government fees; shipboard gratuities for the Waiter, Assistant Waiter, and Stateroom Steward; and applicable Federal Withholding Tax. Winners will be responsible for any additional federal, state, and/or local taxes or fees; additional cruise services requested such as upgrades, air-transfer, tour packages, personal purchases, and cancellation or change of reservations; and any expenses incurred traveling to or from the cruise port. The Lottery will not be responsible for the scheduling or payment of any additional services requested by a winner.