

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF LABOR AND EMPLOYMENT**  
**SECURITY**

**Division of Workers' Compensation**

RULE TITLES:	RULE NOS.:
Definitions	38F-3.002
Procedures for Filing Documents	38F-3.003
First Report of Injury or Illness: Employer's Responsibility to Record and Report Accidents	38F-3.004
First Report of Injury or Illness: Carrier's Responsibility to Record and Report Accidents	38F-3.0045
First Report of Injury or Illness, Electronic Submission Requirements	38F-3.0046
Funeral Expense Bills	38F-3.0085
Notice of Change	38F-3.0091
Notice of Change, Electronic Submission Requirements	38F-3.0092
Notice of Denial	38F-3.012
Claim Cost Report	38F-3.016
Claim Cost Report, Electronic Submission Requirements	38F-3.0161
Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993)	38F-3.018
Wage Loss Benefits for Temporary Partial Disability (Dates of Accident August 1, 1979 through December 31, 1993)	38F-3.019
Temporary Disability Benefits (Dates of Accident on or After January 1, 1994)	38F-3.0191
Impairment Income Benefits (Dates of Accident on or After January 1, 1994)	38F-3.0192
Supplemental Income Benefits (Dates of Accident on or After January 1, 1994)	38F-3.0193
Permanent Total and Permanent Total Supplemental Benefits	38F-3.0194
Permanent Total and Permanent Total Supplemental Benefits Forms	38F-3.0195
Additional Income Source Reports	38F-3.021
Monthly Risk Class/SIC Code Report	38F-3.0212
Aggregate Claims Administration Change Report	38F-3.0213
Aggregate Defense Attorney Fee Report	38F-3.0214
Aggregate Claims Administration Change Report, Electronic Submission Requirements	38F-3.0215
Forms	38F-3.025

**PURPOSE AND EFFECT:** Rule 38F-3.002 is being amended to delete definitions already found in the statutes and to add definitions for the required submission of data by Electronic

Data Interchange (EDI). Rule 38F-3.003 is being amended to correct the mailing address for the Division and to clarify the required carrier identifying number. Rule 38F-3.004 is being amended to clarify the responsibility of the employer in the filing of the First Report of Injury or Illness (DWC-1) and corrects the mailing address of the Division of Workers' Compensation. Rule 38F-3.0045 is being amended to clarify the responsibility of the carrier in the filing of the DWC-1, amends the reference of Carrier on the DWC-1 to Insurer and deletes the required filing of an aggregate form for reporting changes to the Risk Class or Sic Code for the employee. Rule 38F-3.0046 is being created to establish the electronic filing requirements of the First Report of Injury or Illness. Rule 38F-3.0085 is deleting a requirement already in the statutes. Rule 38F-3.0091 is being amended to change the name of the Notice of Action/Change (DWC-4) form to Notice of Change, and reduces the filing requirements of the form. Rule 38F-3.0092 is being created to establish the electronic filing requirements of the Notice of Change. Rule 38F-3.012 is being amended to clarify and amend the filing requirements of the Notice of Denial form (DWC-12). Rule 38F-3.016 is being amended to clarify and amend the filing requirements of the Claim Cost Report form (DWC-13). Rule 38F-3.0161 is being created to establish the electronic filing requirements of the Claim Cost Report. Rule 38F-3.018 is being amended to delete reference to Job Service (DLES) and the requirement of sending a letter to injured workers in regard to Wage Loss Benefits due to Permanent Impairment (dates of accident August 1, 1979 through December 31, 1993). Rule 38F-3.019 is being amended to delete the requirement of sending a letter to injured workers in regard to Wage Loss Benefits for Temporary Partial Disability (dates of accident August 1, 1979 through December 31, 1993). Rule 38F-3.0191 is being amended to delete the requirement of sending a letter to injured workers in regard to Temporary Disability Benefits (dates of accident on or after January 1, 1994). Rule 38F-3.0192 is being amended to allow for the payment of Impairment Income Benefits by Electronic Funds Transfer. Rule 38F-3.0193 is being amended to delete the requirement of sending a letter to injured workers in regard to Supplemental Income Benefits (dates of accident on or after January 1, 1994). Rule 38F-3.0194 is being amended to clarify the ceasing of payment of Permanent Total and Permanent Total Supplemental Benefits. Rule 38F-3.0195 is being amended to change the mailing address of the Division on Permanent Total benefit forms. Rule 38F-3.021 is being amended to delete a reference to the filing of a DWC-4, which is no longer required. Rule 38F-3.0212 is being amended to delete the Monthly Risk Class/SIC Code Report (DWC-48) since the information is already collected on the DWC-4 form. Rule 38F-3.0213 is being amended to delete a reference to the filing of a DWC-4, which is no longer required in lieu of filing the Aggregate Claims Administration Change Form (DWC-49). Rule 38F-3.0214 is being amended to delete the required filing of

the Aggregate Defense Attorney Fee Report (DWC-51) since the Division no longer requires this information. Rule 38F-3.0215 is being created to establish the electronic filing requirements of the Aggregate Claims Administration Change Report. Rule 38F-3.025 is being amended to change the mailing address of the Division on required forms, change the name of a form (DWC-4), and deletes two forms (DWC-48 and DWC-51) that are no longer required.

**SUBJECT AREA TO BE ADDRESSED:** To correct the mailing address of the Division of Workers' Compensation, a reduction in the number of required forms and the frequency that they are required to be filed and, setting the electronic filing requirements for workers' compensation claims data submitted to the Division pursuant to this rule.

**SPECIFIC AUTHORITY:** 440.13(11)(b), 440.14(3),(5), 440.15, 440.15(1)(f)2.a.,2.b., 440.15(2), 440.15(2)(d), 440.15(3), 440.15(3)(a)(6), 440.15(3)(b), 440.15(3)(b)(5),(9), 440.15(4), 440.15(4)(a),(b), 440.15(10)(b), 440.185, 440.185(2),(4),(5),(6),(10), 440.16(1)(a), 440.19, 440.20, 440.20(3), 440.345, 440.35, 440.38(2), 440.38(5), 440.41, 440.591, 440.593 FS.

**LAW IMPLEMENTED:** 440.13, 440.13(11)(b), 440.14(3), 440.15, 440.15(1), 440.15(1)(f)1.,(2),(3),(4),(6),(10), 440.16, 440.185, 440.185(2),(3),(4),(5),(10), 440.192(8), 440.20, 440.20(2), 440.20(3),(4),(6), 440.345, 440.35, 440.38(2)(b), 440.491, 440.59, 440.593 FS.

**A RULE DEVELOPMENT WORKSHOP IS DEEMED UNNECESSARY BY THE SECRETARY OF THE AGENCY HEAD.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Fred Becknell, Workers' Compensation Specialist Supervisor, Division of Workers' Compensation, Bureau of Monitoring and Audit, 2012 Capital Circle, S. E., Hartman Building, Suite 202Q, Tallahassee, FL 32399-0680, Phone (850)488-6241, Ext. 152.

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

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Division of Workers' Compensation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Forms and Instructions	38F-56.001
Mandate of Proof of Coverage (POC) EDI	38F-56.100
Electronic Mandate of Workers' Compensation Claims Forms	38F-56.200
Technical Requirements for Claims EDI Submissions	38F-56.210

**PURPOSE AND EFFECT:** Rule 38F-56.001 is being amended to add the forms required for the filing of claims forms via Electronic Data Interchange (EDI). Rule 38F-56.100 is being

amended to replace pages in the Florida Division of Workers' Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, November 2001. Rule 38F-56.200 is being created to mandate electronic filing of workers' compensation claims information beginning four (4) quarters after the effective date of this rule. Rule 38F-56.210 is being created to identify the technical filing requirements for electronic claims transactions.

**SUBJECT AREA TO BE ADDRESSED:** Electronic filing requirements for workers' compensation proof of coverage and claims information submitted to the Division pursuant to these rules.

**SPECIFIC AUTHORITY:** 440.591, 440.593 FS.

**LAW IMPLEMENTED:** 440.593 FS.

**A RULE DEVELOPMENT WORKSHOP IS DEEMED NOT TO BE NECESSARY BY THE SECRETARY OF THE AGENCY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Yon, W.C. Administrator, Bureau of Information Management, Suite 203, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, FL 32399-0685, (850)488-3030, Ext. 129.

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

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of Federal Aging Programs**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Area Agency on Aging Functions and Responsibilities	58A-1.007

**PURPOSE AND EFFECT:** This notice is in addition to seven previous notices regarding the amendment of Rule 58A-1.007, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, also known as the Client Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Repealing Chapter 5, Contracts and Grants, and updating other manual sections due to recent changes in federal and state laws will also be discussed. The scheduled workshops will primarily focus on Chapter 2, in particular definitions of the various services provided to elders.

**SUBJECT AREA TO BE ADDRESSED:** Revision of the Client Services Manual.

**SPECIFIC AUTHORITY:** 430.08, 430.101 FS.

**LAW IMPLEMENTED:** 20.41, 430.101 FS.

**IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

TIME AND DATE: 10:00 a.m. – 2:00 p.m., Monday, March 18, 2002

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, April 12, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, May 10, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharlene Davis or Pat Dunn, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLE: Administration

RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to seven previous notices regarding the amendment of Rule 58C-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, also known as the Client Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Repealing Chapter 5, Contracts and Grants, and updating other manual sections due to recent changes in federal and state laws will also be discussed. The scheduled workshops will primarily focus on Chapter 2, in particular definitions of the various services provided to elders.

SUBJECT AREA TO BE ADDRESSED: Revision of the Client Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 2:00 p.m., Monday, March 18, 2002

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, April 12, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, May 10, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharlene Davis or Pat Dunn, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of the Alzheimer’s Disease Initiative**

RULE TITLE: Program Administration

RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to seven previous notices regarding the amendment of Rule 58D-1.005, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, also known as the Client Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Repealing Chapter 5, Contracts and Grants, and updating other manual sections due to recent changes in federal and state laws will also be discussed. The scheduled workshops will primarily focus on Chapter 2, in particular definitions of the various services provided to elders.

SUBJECT AREA TO BE ADDRESSED: Revision of the Client Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 2:00 p.m., Monday, March 18, 2002

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, April 12, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, May 10, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharlene Davis or Pat Dunn, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE TITLE: Administration  
 RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to seven previous notices regarding the amendment of Rule 58H-1.003, F.A.C., which incorporates by reference the Department of Elder Affairs (DOEA) Programs and Services Manual, also known as the Client Services Manual. Compliance with the Manual, dated 12/98, is agreed to and referenced in DOEA contracts with all area agencies on aging. Repealing Chapter 5, Contracts and Grants, and updating other manual sections due to recent changes in federal and state laws will also be discussed. The scheduled workshops will primarily focus on Chapter 2, in particular definitions of the various services provided to elders.

SUBJECT AREA TO BE ADDRESSED: Revision of the Client Services Manual.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 2:00 p.m., Monday, March 18, 2002

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, April 12, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

TIME AND DATE: 10:00 a.m. – 4:00 p.m., Friday, May 10, 2002

PLACE: Area Agency on Aging of Pasco-Pinellas, 9455 Koger Blvd., St. Petersburg, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharlene Davis or Pat Dunn, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Scope of Practice Relative to Specialty of Licensure  
 RULE NO.: 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

(1) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the general ~~direct~~ supervision of a director, supervisor, or technologist.

(12) through (18) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 64B3-12.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.079, 483.825, 483.827 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Continuing Education as a Condition for Renewal  
 RULE NO.: 64B6-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education as a Condition for Renewal.

SPECIFIC AUTHORITY: 456.013(6),(8), 484.044, 484.047(1),(4) FS.

LAW IMPLEMENTED: 484.047(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Temporary Permit to Practice Occupational Therapy  
 RULE NO.: 64B11-2.005

PURPOSE AND EFFECT: The Board proposes to eliminate an unnecessary deadline.

SUBJECT AREA TO BE ADDRESSED: Temporary Permit to Practice Occupational Therapy.

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209(3),(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. ~~The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board.~~ An individual who has passed the examination may practice occupational therapy without supervision under his temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204 FS. Law Implemented 468.209(3),(4) FS. History—New 9-9-85, Formerly 21M-13.13, Amended 3-12-90, Formerly 21M-13.013, 61F6-13.013, 59R-61.013, Amended 4-8-99, 7-9-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Temporary Permit to Practice as an Occupational Therapy Assistant  
 RULE NO.: 64B11-3.003

PURPOSE AND EFFECT: The Board proposes to eliminate an unnecessary deadline.

SUBJECT AREA TO BE ADDRESSED: Temporary Permit to Practice as an Occupational Therapy Assistant.

SPECIFIC AUTHORITY: 468.204, 468.209(3),(4) FS.

LAW IMPLEMENTED: 468.209(3),(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based upon apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice as an occupational therapy assistant with the supervision of a licensed occupational therapist under the temporary permit until the next meeting of the Board. ~~The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board.~~ The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204, 468.209(3),(4) FS. Law Implemented 468.209(3),(4) FS. History--New 9-8-85, Formerly 21M-14.12, Amended 3-12-90, Formerly 21M-14.012, 61F6-14.012, 59R-62.012, Amended 4-8-99, 7-5-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: HIV/AIDS Education for Initial Licensure

RULE NO.: 64B11-3.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS Education for Initial Licensure.

SPECIFIC AUTHORITY: 456.033, 468.204 FS.

LAW IMPLEMENTED: 455.033 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Notice of Noncompliance

RULE NO.: 64B11-4.004

PURPOSE AND EFFECT: The Board proposes to change the existing rule text regarding a notice of noncompliance.

SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.

SPECIFIC AUTHORITY: 456.073(3), 468.204 FS.

LAW IMPLEMENTED: 456.073(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-4.004 Notice of Noncompliance.

(1) No change.

(2) Minor violations do not endanger the public health, safety and welfare and do not demonstrate a serious inability to practice the profession. A minor violation under this provision shall include failure to notify the Board of a change of address. ~~comply with the AIDS education requirement, as provided in Section 456.033, F.S.~~

(3) No change.

Specific Authority 456.073(3), 468.204 FS. Law Implemented 456.073(3) FS. History--New 9-3-90, Formerly 21M-15.004, 61F6-15.004, 59R-63.004, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Mediation

RULE NO.: 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to eliminate mediation offenses.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078, 468.204 FS.

LAW IMPLEMENTED: 456.078 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-4.006 Mediation.

For purposes of subsection 456.078, F.S., the Board ~~finds no offenses appropriate for mediation of Occupational Therapy designates as being appropriate for mediation, first time violations of Rules 64B11-2.007 and 64B11-3.005, F.A.C., failure to submit a copy of the course completion certificate.~~

Specific Authority 456.078, 468.204 FS. Law Implemented 456.078 FS. History–New 12-20-98, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Continuing Education Program Approval  
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B11-6.001

SUBJECT AREA TO BE ADDRESSED: Continuing Education Program Approval.

SPECIFIC AUTHORITY: 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2), 468.221 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-6.001 Continuing Education Program Approval.

(1) through (3) No change.

(4) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses accredited by the Accreditation

Board for Occupational Therapy shall be ~~deemed~~ approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(5) through (7) No change.

Specific Authority 456.025, 468.204, 468.219(2) FS. Law Implemented 468.219(2), 468.221 FS. History–New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Prescription Refills  
 RULE NO.: 64B16-28.114

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify the rule text with regard to prescription refills.

SUBJECT AREA TO BE ADDRESSED: Prescription refills.

SPECIFIC AUTHORITY: 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS.

LAW IMPLEMENTED: 465.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.114 Prescription Refills.

No prescription may be filled or refilled in excess of one (1) year from the date the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five times within a period of six (6) months after the date on which the prescription was written.

Specific Authority 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History–New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended 2-4-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES: Unit Dose and Customized Patient Medication  
 Package Returns by In-patients  
 Sterile Products and Special Parenteral/  
 Enteral Compounding  
 RULE NOS.: 64B16-28.118  
 64B16-28.820

PURPOSE AND EFFECT: The Board proposes to amend rules 64B16-28.118 and 28.820 to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Unit dose returns by in-patients, special parenteral/enteral compounding.

SPECIFIC AUTHORITY: 465.005, 465.007, 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.016(1)(l), 465.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.118 Unit Dose and Customized Patient Medication Package Returns by In-patients.

No pharmacist shall place into the stock of any pharmacy permittee any part of any prescription, compounded or dispensed, which is returned by a patient except under the following conditions:

(1) In a closed drug delivery system in which unit dose or customized patient medication packages are is dispensed to in-patients, the unused ~~unit dose of~~ medication may be returned to the pharmacy for redispensing only if each unit dose or customized patient medication package is individually sealed and if each unit dose or the unit dose system, or the customized patient medication package container or the customized patient medication package unit of which it is clearly a part is labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any.

(2) through (3) No change.

(4) A "customized patient medication package" to which this rule applies means a system wherein all USP approved multi-dose units are physically connected and are referred to as a container. The use of customized patient medication packages must comply with the provisions of subsection 64B16-28.108(5), F.A.C.

(5)(4) A "closed drug delivery system" to which this rule applies is a system in which the actual control of the unit dose or customized patient medication package is maintained by the facility rather than by the individual patient.

(6) All pharmacies utilizing unit dose or customized patient medication packages shall address specific policies and procedures regarding their preparation and use in their Policy and Procedures Manual.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.016(1)(l) FS. History—New 11-10-80, Formerly 21S-1.36, 21S-1.036, Amended 7-31-91, Formerly 21S-28.118, 61F10-28.118, 59X-28.118, Amended 9-23-99,

64B16-28.820 Sterile Products and Special Parenteral/Enteral Compounding.

(1) Sterile Products and Parenteral/Enteral Compounding.

(a) A sterile products and parenteral/enteral compounding pharmacy is a type of special pharmacy as provided by Section 465.0196, F.S., which is limited in scope of pharmacy practice to render sterile products and parenteral/enteral compounding functions. This pharmacy practice facilitates the utilization of certain institutional therapeutic measures by patients in the home environment or by patients in an institutional environment where such pharmacy service is unavailable. Pharmacy services, sterile products and parenteral/enteral products provided by a special sterile products and parenteral/enteral compounding pharmacy pursuant to prescription as defined by Section 465.003(13), F.S., shall be limited to the compounding and/or dispensing of:

1. through 2. No change.

3. Sterile preparations of cytotoxic or antineoplastic agents, and/or

4. Sterile products (i.e. injectables, eye drops, etc.).

(b) Prior to engaging in a sterile products and parenteral/enteral compounding pharmacy practice an entity shall obtain a special sterile products and parenteral/enteral compounding pharmacy permit as provided herein.

(2) Pharmacy Environment. The compounding and dispensing of sterile products and parenteral/enteral prescription preparations within a special sterile products and parenteral/enteral compounding pharmacy shall be accomplished in a pharmacy environment subject to the pharmacy permit laws of this state and in accordance with those requirements for the safe handling of drugs. The environment for this practice shall be set apart, and designed, and equipped to facilitate controlled aseptic conditions. Aseptic techniques shall prevail in this practice to minimize the possibility of microbial contamination.

(3) General Requirements.

(a) A special sterile products and parenteral/enteral compounding pharmacy shall be under the control and supervision of a licensed pharmacist, who shall be designated prescription department manager on the application for a special sterile products and parenteral/enteral compounding pharmacy. The prescription department manager or other licensed qualified pharmacist as provided herein shall be present on duty during all hours of operation of said pharmacy. Changes in prescription department manager shall be reported to the Board of Pharmacy office within 10 days by the permit holder and prescription department manager of record. A prescription department manager of a special sterile products and parenteral/enteral compounding pharmacy shall not be designated prescription department manager of record of more than one special sterile products and parenteral/enteral compounding pharmacy, unless otherwise approved by the Board. The Board will consider the proximity of the facility as

well as the administrative workload created by the two permits, in determining whether or not it will approve the designation of someone as a prescription department manager of more than one special sterile products and parenteral/enteral compounding pharmacy.

(b) A special sterile products and parenteral/enteral compounding pharmacy shall provide special handling and packaging of compounded parenteral and enteral preparations when delivering from the pharmacy to the patient or institution as required to maintain stability of the preparations. All such preparations shall include the time and/or date of expiration on the label. Delivery from the pharmacy to the patient shall be made within a reasonable time. A special sterile products and parenteral/enteral compounding pharmacy shall provide telephone accessibility to its pharmacist(s) for its patients at all hours.

(c) No change.

(d) A Policy and Procedure Manual shall be prepared and maintained at each special sterile products and parenteral/enteral compounding pharmacy, and be available for inspection by authorized agents of the Board of Pharmacy and the Agency. The Policy and Procedure Manual shall set forth in detail the objectives and operational guidelines of the permittee. The Policy and Procedure Manual shall include a Quality Assurance Program which monitors personnel qualifications, training and performance, equipment facilities, and random production sampling consistent with recommended standards for compounding and dispensing intravenous admixtures as set forth by the Joint Commission on Accreditation of Health Organizations, the National Coordinating Committee and Large Volume Parenteral, and as provided by the Florida Board of Pharmacy.

(e) through (h) No change.

(4) An applicant for a special sterile products and parenteral/enteral compounding pharmacy permit shall provide the Board of Pharmacy with the following:

(a) through (c) No change.

(5) Minimum Requirements for Space, Equipment, Supplies and Publications.

(a) To ensure compliance with the general requirements as set forth, the following minimum requirements for space, equipment, supplies and publications shall be met by a pharmacy which operates under the special permit of a sterile products and parenteral/enteral compounding pharmacy. These requirements are in addition to the minimum requirements for space and equipment required of other types of pharmacies when applicable. The minimum permit requirements are set forth as follows:

(b) through (e) No change.

(6) No change.

Specific Authority 465.005, 465.007, 465.022 FS. Law Implemented 465.007, 465.018 FS. History—New 4-26-84, Formerly 21S-1.40, Amended 7-27-86, Formerly 21S-1.040, Amended 7-31-91, 10-14-91, Formerly 21S-28.820, 61F10-28.820, Amended 3-10-96, 6-4-97, Formerly 59X-28.820, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: RULE NO.:

Licensure by Endorsement 64B17-4.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

SPECIFIC AUTHORITY: 486.025, 486.107(1) FS.

LAW IMPLEMENTED: 486.107(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ADMINISTRATIVE FLEW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement without examination by presenting evidence satisfactory to the Board that the applicant ~~he~~ is licensed in another state, the District of Columbia, or a territory if their standards for licensure are as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other state, the District of Columbia, or territory was through the designated national physical therapy assistants examination provider an examination prepared under the auspices of the Professional Examination Services, ASI (Assessment Systems Incorporated) or an examination approved by the American Physical Therapy Association.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B17-7.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 456.079, 486.025 FS.  
 LAW IMPLEMENTED: 456.057, 456.062, 456.073, 456.079, 486.123, 486.125, 486.135, 486.151 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units  
 RULE CHAPTER NO.: 64F-16

RULE TITLE: Definitions  
 RULE NO.: 64F-16.001

PURPOSE AND EFFECT: To redefine poverty guidelines referenced in the rule. To repeal definitions deemed unnecessary.

SUBJECT AREA TO BE ADDRESSED: Chapter 64F-16 outlines eligibility and fee assessment for services provided at county health departments. The proposed amendment to 64F-16.001(7), F.A.C., provides reference as to where the latest poverty guidelines may be obtained and that these guidelines are adjusted and published annually by the U.S. Department of Health and Human Resources. These poverty guidelines are used to determine whether a client is eligible for service, or their sliding fee rate if they are above 100 percent of poverty. Furthermore, annual changes to these guidelines are designed to account for annual changes in prices as measured by the Consumer Price Index and do not reflect policy change on how the guidelines are otherwise applied or administered. Additionally, the Department proposes to repeal the definitions of "communicable disease control services" and of "WIC" at 64F-16.001(1) and (12), F.A.C. The term "communicable disease control services" is already defined in s. 154.01, F.S., and "WIC" is defined in s. 383.011(1)(g), F.S.; therefore, these definitions are redundant and deemed unnecessary.

SPECIFIC AUTHORITY: 154.011(5) FS.  
 LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE 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: 10:00 a.m., March 18, 2002  
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) ~~"Communicable disease control services" means epidemiology; disease surveillance; sexually transmitted disease detection, treatment, and prevention; HIV and AIDS counseling, testing, and partner notification; immunization; and tuberculosis detection, treatment, and prevention.~~

(2) through (6) renumbered (1) through (5) No change.

(6)(7) "Poverty guidelines" means the non-farm family poverty income scale adopted by the United States Department of Health and Human Services (HHS), as published annually by HHS in the Federal Register; ~~February 16, 2001 edition (Volume 66, Number 33) pages 10695-10697.~~ A copy of the poverty guidelines currently adopted by HHS can also be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723.

(8) through (11) renumbered (7) through (10) No change.

(12) ~~"WIC" means the Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended.~~

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended 1-9-01, 8-21-01,\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse Program**

RULE TITLES:	RULE NOS.:
Definitions	65D-30.002
Department Licensure and Regulatory Standards	65D-30.003
Common Licensure Standards	65D-30.004
Standards for Addictions Receiving Facilities	65D-30.005
Standards for Detoxification	65D-30.006
Standards for Residential Treatment	65D-30.007
Standards for Day or Night Treatment with Host Homes	65D-30.008
Standards for Day or Night Treatment	65D-30.009
Standards for Intensive Outpatient Treatment	65D-30.0091
Standards for Outpatient Treatment	65D-30.010
Standards for Aftercare	65D-30.011

Standards for Intervention	65D-30.012
Standards for Prevention	65D-30.013
Standards for Medication and Methadone Maintenance Treatment	65D-30.014

**PURPOSE AND EFFECT:** Chapter 65D-30, entitled Substance Abuse Services, is being amended to implement Legislative mandates. This includes setting standards that will enable the department to respond more effectively, from a regulatory standpoint, to current trends and practices in the substance abuse field.

**SUBJECT AREA TO BE ADDRESSED:** Specific program standards Related to substance abuse licensable service components as defined in section 397.311(19), F.S.

**SPECIFIC AUTHORITY:** 397.321(5) FS.

**LAW IMPLEMENTED:** 20.19, 232, 384, 397.311, 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431(5), 397.451, 397.471, 397.501, 397.601, 397.601(2), 397.675, 397.705, 397.706, 397.752, 397.753, 397.754, 397.901, 465, 633.022, 944.026, 948 FS.

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

**TIME AND DATE:** 2:00 p.m. – 5:00 p.m., Tuesday, April 2, 2002

**PLACE:** Disc Village, 3333 West Pensacola Street, Building 200, Suite 230, Large Czajkoski Conference Room, Tallahassee, FL 32304

Prior to, or at the time of the workshop, any person may submit information (1) relating to the department’s statement of estimated regulatory costs (if one has been requested or if one has been prepared); and (2) any proposals as to how the same department regulatory goal can be achieved with a lower regulatory cost.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Phil Emenheiser, (850)488-9210, E-mail: phil\_emenheiser@dcf.state.fl.us

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE INTERNET AT** [www.state.fl.us/cf\\_web/](http://www.state.fl.us/cf_web/) (from there click on Substance Abuse and Mental health, then Reports and Publications, then Proposed Rule 65D-30) **OR AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

**RULE TITLES:** **RULE NOS.:**  
Numbering System 1S-1.001

Style and Form for Filing Rules; Certification 1S-1.002  
Accompanying Materials 1S-1.003

**PURPOSE AND EFFECT:** Rule 1S-1.001, F.A.C., is being amended to add Title 68 to the list of agency title numbers. Rule 1S-1.002, F.A.C., is being amended to clarify the disk format requirements for rule adoption. Rule 1S-1.003, F.A.C., is being amended to add the optional requirement that notices to be published in the Florida Administrative Weekly (FAW) be electronically submitted.

**SUMMARY:** Rule 1S-1.001 is being amended to add a new Florida Administrative Code title number. Rule 1S-1.002 is amended to clarify the disk format requirements for final adoption of rules, and Rule 1S-1.003 is amended to add the option of electronic submission of notices to be published in the FAW.

**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:** 120.55(1)(c) FS.

**LAW IMPLEMENTED:** 120.54(2),(3)(e)4.,(6), 120.55(1)(c), (d),(3), 403.8055 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. – 12:00 Noon, Tuesday, April 2, 2002

**PLACE:** The Ralph D. Turlington Florida Education Center, Room 1721/1725, 325 West Gaines St., Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Liz Cloud, Chief, Bureau of Administrative Code, 107 West Gaines Street, Suite L43, The Collins Building, Tallahassee, FL 32399-0250, Telephone (850)245-6270

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-1.001 Numbering System.

(1) through (9) No change.

(10) The following basic title numbers are assigned to the corresponding agencies:

- 1 – Department of State
- 2 – Department of Legal Affairs
- 3 – Department of Banking and Finance
- 4 – Department of Insurance
- 5 – Department of Agriculture and Consumer Services
- 6 – Department of Education
- 7 – Department of Business Regulation
- 8 – Department of Commerce
- 9 – Department of Community Affairs
- 10 – Department of Health and Rehabilitative Services
- 11 – Department of Law Enforcement
- 12 – Department of Revenue
- 13 – Department of General Services
- 14 – Department of Transportation
- 15 – Department of Highway Safety and Motor Vehicles
- 16 – Department of Natural Resources
- 17 – Department of Environmental Regulation
- 18 – Board of Trustees of the Internal Improvement Trust Fund
- 19 – State Board of Administration
- 20 – Department of Citrus
- 21 – Department of Professional Regulation
- 22 – Department of Administration
- 23 – Parole Commission
- 24 – Pardon Board
- 25 – Public Service Commission
- 26 – Assessment Administration Review Commission
- 27 – Executive Office of the Governor
- 28 – Administration Commission
- 29 – Regional Planning Councils
- 30 – Regional Transportation Authorities
- 31 – Loxahatchee River Environmental Control District
- 32 – State Fair Authority
- 33 – Department of Corrections
- 34 – Commission on Ethics
- 35 – Metropolitan Planning Organizations
- 36 – Englewood Water District
- 37 – Advisory Council on Inter-Governmental Relations
- 38 – Department of Labor and Employment Security
- 39 – Game and Fresh Water Fish Commission
- 40 – Water Management Districts
- 41 – Commission for the Transportation Disadvantaged
- 42 – Florida Land and Water Adjudicatory Commission
- 43 – Fiscal Accounting Information Board
- 44 – Information Resource Commission
- 45 – Expressway Authorities
- 46 – Marine Fisheries Commission
- 47 – High Speed Rail Transportation Commission
- 48 – Florida Keys Aqueduct Authority
- 49 – Regional Utility Authorities
- 50 – Alligator Point Resource Board

- 51 – Hillsborough County Consolidated Taxicab Commission
- 52 – Port of Palm Beach District
- 53 – Department of the Lottery
- 54 – Interlocal Agencies
- 55 – Department of Veterans’ Affairs
- 56 – Clean Florida Commission
- 57 – Spaceport Florida Authority
- 58 – Department of Elder Affairs
- 59 – Agency for Health Care Administration
- 60 – Department of Management Services
- 61 – Department of Business and Professional Regulation
- 62 – Department of Environmental Protection
- 63 – Department of Juvenile Justice
- 64 – Department of Health
- 65 – Department of Children and Family Services
- 66 – Navigation Districts
- 67 – Florida Housing Finance Corporation
- 68 – Fish and Wildlife Conservation Commission

Specific Authority 120.55(1)(c) FS. Law Implemented 120.55(1)(c) FS. History—New 5-29-80, Formerly 1-1.01, Amended 10-1-84, 11-14-85, 4-10-90, 6-17-92, 4-1-96, 9-13-98,\_\_\_\_\_.

1S-1.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) In addition to the following requirements, the text of all rules filed for adoption shall be submitted on 3.5" diskette, and shall comply with the specifications listed in paragraphs Rule 1S-1.003(2)(b) and (c)(a), F.A.C.

(2) No change.

(3) An agency adopting an amendment to an existing rule shall submit the original and two copies, underlining new material and striking through deleted material. The new material shall appear before the deleted material. Each rule page shall be numbered. The text of a rule amendment shall set forth in full the amended rule and include such subsections, paragraphs, subparagraphs or sub-subparagraphs of the amended rule where necessary to make the publication of the amended rule complete and meaningful. Any subsections, paragraphs, subparagraphs or sub-subparagraphs not being amended, shall be noted as “No change”. The original shall be prepared in the same manner as described in subsection (2)(+) of this rule.

(4) through (11) No change.

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(3)(e)4.,(6), 120.55(1)(c),(d), 403.8055 FS. History—New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99,\_\_\_\_\_.

1S-1.003 Florida Administrative Weekly (FAW).

(1) No change.

(2)(+) All proposed rules and other documents to be published in the FAW shall be submitted;

(a) Electronically through the Electronic Submission link/button found on the Florida Administrative Weekly web page, <http://faw.dos.state.fl.us>. This page may also be accessed through the Department of State's homepage at <http://election.dos.state.fl.us>;

(or)

On ~~an~~ 3.5" diskette, together with one hard copy of each notice printed on white letter size (8 1/2" x 11") paper, double spaced, and shall comply with the following specifications:

1. 3.5" diskette, 720 K or 1.44 M recording Density, IBM PC compatible formatting; and

2. All diskettes shall be accompanied by an affixed external label that:

- a. Identifies the submitting agency by the agency's title number;
- b. Lists the file(s) contained on the disk; and
- c. Lists the type of software used.

(b) Agencies shall submit a cover memo for each notice to be published in the FAW, specifying the person's name and address to which the invoice will be sent, so that the proper agency will be billed for the costs of publication. In addition, the cover memo shall contain the agency's title number, type of notice(s) and file name(s) contained on the disk, and shall specify the publication date. A sample cover memo may be obtained by contacting the Bureau of Administrative Code.

~~(c)3-~~ Acceptable software:

~~a. WordPerfect for MS-DOS Version 5 and above; or~~

~~1.b. WordPerfect for Windows Version 5 and above; or~~

~~e. Microsoft Word for MS-DOS Versions 3.0, 4.0, 5.0, 5.5 and 6.0; or~~

~~2.d. Microsoft Word for Windows Versions 3.0, 4.0, 5.0, 5.5 and 6.0; or~~

~~e. Microsoft Write for Windows; or~~

~~f. Ami Professional; or~~

~~g. DisplayWrite 2, 3, 4, and 5; or~~

~~3.h. Rich Text Format.~~

(d)4- No other software will be accepted unless specifically authorized in writing by the Bureau of Administrative Code.

(e)5- All documents submitted shall use "underscore" and "overstrike" character attributes to denote inserted and deleted text, respectively. Documents shall not contain "redlining" or other revision markers.

(f)(b) Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules in the format set out in subsection (3)(4) of this rule.

(g)(e) All proposed new rules, amendments, substantial rewording of existing rules, repeals and emergency rules shall be preceded by a Notice of Proposed Rulemaking as set out in subsections (4)(5) and (7)(8) of this rule; and

1. Separate Notices of Rule Development and Proposed Rulemaking are required for each rule chapter affected.

2. All proposed new rules shall be coded by underlining the rule number, title, text, specific authority, law implemented and history note.

3. All proposed rule amendments shall be coded by underlining new material and striking through deleted material. When amending a portion of a rule chapter, only the amended sections of the chapter shall be included on the notice of proposed non-emergency rules.

4. All proposed rules which substantially reword existing rules shall be coded by underlining the new material. The rule number, title, specific authority, law implemented and history note lines should not be underlined. The following directory line shall be inserted immediately preceding the rule number and rule title of the substantially reworded rule: (Substantial rewording of Rule \_\_\_\_\_ follows. See Florida Administrative Code for present text.)

5. All proposed rule repeals shall be coded by underlining the word "Repealed" in the history note. The full text of said rule is not required to be published in the FAW. Only a reference to the rule number, rule title and the specific authority, law implemented and history note must be set out, provided that the rule summary portion of the notice fully describes the subject matter of the repealed rule text. Partial rule repeals will be treated in the same manner as an amendment.

6. Emergency rules shall be coded as specified in subparagraphs 2. through 4.

(h)(d) The department shall reject any notice that does not comply with the requirements specified in these rules.

~~(3) Agencies shall submit a cover memo for each notice to be published in the FAW, specifying the person's name and address to which the invoice will be sent, so that the proper agency will be billed for the costs of publication. In addition, the cover memo shall contain the agency's title number, type of notice(s) and file name(s) contained on the disk, and shall specify the publication date. A sample cover memo may be obtained by contacting the Bureau of Administrative Code.~~

(4) through (14) renumbered (3) through (13) No change.

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(2), 120.55(1), (3) FS. History--New 5-29-80, Formerly 1-1.021, Amended 7-12-81, 12-30-81, 7-8-82, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 9-2-93, 4-1-96, 10-1-96, 9-13-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Liz Cloud, Chief, Bureau of Administrative Code

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clay Roberts, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002, Vol. 28, No. 6

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Standards for Nonpartisan Voter Education

RULE NO.: 1S-2.033

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide standards for nonpartisan voter education.

SUMMARY: This rule provides standards for nonpartisan voter education in the areas of voter registration, absentee and polling place balloting procedures, voters' rights and responsibilities, sample ballots and public service announcements.

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: 98.255 FS.

LAW IMPLEMENTED: 98.255 FS.

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

TIME AND DATE: 2:00 p.m. – 5:00 p.m., March 25, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1721/1725, 325 West Gaines Street, Tallahassee, Florida 32301

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida, 32399, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.033 Standards for Nonpartisan Voter Education.

(1) County supervisors of elections shall implement the following standards in educating their voters regarding voter registration:

(a) The following voter registration education is required:

1. Once a year in all high schools in the county, the supervisor shall provide a high school voter registration program.

2. Once a year on all college campuses in the county, the supervisor shall provide a college voter registration program.

(b) The supervisors shall employ at least two of the following educational standards:

1. New residents packets that shall include information regarding voter registration and be available at such places as public libraries and at as many realtor offices as possible.

2. A website link to information regarding voter registration.

3. Distribute a Voter Registration Guide that includes information regarding voter registration at all voter registration agencies and offices in the county, in the supervisors' office and at registration drives.

(2) County supervisors of elections shall implement the following standards in educating their voters regarding absentee balloting procedures:

(a) Develop and distribute an Absentee Voting Guide that would include how to obtain an absentee ballot, instructions on how to fill out an absentee ballot, when and where to return an absentee ballot and other absentee ballot information.

(b) If possible, a website link to direct a voter as to how to request an absentee ballot, instructions on how to fill out an absentee ballot, and when and where to return an absentee ballot.

(3) County supervisors of elections shall implement the following standards in educating their voters regarding polling place balloting procedures:

(a) The supervisor of elections must produce a pamphlet regarding how to vote a ballot to be made available at all voter registration agencies and offices in the county, in the supervisors' office and at registration drives. The pamphlet should include a narrative description of the voting system used by the county and how the voter is to record their vote.

(b) If possible, provide a website link informing voters what time the polls will be open, what to bring to the polls, what to expect at the polls, instructions on the county's particular voting system, and other frequently asked information regarding polling place procedures. As well as listing all polling places in a manner that a voter could determine his or her polling place from an address or publish the same in a newspaper of general circulation.

(c) If possible, provide a TV with a loop video at the polls instructing voters on the county's particular voting system.

(4) County supervisors of elections shall implement the following in educating their voters about voters' rights and responsibilities:

(a) Post the listing of the voters' rights and responsibilities pursuant to Section 101.031, Florida Statutes, at the supervisor's office.

(b) If possible, provide a website link to the voters' rights and responsibilities pursuant to Section 101.031, Florida Statutes.

(c) Produce a pamphlet with the voters' rights and responsibilities pursuant to Section 101.031, Florida Statutes, to be available at all voter registration agencies and offices, in the supervisors' office and at registration drives. This pamphlet shall include the rights and responsibilities as well as additional explanation and information regarding the rights and responsibilities.

(5) County supervisors of elections shall implement the following in providing sample ballots:

(a) A supervisor must provide either 1. or 2. below.

1. Mail a sample ballot to all registered voters or households with registered voters; or

2. Publish a sample ballot in a newspaper of general circulation at least once.

(b) A supervisor must post a sample ballot in the supervisor's office.

(c) A supervisor must provide a sample ballot as a handout at voter registration drives and voter registration drives for the public to obtain a sample ballot and shall incorporate into the sample ballot a narrative description on the voting system used by the county and how the voter is to record their vote.

(d) If possible, a website link that provides a replica of a sample ballot.

(6) County supervisors of elections shall employ at least one of the following in preparing public service announcements for the education of voters:

(a) A website link to information regarding frequently asked questions, voter education information and other voting information.

(b) Participate in interviews and provide voter education information.

(c) Provide at least one radio or TV announcement regarding basic voter information including, but not limited to, election dates, voter registration information, precinct information, a narrative description on the voting system used by the county and how the voter is to record their vote and other voter information.

Specific Authority 98.255 FS. Law Implemented 98.255 FS. History--New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Amy K. Tuck, Assistant General Counsel

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:**

L. Clayton Roberts, Director, Division of Elections, Department of State

**DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD:**

February 20, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:**

May 18, 2001

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

**RULE CHAPTER TITLE:**

Saint Augustine Decline

**RULE TITLES:**

Definitions of Terms

Purpose

**RULE CHAPTER NO.:**

5B-36

**RULE NOS.:**

5B-36.001

5B-36.002

**Declaration of Saint Augustine Decline**

Disease as a Plant Pest and Quarantine 5B-36.0024

Infested and Regulated Areas 5B-36.0028

Interstate Movement 5B-36.005

**PURPOSE AND EFFECT:** The department is proposing to repeal Saint Augustine Decline, Rule Chapter 5B-36. Certifying that Saint Augustine grass, centipede grass or other host plants from infested states are free of Saint Augustine decline disease will no longer be required prior to shipping these turf grass varieties into Florida.

**SUMMARY:** Rule Chapter 5B-36, F.A.C., in its entirety will be repealed. Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas, which are infested with Saint Augustine decline disease will not have to obtain a master permit or issue a certificate for turf grass attesting to freedom from Saint Augustine decline disease as a condition of shipping interstate into Florida.

**SPECIFIC AUTHORITY:** 570.07(13),(23) FS.

**LAW IMPLEMENTED:** 581.031(4),(5),(6),(7),(15),(20), 581.083 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., March 25, 2002

**PLACE:** Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Richard Gaskalla, Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100

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

**5B-36.001 Definition of Terms.**

Specific Authority 570.07(13)(23) FS. Law Implemented 581.031 FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.01, Amended 5-13-93, Repealed \_\_\_\_\_.

**5B-36.002 Purpose.**

Specific Authority 570.07(13)(23) FS. Law Implemented 581.031(4)(5), 581.083 FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.02, Amended 5-13-93, Repealed \_\_\_\_\_.

**5B-36.0024 Declaration of Saint Augustine Decline Disease as a Plant Pest and Quarantine.**

Specific Authority 570.07(13)(23) FS. Law Implemented 581.031(6) FS. History--New 5-13-93, Amended 6-4-95, Repealed \_\_\_\_\_.

**5B-36.0028 Infested and Regulated Areas.**

Specific Authority 570.07(13)(23) FS. Law Implemented 581.031(4)(6)(7), 581.101 FS. History--New 5-13-93, Repealed \_\_\_\_\_.

**5B-36.005 Interstate Movement.**

Specific Authority 570.07(13),(23) FS. Law Implemented 581.031(4),(5),(15),(20) FS. History--New 12-24-71, Repromulgated 12-31-74, Formerly 5B-36.05, Amended 5-13-93, 6-12-00, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance C. Riherd, Assistant Director, Division of Plant Industry, P. O. Box 147100, Gainesville, FL 32614-7100
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Craig Meyer, Deputy Commissioner for Agricultural Services, Commissioner's Office Staff, Florida Department of Agriculture and Consumer Services, PL 10, The Capitol, Tallahassee, FL 32399-0810
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting - Forms
RULE NO.: 33-601.737
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise forms used in conjunction with approval for inmate visiting.
SUMMARY: The proposed rule revises forms used in conjunction with approval for inmate visiting.
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: 944.09, 944.115, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.737 Visiting - Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (2) No change.
(3) DC6-111A, Request for Visiting Privileges, effective November 18, 2001.
(4) through (5) No change.
(6) DC6-111D, CVA Visitor Screening Matrix, effective November 18, 2001.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History-New 11-18-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Committed Name
RULE NO.: 33-603.101
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth procedures for the use of inmates' legal religious names.
SUMMARY: The proposed rule sets forth procedures for the use of inmates' legal religious names.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 20.315, 944.09 FS.
LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.101 Use of Committed Name.

(1)(a) In order to avoid conflicts in mailing and visiting privileges, as well as to assist inmates in making bank and canteen transactions and ensure timely delivery of legal documents, and to provide staff with a consistent means of inmate identification for security and daily institutional operation purposes, each inmate shall be recognized by the department under the name on the initial commitment under which the inmate was received. This name shall be the inmate's official identification throughout the continuous incarceration of the inmate on that sentence or combined sentences and must be included on any official document sent or received by the inmate except as provided in (3) below.

(b) The department shall register any known aliases on the inmate's record and shall also designate on the record which name is the inmate's true or legal name if this information is available.

(c) Legal Religious Names.

1. Upon request of an inmate to include a legal religious name to the inmate identification card, the warden or facility head shall forward the request and supporting documentation to the Office of the General Counsel for verification that the inmate's name has been legally changed for religious reasons through court order, birth certificate or other legally acceptable documentation. When verification is complete, the Office of the General Counsel shall notify the warden or facility head in writing.

2. The institution or facility shall affix a label to the reverse side of the inmate identification card which bears the following:

This is to certify that the legal religious name of inmate DC# \_\_\_\_\_ is [INSERT LEGAL RELIGIOUS NAME]

\_\_\_\_\_  
[Signature] Warden or Facility Head, Name of Facility

3. A legal religious name change does not require that the department alter official records; the inmate's committed name shall be used for all department business.

(d) Nothing in this rule prohibits issuance of an educational or vocational certificate in the inmate's true or legal name providing that the office issuing such certificate provides a photocopy of the certificate to be placed in the inmate's institutional file and such copy also reflects the inmate's committed name and identification number.

(2) No change.

(3) An inmate who has litigation pending which was filed under a name other than the official name shall be responsible for notifying the institution or facility mailroom in writing of the name under which litigation is pending. Incoming legal mail addressed to an inmate under a name other than the official committed name shall be forwarded to the inmate if the inmate has notified the mailroom of pending legal actions under this name. If there is no record of such notification by the inmate, the mailroom shall request that the appropriate institutional office check the offender information system for identification of the addressee. If such effort fails to reveal proper identification, the mail shall be returned to the sender with appropriate notations that the addressee could not be identified.

(4) An inmate who desires to have a document or documents notarized under a name other than the official committed name shall advise the notarizing officer in writing at least three working days prior to requesting such notarization. The notice shall specify the name under which the inmate plans to sign. The notary shall review the inmate's record to confirm that the name is a true or legal name or a known alias. If there is no record of the name in the institutional file, or the inmate cannot provide identification or documentation that the name is either his or her true or legal name, or that there is a legal action pending involving the

inmate under such name, the officer shall not notarize the signature. Following production of such identification or documentation, the notary shall notarize the document and indicate the manner by which the inmate was identified. If the inmate has obtained a legal religious name change and wishes to have documents notarized under this name, the legal religious name affixed to an inmate identification card shall be sufficient for purposes of provision of notary services unless there is a reason to believe that the information has been forged or altered.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 9-30-93, Formerly 33-6.012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE TITLE: Financial Requirements  
RULE NO.: 59A-4.203

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-4.203, Florida Administrative Code, consistent with provisions of s. 400.235(9), F.S., that became effective June 21, 2000. The legislation provides for development of rules regarding specific criteria involving the financial requirements that relates to the Gold Seal Award. The proposed amendment specifies that the licensee of the facility shall submit certified public accountant audited financial statements in order to demonstrate financial soundness and stability prior to the date of the application.

SUMMARY: The proposed amendment allows facilities nominated for Gold Seal recognition to demonstrate financial soundness and stability using certified public accountant audited financial statement of the licensee of the facility; removing the requirement that facilities submit such audited statements of the facility as well as the parent company, if any; allowing specified board designated cash or near cash assets to be included in the calculation of current assets for determining current ratio; and exempting Veteran's Administration facilities from the requirement to demonstrate financial soundness and stability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 400.235 FS.

LAW IMPLEMENTED: 400.235(9) FS.

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

TIME AND DATE: 10:00 a.m., March 22, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.203 Financial Requirements.

To be eligible for a Gold Seal designation, a facility must have been in operation for a minimum of 30 months prior to the date of application and must provide evidence of financial soundness and stability. To demonstrate 30 months of financial soundness and stability prior to the date of the application:

(1) The licensee of the facility ~~Facilities~~ shall submit certified public accountant (CPA) audited financial statements prepared in accordance with Generally Accepted Accounting Principles (GAAP) for the three consecutive fiscal years immediately preceding the date of application, including: a balance sheet, income statement and statement of cash flows and all relevant notes. ~~Each facility that is affiliated with a parent company must submit audited GAAP prepared financial statements regarding the individual recommended facility and audited consolidated GAAP prepared financial statements regarding the facility's parent company.~~ The CPA audit reports must specify an unqualified opinion. Each licensee facility and parent company shall also submit a one-year set of pro-forma financial statements, including balance sheet, income statement and statement of cash flows. For a licensee facility that is audited as part of a consolidated entity, the licensee facility can satisfy the audit requirement by submitting the three most recent consecutive years of CPA audited consolidated financial statements if the statements break out the balance sheet, and income statement, ~~and statement of cash flows~~ of the individual licensee facility.

(2) Each licensee facility and parent company must meet at least two of the three following financial soundness and stability thresholds listed below for at least two of three years of the statements, to include the most recent year submitted and the pro-forma statements. Otherwise, its facilities cannot be recommended for the Gold Seal Award except as described in (3) below.

(a) A positive current ratio of at least one (1). The current ratio is determined by dividing current liabilities into current assets. Current assets are those held for conversion within a

year or less, such as cash, temporary investments, receivables, inventory, and prepaid expenses. Board designated assets of cash or near cash instruments, where the board of directors has the option to change the authorized use of the assets and the assets are otherwise unencumbered as disclosed by the auditor, can be considered current assets for this calculation. Current liabilities are short-term debts and unearned revenues to be paid out of current assets within a year or less.

(b) A positive tangible net worth as determined by the balance sheet. This shall be determined as equity (total assets less total liabilities) net of intangible assets. An intangible asset is a capital asset having no physical existence, its value being dependent on the rights that possession confers upon the owner. Examples include goodwill and trademarks.

(c) A times interest earned ratio of at least 1.15 or 115 percent. This shall be determined by dividing interest expense into net income before deducting such interest and income tax. Net income is defined as revenues (receipts or earnings) less expenses (costs). Not-for-profit providers may include non-operating income, such as public or governmental support and foundation transfers in determining net income.

(3) If the ~~licensee a facility or parent company~~ can meet only one of the three financial ratios in (2) above for one of the two required years, the licensee facility may be recommended for a Gold Seal Award only if the most recent CPA prepared financial statements provided ~~for the facility and parent company~~ are for a period ending within six months of the date of the application and these financial statements meet all three of the financial criteria set forth in (2) above and the licensee provider received an unqualified CPA report.

(4) ~~Neither the licensee~~ ~~Neither the facility~~ nor its parent company shall have been the subject of bankruptcy proceedings during the period beginning 30 months prior to the date of the application and ending on the date of the award of the Gold Seal.

Nursing homes licensed to the state Veteran's Administration are exempt from this section.

Specific Authority 400.235 FS. Law Implemented 400.235(9) FS. History--New 8-16-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard F. Kelly, Health Services and Facilities Consultant, Managed Care and Health Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: RULE NO.:

Guidelines for the Disposition of Disciplinary Cases 61G14-17.004

PURPOSE AND EFFECT: The purpose of this rule notice is to substantially reword the rule text.

SUMMARY: The Board of Pilot Commissioners has determined that a substantial rewording of this rule is necessary to clarify the guidelines to be followed for the disposition of disciplinary cases.

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: 310.101, 310.185, 455.2273 FS.

LAW IMPLEMENTED: 455.2273 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: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G14-17.004 follows. See Florida Administrative Code for present text.)

61G14-17.004 Guidelines for the Disposition of Disciplinary Cases.

(1) Sanctions to be imposed by the board for misconduct, inattention to duty, negligence or willful violation of any law or rule applicable to licensed state pilots or certified deputy pilots shall be divided into classes of sanctions in descending order of severity as follows:

(a) Class 1. Revocation of the license or certificate or refusal to certify to the department an application for license or certification.

(b) Class 2. Suspension of the license or certificate.

(c) Class 3. Restriction of the practice of the violator.

(d) Class 4. Placement of the licensed state pilot or certified deputy pilot on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.

(e) Class 5. Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense of which the offender is guilty.

(f) Class 6. Issuance of a reprimand.

(2) Guidelines for the imposition of sanctions for those guilty of acts or omissions proscribed by Chapter 310, Florida Statutes are as follows:

(a) If the offense is:

1. Willful violation of any law or rule, including board rules and rules of the road, applicable to a licensed state pilot or certified deputy pilot; or

2. Failure to make allowances for the foreseeable effects of wind, current, and tide; or

3. Failure to obtain or properly use information available to the pilot; or

4. Failure to navigate with caution in restricted visibility; or

5. Navigating in channels where the depth of water under the keel is less than the prescribed bottom clearances as recommended by the licensed state pilots of that port and approved by the board; or

6. Causing the vessel under his/her command to operate at an excessive speed; or

7. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities that the pilot knows or has reason to know he or she is not competent to perform; or

8. Delegating professional responsibilities to a person when the pilot delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or license to perform them; or

9. Engaging in any practice which does not meet acceptable standards of safe piloting; the following sanctions shall apply:

a. If the offense is the first piloting offense of which the pilot or deputy pilot has been found to be guilty and it results in no personal injury and no damage to property or to the ecology, the sanction shall be class 6, 5, 4, or 3 or any combination thereof.

b. If the offense is a second piloting offense of which the pilot or deputy pilot has been found to be guilty or if it results in personal injury or damage to property or to the ecology, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

c. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(b) If the offense is:

1. Having a license or certificate to practice piloting revoked, suspended, restricted, placed on probation, or in any way acted against, including, but not limited to, the relinquishing or depositing of the license or certificate in lieu

of further disciplinary action, in anticipation of the filing of charges, or in lieu of prosecution, by the regulatory authority of another state, the Federal Government, a territory, or another country for an act which would constitute a ground for discipline if the act had occurred while piloting under authority of the Florida state pilot's license or deputy pilot's certificate; or

2. Failure to maintain a valid United States Coast Guard first-class unlimited pilot's license covering the waters of the port in which the state pilot's license was issued, the sanction shall be class 2 or 1.

(c) If the offense is:

1. Making or filing, or inducing another person to make or file, a report which the pilot knows to be false or intentionally or negligently failing to file, or willfully impeding or obstructing the filing of, a report or record required by state law or by rule of the board or the department. Such reports or records include only those which are signed by the pilot in his or her capacity as a licensed state pilot or certified deputy pilot; or

2. Having a license to operate a motor vehicle revoked, suspended, or otherwise acted against by any jurisdiction, including its agencies or subdivisions, for operating the vehicle under the influence of alcohol or drugs. The jurisdiction's acceptance of a relinquishment of license, stipulation, consent order, plea of nolo contendere, penalty in any form, or other settlement offered in response to or in anticipation of the filing of charges related to the license to operate a motor vehicle shall be construed as action against the licens.

The following sanctions shall apply:

a. If the offense is the first or second piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 5, 4, 3, 2, or 1 or any combination thereof.

b. If the offense is a third piloting offense of which the pilot or deputy pilot has been found to be guilty, the sanction shall be class 2 or 1.

(d) If the offense is:

Being unable to perform the duties of a pilot with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition such as, but not limited to, poor eyesight or hearing, heart disease, or diabetes, the sanction shall be class 4, 3, 2 or 1 or any combination thereof.

(e) If the offense is:

Regardless of adjudication, having ever been found guilty of, or pled guilty or nolo contendere to (i) a charge which was a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel, or (ii) a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance as defined by Chapter 893, Florida Statutes, or an offense under the laws of any state or country which, if committed in this state, would constitute the

felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance, the sanction shall be class 1.

(3) Aggravating or mitigating circumstances to be considered if there is to be a deviation from penalties provided herein shall include:

(a) The danger to the public;

(b) The length of time since the date of the last violation(s);

(c) The length of time the licensee has been licensed;

(d) The deterrent effect of the penalty imposed;

(e) The effect of the penalty upon the licensee's livelihood;

(f) Efforts by the licensee toward rehabilitation;

(g) Efforts by the licensee to correct or stop violations or evidence that the licensee has failed to correct or stop violations;

(h) Any other mitigating or aggravating circumstances.

(4) In addition to the conditions specified in paragraph (1)(d), any or all of the following conditions may be imposed as terms of probation:

(a) Restitution of the cost of probation;

(b) Payment of fine(s);

(c) Consent to Department access to all business records;

(d) Fulfilling continuing education requirements;

(e) Consent to indirect or direct supervision by board-approved supervisor;

(f) Consent to restriction of practice; including hours, days or type of practice;

(g) Submission of reports by licensee and consent to submission of reports by supervisor and/or helping professional;

(h) Consent to urine and blood testing;

(i) Fulfilling requirements of making personal appearance(s) before the board;

(j) Other conditions as are appropriate to the offense.

Specific Authority 310.101, 310.185, 455.2273 FS. Law Implemented 455.2273 FS. History--New 2-11-87, Formerly 21SS-7.005, 21SS-17.004, Amended 9-27-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE:  
HIV/AIDS and Medical Error Prevention  
Education for Initial Licensure

RULE NO.:  
64B11-2.007

**PURPOSE AND EFFECT:** The Board proposes to update the existing rule text to include prevention of medical error education.

**SUMMARY:** The Board proposes to require all licensures to submit to the Board proof of completion of a 2-hour course relating the prevention of medical errors, provided that such course has met certain criteria for approval.

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

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

**SPECIFIC AUTHORITY:** 456.033, 468.204 FS.

**LAW IMPLEMENTED:** 456.033 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:** Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

64B11-2.007 HIV/AIDS and Medical Error Prevention Education for Initial Licensure.

(1) through (3) No change.

(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board or by any Board under the Department of Health and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.033, 468.204, 456.013(7) FS. Law Implemented 456.033, 456.013(7) FS. History—New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Occupational Therapy Practice

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Occupational Therapy Practice

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 28, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

**RULE TITLE:** Probable Cause Panel **RULE NO.:** 64B17-1.004

**PURPOSE AND EFFECT:** The Board proposes to add the rule with regard to the composition of the Probable Cause Panel.

**SUMMARY:** This rule sets forth the composition of the probable cause panel, provides for an alternate panel, and suggests that the same panel should be used for reconsideration cases.

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

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

**SPECIFIC AUTHORITY:** 456.073(4) FS.

**LAW IMPLEMENTED:** 456.073(4) 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:** Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

64B17-1.004 Probable Cause Panel.

(1) The determination as to whether probable cause exists regarding a violation of the provisions of Chapter 486 and 456, Florida Statutes, and/or the rules promulgated by the Board shall be made by majority vote of a probable cause panel of the Board.

(2) The Board Chair shall appoint at least two people to the probable cause panel and shall designate the panel Chair. The appointed people shall be either current Board members or at least one current Board member and one or more former members of the Board. The panel must include a former or present consumer member if one is available, is willing to serve, and is appointed by the Board Chair. Otherwise, the panel shall be composed of former or present Board members who are licensed physical therapists. The determination as to whether probable cause exists that a violation has occurred shall be made by a majority vote of the probable cause panel of the Board.

(3) The Board Chair may designate an alternate panel with the same membership criteria to share the workload. With regard to either panel, the Board Chair may make temporary appointments, as needed, to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

(4) If a Board member has reviewed a case as a member of the probable cause panel, that member shall be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor and that panel member is able and available.

Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Initial Licensure Fee for Physical Therapists and Physical Therapy Assistants
RULE NO.: 64B17-2.002
PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

SUMMARY: The Board is amending this rule by raising the initial licensure fee and deleting a fee reference for the second year of the biennial renewal period for physical therapists and physical therapist assistants.

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

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

SPECIFIC AUTHORITY: 456.013(2), 486.025, 486.061 FS.
LAW IMPLEMENTED: 456.013(2), 486.081(2) 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:
64B17-2.002 Initial Licensure Fee for Physical Therapists and Physical Therapy Assistants.

(+) An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule Chapter 64B17-3 or 64B17-4, 64B17-3.001 or 64B17-3.004, Florida

Administrative Code, shall not be issued a license until the applicant he remits to the Department an initial licensure fee in the amount of \$100 \$55.

(2) An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying requirements of Rule 64B17 3.001 or 64B17 3.003, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$30.

Specific Authority 456.013(2), 486.025, 486.061 FS. Law Implemented 456.013(2), 486.081(2), 486.106 FS. History-New 8-6-84, Formerly 21M-7.35, Amended 6-20-89, Formerly 21M-7.035, Amended 10-17-90, Formerly 21MM-2.002, 61F11-2.002, 59Y-2.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination
RULE NO.: 64B17-3.002
PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule to allow the applicant to determine what remedial assistance he or she needs to be successful and to require a laws and rules examination for licensure.

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

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

SPECIFIC AUTHORITY: 456.017, 486.025, 486.051 FS.
LAW IMPLEMENTED: 456.017, 486.051 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy examination by a physical therapy program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. ~~An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.~~

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the approved laws and rules examination.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE:

Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination

RULE NO.:

64B17-4.002

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule to allow the applicant to determine what remedial assistance he or she needs to be successful and to require a laws and rules examination.

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

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

SPECIFIC AUTHORITY: 456.017(1)(b), 486.025, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.104 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy assistant examination by a physical therapist or physical therapist assistant program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. ~~An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.~~

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass a laws and rules examination.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Continuing Education  
RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes to amend continuing education requirements and to allow for emergency or hardship exceptions.

SUMMARY: The Board is clarifying the courses approved, raising the number of home study hours, and specifying the emergency or hardship circumstances under which licensees shall be granted waivers or extensions of time with regard to the continuing education requirements.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.109(2) 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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (3) No change.

(4) The Board will accept up to twelve ~~six~~ contact hours for home study during a biennium. ~~All home study courses must be sanctioned by the American Physical Therapy Association, the Florida Physical Therapy Association, or regionally accredited colleges and universities.~~

(5) No change.

(6) The Board approves for continuing education credit:

(a) Courses sponsored by a program in physical therapy at a college or university which provides a curriculum for training physical therapists or physical therapist assistants, when approved by the physical therapy or physical therapy assistants program, which is accredited by, or has status with an accrediting agency approved by the United States Department of Education, or;

(b) Courses sponsored by the American Physical Therapy Association or any of its components, 1111 North Fairfax Street, Alexandria, Virginia 22314, or;

(c) Courses approved by the Florida Physical Therapy Association, 1705 South Gadsden Street, Tallahassee, Florida 32301, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.

(7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B32-5.001

PURPOSE AND EFFECT: The Board proposes to correct and update existing rule text.

SUMMARY: The Board is correcting and updating the Disciplinary Guidelines.

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

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

SPECIFIC AUTHORITY: 468.365(4) FS.

LAW IMPLEMENTED: 468.365 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.

(1) No change.

(2) The range of disciplinary penalties which the Board may impose includes any and all set forth in Section 456.072, F.S. denial of an application, revocation, suspension, probation, reprimand, and a fine. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following factors:

~~(a)~~ The severity of the offense;

~~(a)(b)~~ The danger to the public;

~~(c)~~ The number of repetitions of offenses;

~~(b)(d)~~ The length of time since the date of the violation;

~~(c)(e)~~ The number of previous disciplinary cases filed against the certificate holder or registrant;

~~(d)(f)~~ The length of time certificate holder or registrant has practiced;

~~(e)(g)~~ The actual damage, physical or otherwise, to the patient;

~~(f)(h)~~ The deterrent effect of the penalty imposed;

~~(g)(i)~~ The effect of the penalty upon the certificate holder's or registrant's livelihood;

~~(h)(j)~~ Any efforts for rehabilitation;

~~(i)(k)~~ Any other mitigating or aggravating circumstances.

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations as set forth below. The mitigating or aggravating circumstances used to justify any deviation from the specified guidelines must be enunciated in the final order. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of the investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Attempting to obtain a license or certificate by <del>ability to reapply upon</del> bribery, fraud or through an error of the Department or the Board. (468.365(1)(a), 456.072(1)(h), F.S.)	<p><u>First Offense</u> <del>(a) From one year probation with conditions denial to or revocation and of license with payment of a fine from a minimum of \$250 to \$1,000.00 to denial of license without ability to reapply.</del> <u>From revocation with ability to reapply and a fine from \$2,000 to \$6,000.</u></p> <p><u>Second Offense</u> <u>From revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u></p> <p><u>Third Offense</u> <u>From revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u></p> <p><u>However, if the violation is not through an error but is for fraud or making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</u></p>
(b) Actions taken against license by another jurisdiction. (468.365(1)(b), 456.072(1)(f) F.S.)	<p><u>First Offense</u> <del>(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$300 \$100.00 to \$1,000.00.</del> <u>Impaired practitioners working in this state may be ordered into the PRN.</u></p> <p><u>Second Offense</u> <u>Same as for a first offense except a fine shall range from \$1,000 to \$2,000.</u></p> <p><u>Third Offense</u> <u>Same minimum as for a first offense with a maximum penalty of revocation and a fine from \$2,000 to \$10,000.</u></p>
(c) Guilt of crime directly relating to practice or ability practice. (468.365(1)(c), 456.072(1)(c) F.S.)	<p><u>First Offense</u> <del>(c) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$300 \$100.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.</del> <u>From one year suspension and \$5,000 fine to revocation and fine of \$10,000.</u></p> <p><u>Second Offense</u> <u>From one year suspension and \$5,000 fine to revocation and fine of \$10,000.</u></p>
(d) <del>Filing a false report or Willfully</del> failing to file a report as required. (468.365(1)(d), 456.072(1)(d), F.S.)	<p><u>First Offense</u> <del>(d) From six months to one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$100.00 to \$1,000.00.</del> <u>From one year probation with conditions to six months suspension and a fine from \$500 to \$3,000.</u></p> <p><u>Second Offense</u> <u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u></p> <p><u>Third Offense</u> <u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u></p> <p><u>However, if the offense is for fraud or for willfully making a false or fraudulent report, the fine is increased to \$10,000 per count or offense.</u></p>
(e) False, deceptive, or misleading advertising. (468.365(1)(e), F.S.)	<p><u>First Offense</u> <del>(e) From reprimand to one (+) year suspension or denial, and an administrative fine from \$250.00 to \$1,000.00.</del> <u>From one year probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u></p> <p><u>Second Offense</u> <u>From one year probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u></p> <p><u>Third Offense</u> <u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u></p>
(f) Unprofessional conduct. (468.365(1)(f), F.S.)	<p><u>First Offense</u> <del>(f) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$250.00 to \$2,000 \$1,000.00.</del> <u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u></p> <p><u>Second Offense</u> <u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u></p>

(g) Controlled substances. (468.365(1)(g), F.S.)	<u>First Offense</u>	( <del>g</del> ) From a minimum of six months probation with conditions to revocation <del>or denial</del> of the license and an administrative fine ranging from <del>\$250.00 to \$1,000.00</del> to <u>\$5,000</u> . Any Board ordered probation shall be for no less time than Court ordered sanctions.	(m)( <del>n</del> ) Practicing beyond competence level. (468.365(1)( <del>m</del> )( <del>n</del> ), 456.072(1)( <del>o</del> ), F.S.)	<u>Third Offense</u>	<u>From one year suspension to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$5,000 to \$10,000.</u>		<u>First Offense</u>	<u>From reprimand to one year suspension followed by two years probation to revocation or denial, and an administrative fine from \$300 \$100.00 to \$2,000 \$1,000.00.</u>
(h) Failure to report another licensee in violation. (468.365(10)(h), 456.072(1)(i), F.S.)	<u>First Offense</u>	( <del>h</del> ) From a letter of concern reprimand to a minimum of six months probation with conditions <del>or denial</del> , and an administrative fine from \$300 \$100.00 to \$1,000.00.	(n)( <del>o</del> ) Delegation of professional responsibilities to unqualified person. (468.365(1)( <del>n</del> )( <del>o</del> ), 456.072(1)( <del>p</del> ), F.S.)	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1000 to \$10,000.</u>
	<u>Second Offense</u>	<u>From six months probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u>		<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>		<u>First Offense</u>	<u>(<del>o</del>) From one year probation with conditions to denial or revocation, and an administrative fine from \$300 \$250.00 to \$1,000.00.</u>
(i) Violation of law, rule or order of the Board or Department or failure to comply with subpoena. (468.365(1)(i), 456.072(10)(q), F.S.)	<u>First Offense</u>	( <del>i</del> ) From a reprimand to six months suspension <del>or denial</del> , and an administrative fine from \$300 \$100.00 to \$1,000.00. For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.	(o)( <del>p</del> ) Malpractice. (468.365(1)( <del>o</del> )( <del>p</del> ), F.S.)	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u>
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u>		<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(j) Violation of rule. (468.365(1)(j), F.S.)		( <del>j</del> ) From a reprimand to revocation <del>or denial</del> , and an administrative fine from \$100.00 to \$1,000.00. For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.	(p)( <del>q</del> ) Kickbacks or split fee arrangements. (468.365(1)( <del>p</del> )( <del>q</del> ), F.S.)	<u>First Offense</u>	<u>(<del>p</del>) From one year probation with conditions to revocation or denial, and an administrative fine from \$500 \$150.00 to \$2,000 \$1,000.00.</u>
		( <del>k</del> ) A reprimand to six months suspension followed by one year probation with conditions <del>or denial</del> , and an administrative fine from \$500 \$100.00 plus \$10 per day for each day over ten worked to \$1,000.00.		<u>Second Offense</u>	<u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
		<u>From six months suspension to revocation and a fine from \$2,000 to \$10,000.</u>		<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(j)( <del>k</del> ) Unlicensed practice. (468.365(1)(j) ( <del>k</del> ), F.S.)	<u>First Offense</u>	( <del>k</del> ) From a minimum of one year probation with conditions to six months suspension followed by one year of probation with conditions <del>or denial</del> , and an administrative fine from \$500 \$250.00 to \$3,000 \$1,000.00.	(q)( <del>r</del> ) Exercising influence or engage patient in sex. (468.365(1)( <del>q</del> )( <del>r</del> ), 456.072(1)( <del>u</del> ), F.S.)	<u>First Offense</u>	<u>(<del>q</del>) From refund of fees billed and six months suspension followed by at least one year probation with conditions to revocation or denial, and administrative fine from \$300 \$250.00 to \$3,000 \$1,000.00.</u>
	<u>Second Offense</u>	<u>From six months suspension to revocation and a fine from \$2,000 to \$10,000.</u>		<u>Second Offense</u>	<u>From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>Revocation with no ability to reapply and a fine from \$5,000 to \$10,000.</u>		<u>First Offense</u>	<u>(<del>r</del>) From one year suspension followed by at least one year probation with conditions and possible referral to the PRN to revocation or denial, and an administrative fine from \$500.00 to \$2,000 \$1,000.00.</u>
(k)( <del>l</del> ) Aiding unlicensed practice. (468.365(1)( <del>k</del> )( <del>l</del> ), 456.072(1)(j), F.S.)	<u>First Offense</u>	( <del>l</del> ) From a minimum of one year probation with conditions to six months suspension followed by one year of probation with conditions <del>or denial</del> , and an administrative fine from \$500 \$250.00 to \$3,000 \$1,000.00.	(r)( <del>s</del> ) Deceptive, untrue, or fraudulent representations in the practice of respiratory care. (468.365(1)( <del>r</del> )( <del>s</del> ), 456.072(1)(a) and (m), F.S.)	<u>Second Offense</u>	<u>From one year suspension followed by at least one year probation with conditions to revocation with no ability to reapply and possible referral to PRN a fine from \$1,000 to \$10,000.</u>
	<u>Second Offense</u>	<u>From six months suspension to revocation and a fine from \$2,000 to \$10,000.</u>		<u>First Offense</u>	<u>(<del>s</del>) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine of \$10,000 per count or offense from \$250.00 to \$1,000.00.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$5,000 to \$10,000.</u>		<u>Second Offense</u>	<u>From two years of probation with conditions to revocation with no ability to reapply and a fine of \$10,000 per count or offense.</u>
(l)( <del>m</del> ) Failure to perform legal obligation. (468.365(1)( <del>l</del> )( <del>m</del> ), 456.072(1)(k), F.S.)	<u>First Offense</u>	( <del>m</del> ) From a reprimand to revocation <del>or denial</del> , and an administrative fine from \$300 \$100.00 to \$1,000.00.			
	<u>Second Offense</u>	<u>From one year probation with conditions to six months suspension and a fine from \$500 to \$5,000.</u>			

<p>(s)(t) Improper solicitation of patients. (468.365(1)(t), 456.072(1)(x), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>(t) From a minimum of one year probation with conditions to revocation <del>or denial</del>, and an administrative fine from <del>\$300 to \$250.00</del> to \$1,000.00.</p> <p>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</p> <p>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</p>	<p>(y) Violation of Code of Ethics Rule 64B8-74.003, F.A.C.</p> <p>(y) Improper interference investigation, inspection or discipline. (456.072(1)(r), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p>	<p>(y) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from <del>\$250.00 to \$1,000.00</del>.</p> <p>From six months of probation with conditions to revocation and a fine from \$500 to \$5,000</p> <p>From six months suspension followed by one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</p>
<p>However, if the violation is for fraud or soliciting patients by making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</p>					
<p>(u)(w) Failure to keep written medical records. (468.365(1)(u) (w), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>(u) From a letter of concern reprimand to denial or one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from <del>\$300 to \$400.00</del> to \$1,000.00.</p> <p>From a reprimand to two years probation with conditions and a fine from \$500 to \$5,000.</p> <p>From six months suspension followed by one year probation to revocation and a fine from \$3,000 to \$10,000.</p>	<p>(z) Failure to report conviction or plea. (456.072(1)(w), F.S.)</p> <p>(aa) Wrong patient, wrong site, or wrong or unauthorized procedure. (456.072(1)(aa))</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>From reprimand to six months suspension and a fine from or \$300 to \$1,000.</p> <p>From one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</p> <p>From one year probation with conditions to revocation and a fine from \$500 to \$2,000.</p> <p>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</p> <p>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</p>
<p>(u)(w) Exercising influence on patient for financial gain. (468.365(1)(u) (w), 456.072(1)(n), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>(w) From refund of fees billed and a minimum of one year probation with conditions to denial, to two years suspension and an administrative fine from <del>\$500 to \$250.00</del> to \$3,000 <del>\$1,000.00</del>.</p> <p>From refund of fees billed and two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</p> <p>From refund of fees billed and one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</p>	<p>(bb) Leaving a foreign body in a patient. (456.072(1)(bb))</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>From reprimand to six months suspension and a fine from \$500 to \$2,000.</p> <p>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</p> <p>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</p>
<p>(v)(w) Performing professional services not authorized by physician. (468.365(1)(v)(w), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>(w) From a reprimand to denial or one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from <del>\$300 to \$400.00</del> to \$1,000.00.</p> <p>From six months probation with conditions to revocation and a fine from \$1,000 to \$10,000.</p> <p>From six months suspension followed by one year probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</p>			
<p>(w)(x) Inability to practice respiratory care with skill and safety. (468.365(1)(w)(x), 456.072(1)(v), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p>	<p>(x) From referral to PRN for submission to of a mental or physical examination directed towards the problem; and/or one year probation with conditions, possible referral to PRN to revocation or denial, and an administrative fine from <del>\$100.00 to \$1,000.00</del>.</p> <p>From referral to PRN and/or two years of probation with conditions to revocation and a fine from \$300 to \$5,000.</p>			
<p>(x) Violation of this chapter, chapter 456, or any rules adopted pursuant thereto. (468.365(1)(x), 456.072(1)(b) and (cc), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>From a reprimand to revocation and a fine from \$300 to \$2,000.</p> <p>From six months of probation with conditions to revocation and a fine from \$1,000 to \$10,000.</p> <p>From one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000.</p>			

(4) through (6) No change.

Specific Authority 468.365(4), 456.079 FS. Law Implemented 468.365, 456.072 FS. History—New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
**Economic Self-Sufficiency Program**  
RULE TITLE: Medicaid Ticket to Work  
PURPOSE AND EFFECT: This proposed rule amendment implements income and resource eligibility criteria for the Ticket to Work program.  
SUMMARY: The program is for individuals age 16 through 64 who are disabled. Income exclusions and availability are the same as provided in rule paragraphs 65A-1.713(2) and (3),

F.A.C. However, only the earned income in excess of 250% of the Federal Poverty Level is counted in determining eligibility. Income deductions are a \$65 plus one-half earned income disregard and a \$20 general income exclusion. The monthly income limits are \$662 for an individual and \$894 for a couple. The resource limits are \$8,000 for an individual and \$9,000 for a couple. Any retirement account recognized by the Internal Revenue Service is excluded and a second vehicle for a couple is excluded.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.904(11), 409.919 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 25, 2002

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.721 Medicaid Ticket to Work.

(1) Technical criteria as to age and disability are the same as specified in subsection 65A-1.710(1) and 65A-1.711(1), F.A.C., except that this program is not for the aged. To qualify for this program, the individual must be at least 16 and under age 65 and have earned income.

(2) Income availability is as specified in subsection 65A-1.713(3), F.A.C. Included and excluded income is as specified in subsection 65A-1.713(2), F.A.C. Additionally, there is a general \$20 income exclusion.

(3) There is a \$65 monthly earned income disregard and a one-half of the balance monthly earned income disregard.

(4) Countable monthly earned income in excess of 250% of the federal poverty level for an individual or for a couple, as appropriate, will be used in determining income eligibility. Countable monthly earned income up to 250% of the federal poverty level for an individual or for a couple will be excluded. Countable earned income is gross earnings minus exclusions and disregards. Federal poverty levels are adjusted annually.

(5) Income budgeting methodologies specified in paragraph 65A-1.713(4)(a), F.A.C., apply.

(6) Monthly income limits are 90% of the federal poverty level for an individual or for a couple, as appropriate. Federal poverty levels are adjusted annually.

(7) Resource limits are \$8,000 for an individual and \$9,000 for a couple. Any retirement account recognized by the Internal Revenue Service is excluded, and a second vehicle for a couple is excluded.

Specific Authority 409.919 FS. Law Implemented 409.904(11), 409.919 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau – Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: General Prohibitions

RULE NO.: 68A-4.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit the intentional feeding of black bears, foxes, raccoons, and sandhill cranes. The effect will be to reduce habituation of these species to humans, thereby reducing the potential for property damage and livestock depredation. Additionally, the rule shall minimize disruption of animal behavior, which disruption increases disease transmission and intraspecific animal aggression.

SUMMARY: The proposed rule would prohibit the intentional feeding of black bears, foxes, raccoons, and sandhill cranes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$146 for administrative preparation and \$70 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.001 General Prohibitions.

(1) through (2) No change.

(3) Intentionally feeding black bears, foxes, raccoons, or sandhill cranes is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-4.01, Amended 4-1-96, Formerly 39-4.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Quota Hunt Permits and Special-Opportunity

RULE NO.: 68A-5.005

Permits – Application; Selection; Issuance

PURPOSE AND EFFECT: The purpose of the proposed changes is to modify quota hunt permit selection procedures to improve the selection process and to delete obsolete rule language.

SUMMARY: The proposed changes would create a preference drawing for persons receiving a rejection notice for regular, special, or spring turkey quota drawings. Persons submitting their rejection notice from the previous year will be included in a preference drawing that will be conducted prior to the regular random selection process. The rejection notice may only be submitted for the specific type of quota drawing for which it was issued.

The proposed changes would move the application deadline for spring turkey quota permits and special-opportunity spring turkey permits to November 1 and October 15, respectively. This would move the application process forward by approximately 60 days which will facilitate issuance of all available permits prior to the initiation of the spring turkey hunts.

The proposed change would delete obsolete reference to special-opportunity alligator hunts which were discontinued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$183 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-5.005 Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance.

(1) through (2) No change.

(a) Selection of recipients of regular and special quota permits in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, not postmarked, from June 1-11 unless June 11 falls on a Saturday or Sunday, at which time the random selection shall be from applications received from June 1 through the first Monday after June 11. Applicants who submit a regular or special quota hunt application during the June 1-11 application period and who include a rejection notice from the previous year's random selection for each applicant on the application shall be included in a preference random selection, held prior to the regular random selection.

(b) Selection of recipients of spring turkey quota permits on wildlife management areas in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, not postmarked, beginning November 1, unless November 1 falls on a Saturday or Sunday, at which time the beginning date shall be the first Monday after November 1 ~~the first Monday following the close of the antlered deer season in the South Zone as established in Rule 68A-13.004, F.A.C.,~~ and ending nine days thereafter. Applicants who submit a regular or special quota hunt application during the June 1-11 application period and who include a rejection notice from the previous year's random

selection for each applicant on the application shall be included in a preference random selection, held prior to the regular random selection.

(c) through (e) No change.

(f) Recipients of special-opportunity spring turkey permits shall be selected by random computer selection from completed current-year applications received, not postmarked, on or before October 15, unless October 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received through the first Monday after October 15 the 25th day after the close of the antlered deer season in the South Zone as established in Rule 68A-13.004, F.A.C.

(g) through (h) No change.

(i) Special-opportunity spring turkey permits for which permit fees are not received by November 30 March 1, (unless November 30 March 1 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after November 30 March 1.) irrespective of postmark date, shall will be forfeited. A second-round random drawing shall will be conducted to assign forfeited special-opportunity turkey permits.

(j) through (l) No change.

(3)(a) through (i) No change.

~~(j) Recipients of special opportunity alligator permits must be at least 18 years of age by June 1 of the application year.~~

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57(4)(f) FS. History--New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, Formerly 39-5.005, Amended 6-23-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes

RULE NO.: 68A-9.002

PURPOSE AND EFFECT: The proposed rule would liberalize times permits may be issued on four lakes in the state with specific fish length regulations, to allow fishing tournament participants to temporarily possess fish not meeting applicable lake fish length restrictions. Also, the proposed rule would

provide potential additional use of freshwater fishery resource with little or no detrimental impacts to freshwater fisheries resources in these lakes.

SUMMARY: The proposed rule would delete the provision which prohibits issuing permits to freshwater fishing tournaments held on lakes Jackson (Leon County), Lochloosa, Orange and Okeechobee from July through September.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Costs are estimated at approximately \$150 for administrative preparation, \$106 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-9.002 Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes.

(1) through (2) No change.

(3) The Executive Director shall issue permits to fishing tournaments, with 10 or more participants, to allow temporary possession of fish not meeting applicable size restrictions, provided that all fish caught in the tournament are live-released following weigh-in, that fish are handled in accordance with the Commission's scientific guidelines, and that reports of fish taken in the tournament are made available to the Commission. Applications for permits shall be made on FWC Form BT-1000, effective July 1, 1992, incorporated herein by reference and obtainable at the Commission's Tallahassee and regional offices. ~~Permits may not be issued to tournaments held on lakes Jackson (Leon County), Lochloosa, Orange, and Okeechobee from July through September.~~

(4) This rule shall become effective July 1, 2002.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.02, Amended 12-25-95, 4-1-96, Formerly 39-9.002, Amended 7-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell L. Scovell, Division of Freshwater Fish.

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas 68A-9.004

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to establish or modify user quotas and permit fees for Wildlife Management Areas (WMAs) enrolled in the Recreational Use Permit program (User Pay) and to make technical corrections.

SUMMARY: The proposed changes would establish a permit fee of \$240 and a user quota of 375 for Twelve Mile Swamp WMA (proposed for establishment) in St. Johns County. The proposed changes would increase the user quota from 300 to 355 on San Pedro Bay WMA and would correct the spelling of Blue Water Creek WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$225 for administrative preparation and \$135 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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)(a) through (b)3. No change.

4. Blue Water Creek ~~Bluewater Creek~~ – \$180

5. No change.

6. Twelve Mile Swamp – \$240

(c) No change.

1. No change.

2. San Pedro Bay WMA – ~~355~~ 300

3. No change.

4. Blue Water Creek ~~Bluewater Creek~~ – 400

5. No change.

6. Twelve Mile Swamp – 375

(d) through (2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.121, 5.313 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, 5-29-01, 7-22-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing 68A-9.007

PURPOSE AND EFFECT: The purpose of the proposed changes is to establish daily use permit requirements and fees for Hilochee Wildlife Management Area (WMA) to generate revenues from non-hunting public use.

SUMMARY: Hilochee WMA: The proposed rule would add the portion of this WMA in Lake County to the list of areas where a short-term use permit (daily fee) is required for access.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$75 for administrative preparation and \$67 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing. Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

- (1) through (4)(a) No change.
(b) Andrews WMA W.M.A., Three Lakes WMA W.M.A., Fred C. Babcock/Cecil M. Webb WMA W.M.A., Chassahowitzka WMA W.M.A., and J.W. Corbett WMA W.M.A., and those portions of Hilochee WMA in Lake County.

1. through 5. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History--New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault, Division of Wildlife
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots
RULE NO.: 68A-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking ducks, geese, and coots in conformance with federal regulations. Rule wording would be changed to modify the dates for the duck, light goose, and coot season and the Canada goose season; reduce the season length for canvasback ducks; reduce the bag and possession limits for wood ducks during the experimental duck season; modify the falconry open season for ducks, light geese, and coots to include the experimental duck season; change the name of the experimental duck season; allow the take of Canada geese on Lake Seminole during the "Youth Waterfowl Hunting Day;" modify the falconry bag limit specification to three migratory game birds; and specify that mergansers are legal to take during the falconry open season.

SUMMARY: This rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule change will cost the agency approximately \$135 for administrative preparation and \$153 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002
PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

- (1) Duck, light goose, and coot season:
(a) Open season:
1. First phase - Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving 59 days thereafter.
2. Second phase - December 1 through January 20.
3. Canvasback season - January 1-20.

(b) In Leon County (except below or within the ordinary high water line for Lake Talquin and the Ochlockonee River) and below the ordinary high water line for Lake Miccosukee in Jefferson County, waterfowl hunting is permitted only on Wednesdays, Saturdays and Sundays during the open season. In addition to Wednesdays, Saturdays and Sundays, waterfowl hunting is permitted on Thanksgiving and the day after; December 24, 25, 26 and 31; January 1 and 2; Martin Luther King, Jr. Day (if occurring during the open season described in (1)(a), above); and the first, last, and next-to-the-last days of the open season in (1)(a), above.

(c) No change.

(d) In addition to the open season specified in paragraph (1)(a) above, a "Youth Waterfowl Hunt Hunting Day" will be held on the first consecutive Saturday and Sunday after January 20. Youth hunters must be under 16 years of age and

must be accompanied by a nonhunting adult at least 18 years of age. Daily bag limits and species restrictions for ducks, geese, and coots will be as described in paragraphs (1)(f) and (g), and subsection (4). Florida gallinules (common moorhens) may also be taken on the “Youth Waterfowl ~~Hunt Hunting Day;~~” bag and possession limits for this species will be as specified in Rule 68A-13.008, F.A.C.

(e) through (f) No change.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, three scaup, four scoters, two wood ducks, two redheads, one pintail, one black duck, one canvasback (only during the canvasback season), one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only one of which may be a hooded merganser.

2. through 3. No change.

(g) No change.

(2) General restrictions:

(a) The taking of harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. The taking of canvasbacks is prohibited except during canvasback season.

(b) No change.

(3) ~~Special September Experimental~~ duck season:

(a) through (c) No change.

1. Daily bag: The daily bag limit shall be four teal and wood ducks in the aggregate per day, no more than two of which shall be wood ducks singly or in the aggregate.

2. Possession: The possession limit shall be eight teal and wood ducks, ~~singly or in the aggregate,~~ no more than four of which shall be wood ducks.

(4) Canada goose season:

(a) Open season:

1. First phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving 69 days thereafter.

2. Second phase – December 1 through January 30.

~~3.2.~~ Canada geese may be taken only in the Florida waters of Lake Seminole in Jackson County that are south of SR 2, north of the Jim Woodruff Dam, and east of SR 271.

(b) No change.

(c) No change.

(5) Falconry:

(a) Ducks, mergansers, light geese, and coots may be taken from one-half hour before sunrise until sunset by the use of a falcon during the open season. The daily bag limit for all migratory game bird species shall be three ~~birds~~, singly or in the aggregate, and two days’ bag may be possessed. Light geese may only be taken north and west of the Suwannee River.

(b) Open season for ducks (including mergansers), light geese, and coots: November 1 through November 12, February 1 through February 28, and the open season specified in (1)(a) and (3)(a) of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O’Meara, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Open Season for Taking and Bag Limits  
for Non-Migratory Game and  
Issuance of Antlerless Deer  
Permits to Private Landowners 68A-13.004

PURPOSE AND EFFECT: The proposed rule change will provide landowners greater latitude in managing deer herds on their property. The rule change will provide five additional days to harvest antlerless deer.

SUMMARY: The proposed rule change adds five days to the existing two days of the antlered deer season during which antlerless deer may be taken without an antlerless-deer permit on lands not included in wildlife management or wildlife and environmental areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule will cost the agency approximately \$135 for administrative preparation and \$77 for legal 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners.

The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

- (1) No change.
- (2) Open seasons:
  - (a) No change.
  - (b) Antlerless deer:

1. During the eighth through fourteenth ~~and ninth~~ days of the antlered deer season in the South Zone except those portions of the eastern Everglades south of the Tamiami Trail (U.S. 41) and east of Everglades National Park, or in Collier County south of Alligator Alley (S.R. 84).

2. During the eighth through fourteenth ~~and ninth~~ days of the antlered deer season in the Central Zone.

3. During the twelfth through eighteenth ~~and thirteenth~~ days of the antlered deer season in the Northwest Zone.

- (c) through (3) 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, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O’Meara, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

General Regulations Relating to Type I Wildlife Management Areas 68A-15.004

PURPOSE AND EFFECT: The purpose of the proposed changes is to modify general regulations for Type I Wildlife Management Areas (WMAs) to clarify and improve

regulations associated with migratory bird seasons and resource removal. The proposed rule would require tracked vehicles and swamp buggies to be visibly marked on an upper surface and on two sides with numbers at least 10 inches in height and of a contrasting color.

SUMMARY: The proposed changes would allow centerfire shotguns to be used on WMAs during established seasons when one or more migratory game birds are legal to take, except when prohibited by area rule. The proposed changes would prohibit any person from removing plants, rocks, minerals, animal life, other natural resources or parts thereof from WMAs where the FWC is the landowner or lead managing agency without written authorization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$250 for administrative preparation and \$141 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-15.004 General Regulations Relating to Type I Wildlife Management Areas.

- (1) through (6)(e) No change.

(f) Centerfire shotguns are permitted during established area seasons when one or more migratory game birds are legal to take except when prohibited by specific area rule.

- (7) No change.

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular management area. The Executive Director or designee shall ~~may~~ issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife,

where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(b) through (12)(b) No change.

(c) No person shall remove plants, rocks, minerals, animal life, other natural resources or parts thereof where the Commission is the landowner or lead managing agency without written authorization from the Executive Director or designee.

(13) through (15) No change.

(16) All allowed non-street legal vehicles, except all-terrain vehicles and tracked vehicles, shall be identified with numbers at least 10 inches in height, in a color contrasting with the surface of the vehicle upon which they are placed, said number being the Off-Road Vehicle Registration License Number issued by the Commission pursuant to s. 375.315, Florida Statutes. This number shall be affixed to the body of the vehicle on at least two sides thereof, and to an upper surface so as to be visible from the air. All numbers shall be maintained in a legible condition. Vehicles in use on Big Cypress Wildlife Management Area and the Jetport Unit thereof are excepted from this requirement provided the vehicles have a valid National Park Service Off-Road Vehicle Permit.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History--New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits 68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish, revise, or delete hunter quotas on wildlife management areas (WMAs) and wildlife and environmental areas (WEAs). In addition, the purpose of proposed changes is to reincorporate the list of quotas by area and hunt.

SUMMARY: The proposed rule would establish quotas on WMAs and Wildlife and Environmental Areas (WEAs) as follows:

Fred C. Babcock/Cecil M. Webb WMA – Quail – (six four-day hunts), 10 (each hunt) by special quail application for each zone (Zone A and B). No exemptions and non-transferable on the day of hunt.

Fred C. Babcock/Cecil M. Webb WMA, Yucca Pens Unit – (a) Muzzleloading gun – 30 by special hunt application (no exemptions); (b) general gun – quota increased from 10 to 30.

KICCO WMA – General gun hog – quota increased from 15 to 20.

Hilochee WMA – (a) General gun hog – quota increased from 10 to 20; (b) archery – 5 by special hunt application (no exemptions).

Green Swamp, West Unit – Special-opportunity turkey all zones – quota decreased from 18 to 8.

Big Bend, Tide Swamp Unit – Muzzleloading gun – quota increased from 300 to 450.

Steinhatchee Falls – General gun – quota increased from 20 to 35.

Goethe WMA – General gun dog hunt – the quota of seven groups of 5 to 15 hunters would be changed to a quota of 105, by regular quota application.

Chassahowitzka WMA – Spring turkey (first through fourth days and fifth through ninth days) (each hunt) – 10 by spring turkey application (no exemptions).

Devils Hammock WMA – (a) Archery (first through fourth day, fifth through ninth day, and tenth through sixteenth day) – 30 by special hunt application (each hunt) and 30 at check station (each hunt) (no exemptions); (b) muzzleloading gun – 30 by special hunt application and 30 at check station (no exemptions); (c) general gun (first through fourth day, and fifth through ninth day) – 30 by regular quota application (each hunt) and 30 at check station (no exemptions); (d) spring turkey (first through fourth day and fifth through ninth day) – 15 by spring turkey application and 15 at check station (no exemptions).

Big Bend WMA, Snipe Island Unit – (a) Archery (first nine days) – 100 by special hunt application (no exemptions); (b) muzzleloading gun – 100 by special hunt application (no exemptions); (c) general gun (first nine days) – 100 by regular quota application; (d) spring turkey (first nine days and days 10 through 16) (each hunt) – 40 by spring turkey application (no exemptions).

Apalachicola River Wildlife and Environmental Area – Special-opportunity dove – hunt eliminated.

Edward Ball WMA – Special-opportunity dove – hunt eliminated.

Aucilla WMA – Muzzleloading gun – 550 by special hunt application.

Tates Hell WMA, Womack Creek Unit – (a) Archery – 70 by special hunt application; (b) muzzleloading gun – 70 by special hunt application.

Pine Log WMA – (a) Muzzleloading gun – 60 by special hunt application (no exemptions); (b) general gun (first through fourth day, fifth through eighth day, and ninth through thirteenth day) (each hunt) – 60 by regular hunt application (no exemptions).

Picayune Strand WMA – (a) Archery (each hunt) – 75 by special hunt application (no exemptions); (b) muzzleloading gun – 75 by special hunt application (no exemptions); (c) general gun (each hunt) – 75 by regular hunt application (no exemptions); (d) spring turkey (each hunt) – 35 by spring turkey application (no exemptions).

Hungryland WEA – (a) Archery (each hunt) – 50 by special hunt application (no exemptions); (b) muzzleloading gun – 50 by special hunt application; (c) general gun (each hunt) – 50 by regular hunt application (no exemptions).

Half Moon WMA – General gun hog hunt (each hunt) – 50 at check station (no exemptions).

Relay WMA – Archery – quota eliminated.

Bull Creek WMA – Special-opportunity dove – hunt eliminated and increase quota for all hunts from 300 to 480.

Caravelle Ranch WMA – The quotas for archery, muzzleloading gun, and general gun will increase from 125 to 225 with no exemptions, and spring turkey will increase from 20 to 35 due to land being added to the area with no exemptions.

Triple N Ranch WMA – All quotas will be deleted.

Oklawaha River WMA, Gores Landing Unit – (a) Archery – 20 by special hunt application (no exemptions); (b) muzzleloading gun – 20 by special hunt application (no exemptions); (c) general gun – 20 by regular hunt application (no exemptions); (d) spring turkey – 10 by spring turkey application (no exemptions).

Seminole Forest WMA, Lake Tracey Unit – (a) Archery – 10 by special hunt application (no exemptions); (b) muzzleloading gun – 10 by special hunt application (no exemptions); (c) general gun – 10 by regular hunt application (no exemptions); (d) spring turkey (each hunt) – five by spring turkey application (no exemptions).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$325 for administrative preparation and \$213 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

**TIME AND DATES:** 8:30 a.m. each day, April 3-5, 2002

**PLACE:** The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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 July 1, 2002 ~~November 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, 7-1-01, 8-1-01, 11-1-01, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Timothy A. Breault, Division of Wildlife.

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 23, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE TITLE:** Regulations Relating to Miscellaneous Areas **RULE NO.:** 68A-15.006

**PURPOSE AND EFFECT:** The purpose of the proposed changes is to modify regulations for the Kissimmee River Public Use Area (PUA) to clarify and improve regulations associated with use of airboats and possession of guns.

SUMMARY: The proposed changes would clarify that centerfire rifles are prohibited outside the C-38 canal; clarify when antlerless deer may be taken; that airboats are prohibited in areas posted as closed to airboat use; and would delete unnecessary rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$225 for administrative preparation and \$138 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-15.006 Regulations Relating to Miscellaneous Areas.

The Commission may establish specific regulations for wild hog areas and miscellaneous areas to regulate and manage the lands or waters therein in the best interest of the state.

(1) through (a)2. No change.

3. Furbearers – During the zonal antlered deer season only except that bobcat, ~~mink~~, and otter may be taken only after November 30.

4. No change.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken as provided in Rules 68A-13.004 and 68A-21.004, F.A.C. Antlerless deer may be taken only during the archery seasons and during the eighth and ninth days of the antlered deer seasons for the South and Central Zones, as applicable, established in Rule 68A-13.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004 and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m.

(c) No change.

1. The possession of guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008,

F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. The possession of Ceenter-fire rifles are in the marshes and uplands shall be prohibited. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal.

~~2. No person shall possess any gun upland of the line marked by South Florida Water Management District blue management area signs except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C.~~

~~2.3.~~ Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

~~3.4.~~ All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

4. The use of airboats is prohibited in those areas posted as closed to airboat use.

Specific Authority Art.IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History–New 12-9-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Specific Regulations for Type I Wildlife

RULE NO.:

Management Areas – Southwest Region 68A-15.061

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Southwest Region Wildlife Management Areas (WMAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the Southwest Region to conform with

2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Green Swamp WMA, West Unit – The proposed rule would delay the special-opportunity archery season by four weeks and delay the special-opportunity general gun season by four weeks.

Fred C. Babcock/Cecil M. Webb WMA – The proposed rule would create four quail hunting zones. Zones A and B would require a daily quail permit (10 each hunt) issued on a first-come, first-served basis. Zones C and D would have no quota or permit requirements. The proposed rule would also establish six four-day quail hunts for all zones. The quail hunts would include Wednesdays, Thursdays, Saturdays, and Sundays on the following dates: November 13-17, November 20-24, November 27 through December 1, December 4-8, December 11-15, and December 18-22 (not including Fridays). The bag limit for quail would remain at six per day. Bird dog trained would be permitted on Mondays, Tuesdays, and Fridays from November 15 through December 20 in Zones A, B, C, and D. During quail season, shotguns plugged to a 3-shot limit would be required. The proposed rule would permit camping on the Martin Luther King, Jr. holiday and allow hunters to set up camp beginning at 8:00 a.m. on October 18 rather than 5:00 p.m.

Fred C. Babcock/Cecil M. Webb WMA, Yucca Pens Unit – The proposed rule would establish a three-day muzzleloading gun hunt (October 11-13).

Upper Hillsborough WMA – The proposed rule would require that guns and camping equipment be removed from the area by 5 p.m. rather than 8 p.m. the last day of each hunt during spring turkey season.

Arbuckle WMA – The proposed rule would allow camping at the designated campground off Rucks Dairy Road without a permit and would allow horseback riding on firebreaks.

KICCO WMA – The proposed rule would expand hog hunting opportunities to an area north and east of River Ranch Road.

Hickory Hammock WMA – The proposed rule would clarify and simplify camping requirements; clarify firearm possession restrictions; and prohibit vehicles except at designated parking areas.

Walk-in-the-Water WMA – The proposed rule would remove the requirement for a special-use permit when camping in the designated campground and would allow horseback riding on firebreaks.

Hilochee WMA – The proposed rule would establish a new archery season (October 18-20); would permit fishing on designated ponds under specific restrictions; would prohibit any boat propelled by an internal combustion engine; would shift the general gun hog season so it will not overlap with special-opportunity dove hunts; would expand the small game

season by 7 days; would permit horseback riding on named and numbered roads or designated trails during periods closed to hunting; and would make a necessary technical correction.

Lake Marion Creek WMA – The proposed rule would prohibit airboats and horses and permit camping outside of hunting seasons by special-use license issued by the South Florida Water Management District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$650 for administrative preparation and \$576 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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 Region.

(1) No change.

(a) No change.

1. General gun – November ~~9~~ through January ~~5~~ 6.

2. Archery – September ~~21~~ through October ~~20~~ 21, Fridays, Saturdays and Sundays only.

3. Small game – January ~~11~~ through February ~~9~~ 10, Saturdays and Sundays only.

4. Spring turkey – March ~~15~~ through April ~~20~~ 21.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May ~~3~~ 4 to June ~~15~~ 16. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (d) No change.

1. through 7. No change.

8. Camps shall be removed by ~~9:00 p.m. October 21, and by 8:00 p.m. January 5, April 20, and June 15 from the Rock Ridge campground and by February 9 and April 20 from the 471 campground January 6, February 10, April 21 and June 16.~~

9. No change.

(2) No change.

(a) No change.

1. Special-opportunity turkey – March 15-18, 24-27, March 29-April 1, April 7-10 and 12-15 ~~March 16-19 and 26-29, March 30—April 2, 9-12, and 13-16.~~

2. Special-opportunity archery – November 2-5 and 21-24 ~~September 22-25 and October 2-5.~~

3. Special-opportunity general gun – December 6-9, 17-20, and January 2-5 ~~November 10-13 and 17-20, and December 11-14.~~

4. Special-opportunity hog-still – February 7-9 ~~8-10.~~

5. Special-opportunity hog-dog – February 19-21 ~~20-22.~~

6. Small game – January 3-5 ~~4-6~~ and 10-12 ~~11-13.~~

7. through 8. No change.

(b) through (d) No change.

1. through 4. No change.

5. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from sunrise to sunset on the day Friday preceding the hunt.

6. No change.

7. Shotguns are prohibited during the special-opportunity archery hunts.

7. through 8. renumbered 8. through 9. No change.

(3) No change.

(a) No change.

1. General gun – October 26 ~~27~~ through November 3 ~~4.~~

2. No change.

a. November 9-17 ~~10-18~~, and

b. November 20 ~~21~~ through January 12 ~~13~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November 29 ~~23.~~

3. No change.

4. Archery – September 7-8 ~~8-9.~~

5. No change.

(b) No change.

1. No change.

2. Small game – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Quail may be taken only during the quail season and only within assigned zones. Bag limit for quail is 6 per day.

3. through 4. No change.

5. Quail – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Bag limit for quail is 6 per day. Quail may be taken in Zones A and B by daily quail permit issued on a first-come, first-served basis at the check station. The quota for daily quail permits shall be 10 permits, per zone, for Zones A and B (no exemptions). Daily quail permits for Zones A and B shall be non-transferable.

(c) through (d) No change.

1. No change.

2. Users may enter the designated campsite at anytime. All users shall enter the remainder of the management area via Tucker Grade (I-75 side); ~~(a) During archery season, hunters shall enter the area no earlier than 5:30 a.m. and shall exit no later than 9:00 p.m. During all other periods open to hunting, hunters shall enter the area beginning~~ no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m.; ~~and (b) During periods closed to hunting, users shall enter the area beginning~~ no earlier than one-half (1/2) hour before sunrise and shall exit no later than one-half (1/2) hour after sunset.

3. No change.

a. General gun – October 26 ~~27~~ through November 3 ~~4~~, by walking hunters.

b. No change.

c. Field trial quail – January 25-26 ~~26-27.~~

d. No change.

4. No change.

5. Hunting camps may be set up after 8:00 a.m. ~~5:00 p.m.~~ October 18 ~~19~~ and shall be removed by 9:00 p.m. the last day of the small game season. Camping is permitted from 5:00 p.m. Friday to 9:00 p.m. Sunday and on Memorial Day, Independence Day, Martin Luther King Jr. 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 14 ~~15~~ through February 9 ~~10~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited. During quail season, bird dogs may be trained on Mondays, Tuesdays, and Fridays only.

7. through 8. No change.

9. Persons may use the shooting range during periods when hunting is not allowed on the area, provided that access shall only be along the most direct route on Tucker Grade between the shooting range and the check station. Guns transported to the shooting range shall be unloaded and cased. Possession of a gun during periods when hunting is not allowed is prohibited except on the shooting range and that portion of Tucker Grade directly between the shooting range and the check station. During periods open to hunting, persons possessing a gun on that portion of the area other than the shooting range or that portion of Tucker Grade directly between the range and the check station shall comply with all stamp and license requirements specified in s. 372.57, F.S., and Commission rules. Users shall not enter the shooting range before sunrise and shall exit the shooting range by sunset.

10. No change.

11. Vehicular access for scouting shall be permitted one week prior to the archery season on named and numbered roads only.

12. During the quail season, shotguns shall be plugged to a three-shell capacity with a one-piece filler that cannot be removed without disassembling the gun.

(4) No change.

- (a) No change.
- 1. General gun – October ~~26 27~~ through November ~~3 4~~.
- 2. Small Game – November ~~9 10~~ through January ~~12 13~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~29 23~~.
- 3. Muzzleloading gun – October 11 through October 13.
- ~~4.3. Fishing and frogging – Throughout the year.~~
- (b) No change.
- 1. through 2. No change.
- 3. Muzzleloading gun – deer, hog, fish and frogs only.
- (c) through (d) No change.
- 1. ~~Muzzleloading gun and g~~General gun hunters shall check in and out during check station hours at the designated check station when entering or exiting the area and check all game taken.
- 2. through 5. No change.
- 6. Hunting with dogs during the muzzleloading gun and general gun season is prohibited. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less is prohibited.
- 7. through 8. No change.
- (5) No change.
- (a) No change.
- 1. Archery – December ~~7-15 8-16~~ and January ~~4-12 5-13~~, Saturdays and Sundays only.
- 2. Muzzleloading gun – November ~~9 10~~ through December ~~1 2~~, Saturdays and Sundays only.
- 3. Small game – January ~~18 19~~ through February ~~2 3~~, Saturdays and Sundays only.
- 4. Spring turkey – March ~~19-20 20-21, 26-27 27-28~~, April ~~2-3 3-4, 9-10 10-11 and 16-17 17-18~~.
- 5. No change.
- (b) through (d) No change.
- 1. through 9. No change.
- 10. Guns and camping equipment may be taken into the area beginning 3:00 p.m. the day before each hunting period and shall be removed by 8 p.m. the last day of each hunting period, except during spring turkey season when guns and camping equipment shall be removed by 5 p.m. the last day of each hunt.
- 11. No change.
- (6) No change.
- (a) No change.
- 1. Archery – October ~~12 13~~ through November ~~1 2~~.
- 2. Muzzleloading gun – November ~~2-10 3-11~~.
- 3. General Gun Hog – November ~~16-24 17-25~~, Saturdays and Sundays only.
- 4. Spring turkey – March ~~18-20 19-21~~, April ~~1-3 2-4~~, and April ~~15-17 16-18~~.
- 5. No change.
- (b) No change.

- (c) Camping is permitted at the designated campground located off Rucks Dairy Road campsites during periods when hunting is allowed; at designated campsites along the Florida Trail; and at other sites ~~times~~ by Special-Use Permit issued by the Division of Forestry.
- (d) No change.
- 1. through 3. No change.
- 4. Vehicles may be operated only on named or numbered roads. Horses are prohibited during periods when the area is open to hunting. During periods closed to hunting, horses may be ridden but only on firebreaks, named or numbered roads or designated horse trails.
- 5. No change.
- ~~6. Camps may be set up at designated campsites one day before each hunting season and shall be removed within one day after the close of each hunting season.~~
- ~~6.7.~~ Only tents, trailers or self-propelled camping vehicles may be used for camping.
- ~~7.8.~~ No person shall operate a boat propelled by an internal combustion engine.
- (7) No change.
- (a) No change.
- 1. Archery – September ~~21 22~~ through October ~~20 21~~, Saturdays and Sundays only.
- 2. Muzzleloading gun – October ~~26 27~~ through November ~~3 4~~, Saturdays and Sundays only.
- 3. General Gun Hog – November ~~9 10~~ through December ~~8 9~~, Saturdays and Sundays only.
- 4. Small Game – December ~~14 15~~ through January ~~5 6~~.
- 5. Spring turkey – March ~~15 16~~ through April ~~20 21~~, Saturdays and Sundays only.
- 6. No change.
- (b) Legal to take: All legal game, fish, frogs, and furbearers, except bobcat, ~~mink~~, and otter. Turkey bag limit – one per quota permit. No size or bag limit on wild hogs. During the general gun hog season, only wild hogs may be taken.
- (c) through (d) No change.
- 1. through 7. No change.
- 8. The portion of the area north and east of River Ranch Road shall be open to hunting only during the general gun hog season.
- (8) No change.
- (a) No change.
- 1. Special-opportunity wild hog – September ~~14-15 15-16~~ and ~~21-22 22-23~~ and January ~~11-12 12-13~~.
- 2. Muzzleloading gun – October ~~26-27 27-28~~.
- 3. General gun – November ~~9-10 10-11~~.
- 4. Small Game – November ~~11 12~~ through January ~~5 6~~.
- 5. through 7. No change.
- 8. Spring turkey – March ~~20-22 21-23~~ and April ~~10-12 11-13~~.

9. No change.

(b) No change.

(c) Camping: Permitted at designated campsites for through-hikers on the Florida National Scenic Trail. Permitted for others in possession of a special-use license issued by the South Florida Water Management District. Prohibited during the special opportunity and small game seasons. Permitted only along the Istokpoga Canal, the levee paralleling C-38 and permitted at designated campsites on the Florida Trail with written permission from the South Florida Water Management District.

(d) No change.

1. The possession or use of centerfire or rimfire rifles ~~firearms other than shotguns~~ is prohibited.

2. No change.

3. Vehicles are prohibited except in designated parking areas. All vehicles shall be parked in the designated parking area during the small game season. Vehicles may be operated only on named or numbered roads during the special opportunity wild hog hunts and spring turkey hunts, muzzleloading gun hunts, general gun hunts, and spring turkey hunts.

4. through 7. No change.

(9) No change.

(a) No change.

1. Archery – September ~~28 22~~ through October ~~13 7~~.

2. Muzzleloading gun – October ~~25-27 26-28~~.

3. General gun hog – November ~~2-10 3-11~~.

4. Small game – November ~~16 17~~ through December ~~8 9~~ and December ~~21 22~~ through January ~~5 6~~.

5. No change.

(b) No change.

(c) Camping: Permitted at designated campgrounds. Permitted at other sites campsites during periods when hunting is allowed or by special-use permit from the Division of Forestry.

(d) No change.

1. through 5. No change.

6. The use of horses is prohibited during the archery, muzzleloading gun, and general gun hog seasons. At other times, During periods closed to hunting, horses may be ridden but only on firebreaks, named or numbered roads or designated horse trails.

7. through 8. No change.

(10) No change.

(a) No change.

1. No change.

2. Spring turkey – March ~~21-23 22-24~~ and April ~~4-6 5-7~~.

3. Muzzleloading gun – November ~~1-3 2-4~~.

4. General gun hog – November 29 through December 1 7-9, January 10-12 4-6, 17-19 18-20.

5. Small game – January 24 through February 2 15-17.

6. Archery – October 18-20.

7. Fishing – Permitted on Peat Lake, Little Peat Lake, Hidden Lake, Stock Lake, and Turtle Pond by those in possession of a Hilochee Fishing Permit. The possession of nets (except dip nets), fish traps, trotlines, set lines, minnow seins, cast nets, or bush hooks is prohibited. Fishing is permitted on Saturdays only and during daylight hours only. Ten fishing permits shall be available for each Saturday. Permits shall be nontransferable with no exemptions.

(b) Legal to take: All legal game, fish (as provided below), and furbearers. Taking of antlered deer not having one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. During the general gun hog season, only wild hogs may be taken. During the special-opportunity dove hunts, only mourning and white-winged doves may be taken.

1. No person shall kill or possess any largemouth bass from Peat Lake, Little Peat Lake, Stock Lake, Hidden Lake, and Turtle Pond. No person shall take, in any one day, more than 20 bluegill, 10 black crappie, or 6 catfish. No person shall kill or possess any bluegill less than 8 inches total length or black crappie less than 10 inches total length.

(c) through (d) No change.

1. through 2. No change.

3. ~~During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited.~~

4. through 7. renumbered 3. through 6. No change.

~~7.8.~~ The use of tracked vehicles, motorcycles, all-terrain vehicles, or horses is prohibited, except that horses are permitted on named and numbered roads or designated trails during periods closed to hunting.

~~8.9.~~ During periods when the area is closed to hunting, public access other than by foot, ~~or bicycle, or horse~~ is prohibited, except that motorized vehicles shall be permitted one day prior to the archery, muzzleloading gun, general gun hog, and spring turkey hunts, and by individuals in possession of a valid fishing permit.

~~9.10.~~ No change.

10. Operation of any boat propelled by an internal combustion engine is prohibited.

(11) No change.

(a) No change.

1. Archery – September ~~21-23 22-24~~ and ~~27-29 28-30~~.

2. Muzzleloading gun – October ~~26-28 27-29~~.

3. General gun – November ~~9-11 10-12~~ and ~~15-17 16-18~~.

4. Small game – December ~~6-8 7-9~~ and ~~13-15 14-16~~.

5. Spring turkey – March ~~15-17~~ ~~16-18~~, ~~28-30~~ ~~29-31~~, and April ~~11-13~~ ~~12-14~~.

6. No change.

(b) No change.

(c) Camping: Prohibited during hunting seasons. Permitted at other times by individuals in possession of a special-use license issued by the South Florida Water Management District.

(d) No change.

1. The use of tracked vehicles, motorcycles, airboats, horses, or all-terrain vehicles is prohibited.

2. through 6. No change.

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, 12-8-98, 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, Division of Wildlife

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:**

Dr. Allan L. Egbert, Executive Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

January 23, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:**

November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE TITLE:**

Specific Regulations for Type I Wildlife

**RULE NO.:**

68A-15.062

Management Areas – North Central Region

**PURPOSE AND EFFECT:** The purposes of the proposed rule changes are to adjust hunting season dates on all North Central Region Wildlife Management Areas (WMAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

**SUMMARY:** Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the North Central Region to conform with 2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Camp Blanding WMA – Proposed rule changes would clarify the western boundary for the muzzleloading gun hunt; prohibit the use of ATVs; and make a necessary technical correction.

Gulf Hammock WMA – Proposed rule changes would make necessary technical corrections.

Osceola WMA – Proposed rule would allow transport of dogs on Forest Road 236 eastward from US 441 and delete unnecessary rule language.

Big Bend WMA, Tide Swamp Unit – The proposed rule would allow primitive camping at designated sites at Piney Point by permit only for individuals using the Big Bend Saltwater Paddling Trail from September 11 through June 30. Permits would be valid for one night only.

Big Bend WMA, Hickory Mound Unit – The proposed rule would allow primitive camping at designated sites at Rock Island by permit only for individuals using the Big Bend Saltwater Paddling Trail from September 11 through June 30. Permits would be valid for one night only.

Big Bend WMA, Jena Unit – The proposed rule would allow primitive camping at designated sites at the mouth of Sink Creek by permit only for individuals using the Big Bend Saltwater Paddling Trail from September 11 through June 30. Permits would be valid for one night only. The proposed rule also would delete unnecessary rule language.

Big Bend WMA, Snipe Island Unit – The proposed rule would establish the following open seasons: (a) archery (September 21 through October 20); (b) muzzleloading gun (October 25-27); (c) general gun (November 9 through December 1); (d) small game (January 4 through February 2); (e) spring turkey (March 15 through April 6); (f) trapping (January 4 through March 1); (g) fishing and frogging (throughout the year). The proposed rule would establish the following as legal to take: all legal game, fish, frogs, and furbearer. The proposed rule would establish the following bag and/or size limits: antlered deer – one per day; wild turkeys – one per person per season; and wild hogs – no size or bag limit. The proposed rule would (a) prohibit camping and fires; (b) prohibit the use of tracked vehicles, airboats, motorcycles or all-terrain vehicles; (c) restrict vehicles to named and numbered roads from September 1 through April 30 and to Mandalay Road and Snipe Island grade at other times; (d) require that hunters check in and out at check stations and check all game taken or use self-service check stations; (e) allow possession or use of waterfowl retrievers and bird dogs only; and (f) permit horses only during periods closed to hunting;

Raiford WMA – The proposed rule would clarify current rules regarding wild turkey harvest, public/hunter access, vehicular access, and check stations.

Andrews WMA – The proposed rule would delete unnecessary rule language.

Big Shoals – The proposed rule would clarify that fish are legal to take and delete redundant rule language.

Twin Rivers WMA – The proposed rule would permit operation of vehicles in Zone A on Spring Road only during the period from the first Monday after the close of the spring turkey season through Labor Day.

Twin Rivers WMA, Blue Springs Unit – The proposed rule would clarify open season dates for bird dog training.

Holton Creek WMA – The proposed rule would delete a redundancy in rule language; eliminate the requirement for a pre-hunt orientation meeting for spring turkey hunters; and shift the mobility-impaired general guns where the first hunt would be October 12-14 and the last hunt would be December 13-15.

Steinhatchee Falls WMA – The proposed rule would expand general gun season from 9 to 16 days (November 9 through 24) and delete reference to roads that are no longer in the WMA.

Goethe WMA – The proposed rule would prohibit camping during periods when the area is open to hunting; require a special permit from the Division of Forestry for camping when the area is closed to hunting; restrict vehicles to named and numbered roads unless otherwise posted as closed; and permit fires only at locations specified by the Division of Forestry.

San Pedro Bay WMA – The proposed rule would require that hunters check in and out at a check station and check all game taken.

Citrus WMA – The proposed rule would prohibit the harvest of antlerless deer during the archery season, except by antlerless deer permit.

Flying Eagle WMA – The proposed rule would require that vehicles be parked within 25 feet of named or numbered roads.

Potts WMA – The proposed rule would delay the archery season by two weeks; delay the muzzleloading gun season by one week; convert the small game season from nine consecutive days to three three-day (Friday, Saturday, and Sunday) hunts (December 6-8, January 3-5, and January 31 through February 2); and require that vehicles be parked within 25 feet of named or numbered roads.

Homosassa WMA – The proposed rule would shift the general gun hog season from September to February (February 6-9 and 20-23); prohibit hunting hogs with dogs; require that vehicles be parked within 25 feet of named or numbered roads; and require that hunters shall enter and exit the area at designated entrances and register at the hunt headquarters.

Croom WMA – The proposed rule would establish a bag limit during spring turkey season of one gobbler or bearded turkey per quota hunt permit and require that no turkey shall be dismembered before being checked at the check station.

Chassahowitzka WMA – The proposed rule would establish a small game season on that portion of the area east of U.S. 19; establish a nine-day spring turkey season (March 22-25 and March 26-30); establish a bag limit during spring turkey season of one gobbler (or bearded turkey) per spring turkey quota hunt permit; and establish that vehicles shall be operated on named and numbered roads only.

Devils Hammock WMA – The proposed rule would establish the following open seasons: (a) archery (September 21-24, 25-29, and September 30 through October 6); (b) muzzleloading gun (October 26-28); (c) general gun (November 9-12 and 13-17); (d) small game (December 7-22); (e) spring turkey (March 15-18 and 19-23); and (f) fishing

throughout the year. The proposed rule would establish the following as legal to take: deer, wild hogs, gray squirrel, rabbit, game birds, and fish (no size or bag limit on wild hogs). The proposed rule would: (a) prohibit tracked vehicles, airboats, motorcycles, or all terrain vehicles; horses and bicycles during periods open to hunting; camping during periods open to hunting; and hunting with dogs other than bird dogs and retrievers; and prohibit operation of vehicles except on named or numbered roads; (b) require hunters to check in and out at the check station when entering and exiting and check all game taken during the archery, muzzleloading gun, general gun, and spring turkey seasons; and (c) restrict public access to one and one-half hours before sunrise to one and one-half hours after sunset.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$1,125 for administrative preparation and \$998 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 8:30 a.m. each day, April 3-5, 2002

**PLACE:** The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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 – North Central Region.

(1) No change.

(a) No change.

1. General gun – November ~~9~~ through January ~~5~~ 6.

2. Spring turkey – March ~~17-21~~ ~~18-22~~ in Spring Turkey Zones A, B, and C and April ~~14-18~~ ~~15-19~~ in Spring Turkey Zones D, E, and F.

3. Archery – September ~~25-27~~ ~~26-28~~, and October ~~2-4~~ ~~3-5~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – October ~~12-13~~ ~~13-14~~ and October ~~26-27~~ ~~27-28~~, south of State Road 16 only.

5. Muzzleloading gun – October ~~9-11~~ ~~10-12~~ and October ~~16-18~~ ~~17-19~~, north of State Road 16 and County Road 215 and east of County Road 225 only.

6. No change.

7. Trapping – December 1 through January ~~5~~ ~~6~~, 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.

1. through 6. No change.

~~7. Hunters are not permitted to travel between the two hunt areas of the South Range.~~

8. through 10. renumbered 7. through 9. No change.

10. Shotguns are prohibited during the archery season.

11. through 14. No change.

15. The use of all-terrain vehicles (ATVs) is prohibited, except as authorized by written permit from the Base Commander.

(2) No change.

(a) No change.

1. Spring turkey – March ~~15-23~~ ~~16-24~~.

2. Archery – September ~~21~~ ~~22~~ through October ~~6~~ ~~7~~.

3. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

4. through 5. No change.

(b) through (d) No change.

(3) No change.

(a) No change.

1. General gun – November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~.

2. Spring turkey – March ~~15~~ ~~16~~ through April ~~20~~ ~~21~~.

3. Archery – September ~~21~~ ~~22~~ through October ~~20~~ ~~21~~.

4. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after the first 23 days of general gun season ~~December 4~~.

(c) through (d) No change.

1. through 3. No change.

4. Public access to the area is permitted only at designated entrances ~~designated on the hunt map~~. Public access during periods when hunting is permitted is limited to entering the area no earlier than one hour before legal shooting hours and exiting the area no later than one hour after legal shooting hours.

5. No change.

(4) No change.

(a) No change.

1. General gun – November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~.

2. Small game – January ~~6~~ ~~7~~ through March ~~2~~ ~~3~~ in still hunt areas only.

3. Spring turkey – March ~~15~~ ~~16~~ through April ~~20~~ ~~21~~.

4. Archery – September ~~21~~ ~~22~~ through October ~~20~~ ~~21~~ in the still hunt area only.

5. through 6. No change.

7. Trapping – January ~~6~~ ~~7~~ through March 1.

(b) through (d) No change.

1. No change.

2. Licensed trappers may possess .22 rimfire rifles or pistols from January ~~6~~ ~~7~~ through March 1.

3. No change.

4. Dogs may be taken into the dog hunting area November ~~9~~ ~~10~~ and shall be removed by January ~~5~~ ~~6~~.

5. through 6. No change.

7. Shotguns are prohibited during the archery season.

7. through 8. renumbered 8. through 9. No change.

(5) No change.

(a) No change.

1. General gun – November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~.

2. Spring turkey – March ~~15~~ ~~16~~ through April ~~20~~ ~~21~~.

3. Archery – September ~~21~~ ~~22~~ through October ~~20~~ ~~21~~.

4. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

5. through 6. No change.

7. Trapping – December 1 through January ~~5~~ ~~6~~ in the still hunt portion of the area only.

(b) Legal to take: All legal game, fish, frogs and furbearers (~~except mink~~). No size or bag limit on hogs.

(c) Camping: Camping allowed only by permit from the St. Johns River Water Management District, and only at the designated campsite.

(d) No change.

1. through 3. No change.

4. During the general gun season, hunting as specified by paragraph Rule 68A-24.002(2)(b), F.A.C., is permitted except west of C.R. 325.

5. through 8. No change.

(6) No change.

(a) No change.

1. General gun – November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~.

2. Small game – January ~~6~~ ~~7~~ through March ~~2~~ ~~3~~.

3. Spring turkey – March ~~15~~ ~~16~~ through April ~~20~~ ~~21~~.

4. Archery – September ~~21~~ ~~22~~ through October ~~13~~ ~~14~~.

5. Muzzleloading gun – October ~~18-25~~ ~~19-26~~ in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August ~~3~~ ~~4~~ through September ~~24~~ ~~25~~ in the dog hunt portion of the area only from sunset to sunrise.

7. through 8. No change.

9. Trapping – January ~~6~~ ~~7~~ through March 1.

(b) No change.

(c) Camping: Throughout the year but only on designated campsites during general gun season on that portion of the area designated and posted as National Forest lands. On that portion of the area designated and posted as State Forest lands, camping is permitted throughout the year only at designated sites and only by permit from the Division of Forestry.

(d) No change.

1. No change.

2. Deer dogs may be trained from October ~~26~~ 27 through November ~~4~~ 5, except in the still hunt area.

~~3. Licensed trappers may possess .22 rimfire rifles or pistols during the trapping season.~~

~~3.4.~~ No change.

~~4.5.~~ Vehicles shall be restricted to numbered roads during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Service Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Service Road 262. Vehicles shall be restricted to numbered roads on those lands lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County.

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

~~8.9.~~ No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Service Road 285; on Forest Service Road 236 eastward from US 441; on Forest Service Road 263; on Forest Service Road 262 east from US 441; on Forest Service Road 233 north from County Road 250; on Forest Service Road 233 east from US 441 to its juncture with Forest Service Road 237 and then north on Forest Service Road 237 to the boundary of the dog hunt area, and on Forest Service Road 232 west from the east dog hunt area.

(7) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Archery – September ~~21~~ 22 through October ~~20~~ 21.

3. Muzzleloading gun – October ~~25-27~~ 26-28.

4. Small game – January ~~6~~ 7 through March ~~2~~ 3.

5. through 7. No change.

8. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

9. Trapping – January ~~6~~ 7 through March 1.

(b) No change.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Piney Point, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) No change.

(8) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Archery – September ~~21~~ 22 through October ~~20~~ 21.

3. Small game – January ~~6~~ 7 through March ~~2~~ 3.

4. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

5. Trapping – January ~~6~~ 7 through March 1.

6. through 8. No change.

(b) through (d) No change.

1. through 3. No change.

4. During the general gun and spring turkey seasons and on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C., hunters shall obtain a daily hunt permit from the check station and retain it in their possession while on the aArea.

5. through 10. No change.

(9) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Small game – January ~~6~~ 7 through March ~~2~~ 3.

3. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

4. Archery – September ~~21~~ 22 through October ~~20~~ 21.

5. through 7. No change.

8. Trapping – January ~~6~~ 7 through March 1.

(b) No change.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Rock Island, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) No change.

(10) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

3. Small game – January ~~6~~ 7 through March ~~2~~ 3.

4. through 6. No change.

7. Trapping – January ~~6~~ 7 through March 1.

(b) No change.

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at the mouth of Sink Creek, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) No change.

1. No change.

~~2. Licensed trappers may possess .22 rimfire rifles or pistols only from January 7 through March 1.~~

3. through 8. renumbered 2. through 7. No change.

(11) Big Bend Wildlife Management Area – Snipe Island Unit.

(a) Open Season:

1. Archery – September 21 through October 20.

2. Muzzleloading gun – October 25-27.

3. General gun – November 9 through December 1.

4. Small game – January 4 through February 2.

5. Spring turkey – March 15 through April 6.

6. Trapping – January 4 through March 1.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for antlered deer shall be one per day. The bag limit for wild turkeys shall be one per person per season. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General Regulations:

1. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

2. Fires are prohibited.

3. Vehicles shall be operated only on named and numbered roads from September 1 through April 30. From May 1 to August 31, vehicles shall be operated only on Mandalay Road and Snipe Island Grade.

4. All hunters shall check in and out at the check station on Mandalay Road or Snipe Island Grade when entering and exiting the area. Hunters shall check all game taken. When check stations are unmanned, hunters shall use self-service check stations.

5. The possession or use of dogs other than waterfowl retrievers and bird dogs is prohibited.

6. Horses are permitted only during periods closed to hunting.

(12)(11) PCS Phosphate Wildlife Management Area.

(a) through (d) No change.

(13)(12) Raiford Wildlife Management Area.

(a) No change.

1. Archery – September 21 22 through October 6 7.

2. Muzzleloading gun – October 25-27 26-28.

3. Archery and muzzleloading gun – November 9-17 10-18.

4. Spring turkey – March 15-23 16-24.

5. No change.

(b) Legal to take: All legal game, turkeys, fish, frogs, and furbearers. Wild turkeys may be taken during the muzzleloading gun and archery/muzzleloading gun seasons.

(c) through (d) No change.

1. No change.

2. Hunters shall enter and exit that portion of the WMA that is east of County Road 125 and south of the New River via Shack Road gate or 267th Street. Vehicles may enter or exit the area on Shack Road only.

3. During archery, muzzleloading gun, and archery/muzzleloading gun seasons, hunters are allowed on the area from 1.5 hours before sunrise until 1.5 hours after sunset.

During spring turkey season, hunters are allowed on the area from 1.5 hours before sunrise until 1:30 p.m. Spring turkey hunters shall leave the area by 1:30 p.m.

4. Hunters shall leave the area by 7:30 p.m. during archery, muzzleloading gun, and archery/muzzleloading gun seasons.

4.5. Vehicles are prohibited in the walk-in area south and west of C.R. 125. In the remainder of the area, vehicles may be operated only on named or numbered roads. Vehicles are prohibited in the walk-in area between CR 199 and CR 125. Hunters using the walk-in area must park their vehicles at designated parking areas. Vehicles may be operated only on designated roads on the remainder of the area.

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

8. Hunters shall check in and out at the self-service check station near the Shack Road gate when entering or exiting the area and shall record all game taken.

(14)(13) Cedar Key Scrub Wildlife Management Area.

(a) No change.

1. General gun – November 9-17 10-18.

2. Archery – September 21 22 through October 6 7.

3. Muzzleloading gun – October 25-27 26-28.

(b) through (d) No change.

(15)(14) Andrews Wildlife Management Area.

(a) No change.

1. Archery – September 27-29 28-30 and October 4-6 5-7.

2. Muzzleloading gun – October 25-27 26-28 and November 1-3 2-4.

3. General gun – November 15-17 16-18.

4. Small game – January 3-5 4-6 and 10-12 11-13.

5. Spring turkey – March 21-23 22-24 and April 11-13 12-14.

6. Supervised deer-hog youth hunt – October 12-13 13-14 and 19-20 20-21.

7. No change.

(b) through (d) No change.

1. through 5. No change.

6. Possession of centerfire rifles is prohibited during the small game hunts.

7. through 11. renumbered 6. through 10. No change.

(16)(15) Big Shoals Wildlife Management Area.

(a) No change.

1. Archery – September 23-28 24-29, September 30 through October 5 4-6 and October 7-12 8-13.

2. Muzzleloading gun – October 25-27 26-28 and November 1-3 2-4.

3. Small game – December 16-21 17-22 and December 23-28 24-29.

4. Spring turkey – March 20-22 21-23 and April 10-12 11-13.

5. No change.

(b) Legal to take: During the archery season only antlerless and antlered deer, wild hogs, either-sex turkeys, rabbit, and gray squirrel may be taken. During the muzzleloading gun season only antlered deer, wild hogs, rabbits and gray squirrels may be taken. During the small game season only rabbits and gray squirrels may be taken. During the spring turkey season only bearded turkeys or gobblers may be taken. No bag or size limit on wild hogs. All legal fish.

(c) through (d) No change.

~~1. A quota permit shall be required for each hunter entering the area.~~

2. through 7. renumbered 1. through 6. No change.

~~(17)(16)~~ Twin Rivers Wildlife Management Area.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~9-19~~ 10-20.

4. Small game – ~~November 30 through~~ December ~~22~~ 1-23.

5. Spring turkey – March ~~21-23~~ 22-24 and April ~~11-13~~ 12-14.

6. No change.

(b) through (d) No change.

1. through 6. No change.

7. Vehicles may be operated only during daylight hours and only on the following roads: Zone A – Spring Road (only during the period from the first Monday after the close of the spring turkey season ~~April 1~~ through Labor Day) and Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, and Springs Road.

8. through 11. No change.

~~(18)(17)~~ Twin Rivers Wildlife Management Area – Blue Springs Unit.

(a) Open season: Bird Dog Training – Tuesdays and Thursdays in October ~~October 2-30, Tuesday and Thursday only.~~

(b) through (c) No change.

~~(19)(18)~~ Jennings Forest Wildlife Management Area.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Supervised small game – October ~~12-20~~ 13-21, east of Black Creek only.

3. Muzzleloading gun – October ~~25-27~~ 26-28.

4. General gun – November ~~9-24~~ 10-25.

5. Small game – January ~~10~~ 11 through February ~~9~~ 10, Fridays, Saturdays and Sundays only.

6. Spring turkey – March ~~15-18~~ 16-19 and ~~19-23~~ 20-24.

7. No change.

(b) Legal to take: All legal game, fish and furbearers except bobcat, ~~mink~~ and otter. During the archery, muzzleloading gun and general gun seasons, the bag limit for

deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkeys shall be one gobbler (bearded turkey) per quota hunt permit. No size or bag limits on wild hogs.

(c) through (d) No change.

~~(20)(19)~~ Holton Creek Wildlife Management Areas.

(a) No change.

1. Mobility-impaired general gun – ~~September 28-30, October 11-13~~ 12-14, 25-27 ~~26-28,~~ and November ~~1-3~~ 2-4, and December ~~13-15~~.

2. Mobility-impaired spring turkey – March ~~21-23~~ 22-24 and April ~~11-13~~ 12-14.

3. No change.

(b) through (d) No change.

~~1. A quota permit shall be required for each hunter entering the area.~~

2. through 9. renumbered 1. through 8. No change.

~~(21)(20)~~ Steinhatchee Falls Wildlife Management Area.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~9-17~~ 10-18.

4. Small game – November 30 through December ~~15~~ 1-16.

5. Spring turkey – March ~~15-30~~ 16-31.

6. No change.

(b) through (d) No change.

1. through 6. No change.

~~7. Taking of wildlife by use of a gun on or from the right of way of County Roads 51, 358 and U.S. Highway 19-98 is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~7.8-~~ No change.

~~(22)(21)~~ Goethe Wildlife Management Area.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun (still hunt) – November ~~9-12~~ 10-13.

4. General gun (dog hunt) – November ~~13-17~~ 14-18.

5. Small game – November ~~23~~ 24 through December ~~8~~ 9.

6. Spring turkey – March ~~15-23~~ 16-24.

7. No change.

(b) No change.

(c) Camping – Prohibited during periods when the area is open to hunting. During periods closed to hunting, camping is by special permit only from the Division of Forestry.

(d) No change.

1. Vehicles may be operated only on named or numbered roads unless otherwise posted as closed.

2. No change.

3. Fires are permitted only at locations specified by the Division of Forestry ~~prohibited.~~

4. through 9. No change.

~~(23)~~(22) San Pedro Bay Wildlife Management Area.

- (a) No change.
- 1. General gun – November ~~9~~ ~~10~~ through January ~~5~~ ~~6~~.
- 2. Small game – January ~~6~~ ~~7~~ through March ~~2~~ ~~3~~.
- 3. Spring turkey – March ~~15~~ ~~16~~ through April ~~20~~ ~~21~~.
- 4. Archery – September ~~21~~ ~~22~~ through October ~~20~~ ~~21~~.
- 5. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.
- 6. through 7. No change.
- 8. Trapping – January ~~6~~ ~~7~~ through March 1.

(b) through (d) No change.

- 1. through 8. No change.

9. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

~~(24)~~(23) Citrus Wildlife Management Area.

- (a) No change.
- 1. Modern gun – December ~~14-15~~ ~~15-16~~ and January ~~4-5~~ ~~5-6~~.
- 2. Small game – January ~~6~~ ~~7~~ through March ~~2~~ ~~3~~.
- 3. Muzzleloading gun – December ~~7-8~~ ~~8-9~~ and December ~~28-29~~ ~~29-30~~.
- 4. Archery – November ~~9~~ ~~10~~ through December ~~1~~ ~~2~~.
- 5. No change.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the archery, 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) through (d) No change.

~~(25)~~(24) Flying Eagle Wildlife Management Area.

- (a) No change.
- 1. Archery – September ~~28~~ ~~29~~ through October ~~6~~ ~~7~~.
- 2. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.
- 3. General gun – November ~~9-17~~ ~~10-18~~.
- 4. Small game – November ~~22-24~~ ~~23-25~~ and December ~~13-15~~ ~~14-16~~.
- 5. Spring turkey – March ~~15-18~~ ~~16-19~~ and ~~19-23~~ ~~20-24~~.
- 6. through 7. No change.

(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) through (d) No change.

- 1. through 3. No change.

4. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads ~~may be parked only at designated parking areas.~~

- 5. through 8. No change.

~~(26)~~(25) Potts Wildlife Management Area.

(a) No change.

- 1. Spring turkey – March ~~15-18~~ ~~16-19~~ and ~~19-23~~ ~~20-24~~.
- 2. Archery – October 5-13 ~~September 22-30~~.
- 3. Muzzleloading gun – November 1-3 ~~October 26-28~~.
- 4. General gun hog-dog – November ~~15-17~~ ~~16-18~~.
- 5. Small game – December 6-8, January 3-5, and January 31 through February 2 ~~December 1-9~~.
- 6. through 7. No change.

(b) No change.

(c) Camping: Camping is permitted at designated campsites during hunting season and at other times by permit from the Southwest Florida 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) No change.

- 1. No change.
- 2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads ~~may be parked only at designated parking areas.~~ Bicycles may be ridden only on designated trails.

3. through 9. No change.

~~(27)~~(26) Homosassa Wildlife Management Area.

(a) No change.

- 1. Small Game – November 9 through December 1 and December 21 through January 5. General gun hog – September 6-9 and 13-16.
- 2. General gun hog – February 6-9 and 20-23. ~~Small game – November 10 through December 2 and December 22 through January 6.~~
- 3. Special-opportunity spring turkey – March ~~15-21~~ ~~16-22~~ and March ~~29~~ ~~30~~ through April ~~4~~ ~~5~~.
- 4. No change.
- (b) through (d) No change.

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited. Hunting hogs with dogs is prohibited.

2. No change.

3. Vehicles shall be parked within 25 feet of a named or numbered road ~~may be parked only in designated parking areas.~~

4. No change.

5. Hunters shall enter and exit the area at designated entrances and register at the hunt headquarters. Small game hunters are required to sign in and sign out at game registration boxes and record all game taken.

6. through 8. No change.

~~(28)~~(27) Croom Wildlife Management Area.

- (a) No change.
- 1. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.
- 2. General gun – November ~~9-10~~ through December ~~1-2~~.
- 3. Small game – December ~~2-3~~ through March ~~2-3~~.
- 4. Spring turkey – March ~~18-20~~ ~~19-21~~, April ~~1-3~~ ~~2-4~~ and April ~~15-17~~ ~~16-18~~.
- 5. Fox, raccoon and bobcat – December ~~14-15~~ through March ~~10-11~~. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.
- 6. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) through (d) No change.

1. Hunting with dogs is prohibited November ~~9-10~~ through December ~~1-2~~. Hunting with dogs other than bird dogs is prohibited December ~~2-11~~ ~~3-12~~, 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. through 5. No change.

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

7. No change.

~~(29)(28)~~ Chassahowitzka Wildlife Management Area.

(a) No change.

1. Archery – September ~~21-22~~ through October ~~20-21~~.

2. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

3. General gun – November ~~9-10~~ through January ~~5-6~~.

4. through 5. No change.

6. Small game – November 28-January 5.

7. Spring turkey – March 22-25, 26-30.

(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. The bag limit for turkeys shall be one gobbler (or bearded turkey) per spring turkey quota hunt permit.

(c) through (d) No change.

1. through 4. No change.

5. Motor Vehicles shall may be operated only on named or numbered roads Indigo Road, Rattlesnake Camp Road and Gopher Road.

6. through 9. No change.

10. That portion of the area east of U.S. Highway 19 shall be open for small game hunting only.

(30) Devil’s Hammock Wildlife Management Area

(a) Open season:

1. Archery – September 21–24, 25-29, and September 30 through October 6.

2. Muzzleloading gun – October 25-27.

3. General gun – November 9-12 and 13-17.

4. Small game – December 7-22.

5. Spring turkey – March 15-18 and 19-23.

6. Trapping – Prohibited.

7. Fishing – Permitted year-round.

(b) Legal to take: Deer, gray squirrel, rabbit, wild hogs, game birds, and fish. No size or bag limits on wild hogs.

(c) Camping: Prohibited during periods open to hunting and at designated sites by group camping permit only from the Levy County Commission during periods closed to hunting.

(d) General Regulations:

1. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

2. Vehicles shall be operated only on named and numbered roads.

3. Public access shall be permitted from one and one-half hours before sunrise to one and one-half hours after sunset. The public shall enter and exit the area at designated entrances only.

4. Hunters shall check in and out at the check station on SR 24 and check all game taken during the archery, muzzleloading gun, general gun, and spring turkey seasons. During small game season, hunters shall sign in and out upon entry or exit at the designated entrances.

5. Hunting with dogs other than waterfowl retrievers and bird dogs is prohibited.

6. Horses and bicycles are prohibited during periods open to hunting.

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, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife

RULE NO.: 68A-15.063

PURPOSE AND EFFECT: Management Areas – Northwest Region  
The purposes of the proposed rule changes are to adjust hunting season dates on all Northwest Region Wildlife Management Areas (WMAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the Northwest Region to conform with 2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Apalachee WMA – The proposed rule would delete unnecessary rule language regarding zone tags and clarify that Mondays, Wednesdays and Fridays are closed to hunting during quail season.

Blackwater WMA – The proposed rule would prohibit vehicles on the Florida Gas Transmission Line and permit use of airboats, tracked vehicles, or ATVs by permit from the Division of Forestry.

Blackwater WMA, Hutton Unit – The proposed rule would allow harvest of antlerless deer without a permit during archery hunts.

Edward Ball WMA – The proposed rule would eliminate special-opportunity dove hunts and all associated rule language; make necessary technical corrections associated with fishing; and establish that wild hogs are legal to take.

Joe Budd WMA – The proposed rule would specify that camping is permitted only at the High Bluff campground and only by permit from the Division of Forestry.

Blue Water Creek WMA – The proposed rule would specify that fishing and frogging is permitted during designated hunting days and pre-hunt scouting periods, remove the permit requirement for fishing and frogging; specify that fish are legal to take; and deletes redundant rule language regarding antlerless deer permits.

Point Washington WMA – The proposed rule would clarify rules associated with fox, raccoon, opossum, and bobcat seasons; expand the area where fox, raccoon, opossum, and bobcat may be taken; delete reference to roads that are no longer within the boundaries of the WMA; and make other necessary technical corrections.

Moore's Pasture WMA – The proposed rule would establish a dove hunting season to expand dove hunting opportunities; and delete redundant rule language regarding antlerless deer permits.

Tates Hell WMA – The proposed rule would allow camping at designated sites by permit from the Division of Forestry.

Tates Hell WMA, Womack Creek Unit – The proposed rule would create a nine-day archery season (October 19-27) and a three-day muzzleloading gun season (November 22-24). The proposed rule would convert the existing spring turkey season from six two-day hunts to three four-day hunts. The proposed rule would allow camping at designated sites by permit from the Division of Forestry.

Aucilla WMA – The proposed rule would establish a muzzleloading gun season (October 25-27), and prohibit hunting with dogs other than bird dogs or waterfowl retrievers.

Flint Rock WMA – The proposed rule would establish a three-day muzzleloading gun season (October 25-27).

Pine Log WMA – The proposed rule would establish the following open seasons: (a) archery (October 19 through November 3); (b) muzzleloading gun (November 22-24); (c) general gun (November 28 through December 1, January 25-28, and January 29 through February 2); (d) small game (December 7-31); (e) spring turkey (March 15-30); and (f) fishing and frogging throughout the year. The proposed rule would establish the following as legal to take: all legal game, fish, frogs, and furbearers. The proposed rule would: (a) prohibit all-terrain vehicles and hunting with dogs other than bird dogs and retrievers; (b) prohibit taking wildlife by use of a gun on or from the rights-of-ways of S.R. 79 or C.R. 2296; (c) prohibit firearms and crossbows in the archery-only area (north of Pine Log Creek, south of Environmental Road, and west of S.R. 79); (d) prohibit operation of vehicles except on named or numbered roads; and (e) require hunters to enter and exit at designated entrances and to check in and out at a check station.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$850 for administrative preparation and \$730 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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) No change.

(a) No change.

1. General gun – November ~~28 through December 1 22-25~~ and December ~~14 8~~ through February ~~16 40~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).

2. Archery – October ~~19 43~~ through November ~~17 44~~.

3. No change.

4. Muzzleloading gun – November ~~22-24 46-48~~.

5. through 7. No change.

8. Quail (Zone A) – December ~~24 48~~ through January ~~12 6~~ (Mondays, Wednesdays and Fridays closed to hunting).

(b) through (d) No change.

1. through 6. No change.

~~7. No person shall hunt in any zone other than that for which he has obtained a zone tag permit when zone tags are required. All hunters shall wear zone tags visibly.~~

8. through 9. renumbered 7. through 8. No change.

(2) No change.

(a) No change.

1. General gun – November ~~28 through December 1 22-25~~ and December ~~14 8~~ through February ~~5 January 30~~.

2. Small game – November ~~9-27 40-21~~, ~~December 2-13~~ ~~November 26 through December 7~~ and February ~~6 January 31~~ through March ~~2 3~~.

3. Spring turkey – March ~~15 46~~ through April ~~20 24~~.

4. Archery – October ~~19 43~~ through November ~~17 44~~.

5. Muzzleloading gun – November ~~22-24 46-48~~.

6. Muzzleloading gun and archery – February ~~20 through March 2 44-24~~.

7. No change.

8. Fox, raccoon, opossum and bobcat – October 1 through March ~~2 3~~ 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 ~~28 22~~.

9. Trapping – February ~~6 January 31~~ 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 ~~28 through December 1 22-25~~ and from December ~~14-25 8-49~~. 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) through (d) No change.

1. No change.

2. Bird dogs may be trained from June 1 through March ~~2 3~~. Deer dogs may be trained from October ~~26 27~~ through November ~~14 45~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. No change.

4. During the November ~~9 40~~ through March ~~2 3~~ period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

5. through 7. No change.

(3) No change.

(a) No change.

1. General gun – November ~~28 through December 1 22-25~~ and December ~~14-18 8-42~~.

2. Archery – October ~~19 through November 3 43-28~~.

3. Muzzleloading gun – November ~~22-24 46-48~~.

4. Small game – November ~~9-17 40-15 and 19-21~~.

5. Spring turkey – March ~~15-16 46-47~~ and March ~~28-30 29-31~~.

6. through 7. No change.

(b) through (d) No change.

(4) No change.

(a) No change.

1. General gun – November ~~28 through December 1 22-25~~ and December ~~14 8~~ through February ~~5 January 30~~.

2. Small game – November ~~9-27 40-21~~, ~~December 2-13~~ ~~November 26 through December 7~~ and February ~~6 January 31~~ through March ~~2 3~~.

3. Spring turkey – March ~~15 46~~ through April ~~20 24~~.

4. Archery – October ~~19 43~~ through November ~~17 44~~.

5. Muzzleloading gun – November ~~22-24 46-48~~, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February ~~20 through March 2 44-25~~, in the still hunt area only (except in the field trial area). January ~~17-19 48-20~~ in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March ~~2 40~~, 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 ~~17-19 48-20~~ 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) through (d) No change.

1. That portion known as the field trial area which is bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road

64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area shall be open to deer hunting only during the archery season before November 1 and during the January ~~17-19~~ ~~18-20~~ 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 6. No change.

7. Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

8. The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

9. Vehicles are prohibited ~~may not be operated on the Florida Gas Transmission Line and~~ from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(5) No change.

(a) No change.

1. Archery – October ~~19-27~~ ~~13-21~~.

2. Muzzleloading gun – November ~~22-24~~ ~~16-18~~.

3. Quail – November ~~9-10~~ ~~10-11~~ and ~~20-21~~ ~~21-22~~; November 30 through December 1 ~~December 1-2~~, December 9-10 ~~10-11~~, 14-15 ~~15-16~~, 23-24 ~~24-25~~ and 28-29 ~~29-30~~.

4. General gun – January ~~18-26~~ ~~12-20~~.

5. Spring turkey – March ~~15-17~~ ~~16-18~~, ~~28-30~~ ~~29-31~~, and April ~~11-13~~ ~~12-14~~.

6. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. The bag limit for quail is 12 per hunting group each day. A group for the purpose of quail hunting shall include up to three persons. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. The bag limit for antlered deer shall be one per quota hunt permit. ~~Antlerless deer may be taken by permit only.~~ During spring turkey season, the bag limit shall be one gobbler or bearded turkey per quota hunt permit. No size or bag limit

(c) through (d) No change.

1. through 6. No change.

(6) No change.

(a) No change.

1. Quail: November ~~9-12~~ ~~10-13~~, ~~14-17~~ ~~15-18~~, ~~21-24~~ ~~22-25~~, November ~~28~~ ~~29~~ through December ~~1~~ ~~2~~, December ~~5-8~~ ~~6-9~~, ~~12-15~~ ~~13-16~~, ~~19-22~~ ~~20-23~~, ~~26-29~~ ~~27-30~~, January ~~2-5~~ ~~3-6~~, ~~9-12~~ ~~10-13~~, ~~16-19~~ ~~17-20~~, ~~23-26~~ ~~24-27~~, January ~~30~~ ~~31~~ through February ~~2~~ ~~3~~, ~~6-9~~ ~~7-10~~, ~~13-16~~ ~~14-17~~ and ~~20-23~~ ~~21-24~~.

(b) through (d) No change.

(7) No change.

(a) No change.

1. General gun – November ~~28~~ through December 1 ~~22-25~~ and December ~~14~~ ~~8~~ through February 5 ~~January 30~~ (Mondays, Tuesdays and Wednesdays closed to hunting after December ~~22~~ ~~16~~ in the dog-hunt area only).

2. Archery – October ~~19~~ ~~13~~ through November ~~17~~ ~~11~~.

3. Muzzleloading gun and archery – February 20 through March 2 ~~14-24~~ (Mondays, Tuesdays and Wednesdays closed to hunting).

4. through 5. No change.

~~6. Special opportunity dove – Saturdays only during the first phase of dove season established by Rule 68A-13.008, F.A.C.~~

~~6.7. Fishing – Permitted year-round, except fishing is prohibited in the St. Joe Paper Company freshwater canal.~~

~~7.8. No change.~~

(b) Legal to take: All legal game (~~except hogs~~), fish and furbearers.

(c) through (d) No change.

1. through 3. No change.

4. The use of all-terrain vehicles is prohibited, ~~except in posted dove fields by persons possessing a mobility impaired certificate.~~

5. through 7. No change.

~~8. The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.~~

~~9. 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.~~

~~10. Persons shall possess a special opportunity dove hunt permit when hunting in posted dove fields during the special opportunity dove season. During the first day of the special opportunity dove season, persons shall possess a special opportunity dove permit and a mobility impaired certificate or if accompanying a mobility impaired person, a special opportunity dove permit, when hunting doves in posted dove fields.~~

11. 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.

12. 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.

(8) No change.

(a) No change.

1. Archery – December 13 ~~7~~ through January 12 ~~6~~ (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 17 through February 2 ~~11-27~~ (Fridays, Saturdays and Sundays only).

3. Small game – October 5 ~~6~~ through December 8 ~~2~~, Saturdays and Sundays only.

4. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~ (Saturdays and Sundays only).

5. No change.

(b) No change.

(c) Camping: Prohibited, except at the High Bluff campground by permit from the Division of Forestry. Permitted only at the designated campsite and only during periods when hunting is allowed on the Joe Budd Wildlife Management Area.

(d) No change.

1. through 5. No change.

6. Shotguns are prohibited during the archery season, and centerfire shotguns are prohibited during the archery and muzzleloading gun season.

6. through 10. renumbered 7. through 11. No change.

(9) No change.

(a) No change.

1. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 5 ~~January 30~~.

2. Small game – November 9-27 ~~10-21~~, December 2-13 ~~November 26 through December 7~~ and February 6 ~~January 31~~ through March 2 ~~3~~.

3. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

4. Archery – October 19 ~~13~~ through November 17 ~~11~~.

5. Muzzleloading gun – November 22-24 ~~16-18~~.

6. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 28 through December 1 ~~22-25~~ and from December 14-25 ~~8-19~~. 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) Blue Water ~~Bluewater~~ Creek Wildlife Management Area

(a) No change.

1. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 5 ~~January 30~~.

2. Small game – February 22 ~~16~~ through March 2 ~~3~~, Saturdays and Sundays only.

3. Archery – October 19 ~~13~~ through November 17 ~~11~~.

4. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

5. Archery and muzzleloading gun – February 6-19 ~~January 31 through February 13~~.

6. Muzzleloading gun – November 22-24 ~~16-18~~.

7. Fishing and frogging – Prohibited except during designated hunting days and pre-hunt scouting periods by permit from International Paper Company.

(b) Legal to take: All legal game, fish, and furbearers. Antlerless deer (daily bag one) may be taken during the archery/muzzleloading gun and general gun seasons by permit only. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) through (d) No change.

(11) No change.

(a) No change.

1. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 5 ~~January 30~~.

2. Small game – November 9-27 ~~10-21~~, December 2-13 ~~November 26 through December 7~~ and February 6 ~~January 31~~ through March 2 ~~3~~.

3. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

4. Archery – October 19 ~~13~~ through November 17 ~~11~~.

5. Muzzleloading gun – November 22-24 ~~16-18~~ in still hunt areas only.

6. Archery and muzzleloading gun – February 20 through March 2 ~~14-24~~.

7. through 8. No change.

9. Fox, raccoon, opossum and bobcat – November 9 ~~10~~ through March 3 ~~in that portion of the dog hunt area west of S.R. 79, and March 4 through March 14 ~~15~~ and April 21 ~~22~~ through July 15 ~~in that portion of the dog hunt area east of S.R. 79~~.~~

(b) through (d) No change.

1. through 2. No change.

3. Hunting with dogs other than bird dogs is prohibited in that portion of the area south of the Intracoastal Waterway; all lands south of Highway 20, north of State Road 388, east of State Road 79, and west of State Road 77; and all lands north of Pine Log Road, west of Otter Creek Road and north of Otter Creek.

4. through 5. No change.

6. During the November ~~9~~ through March ~~2~~ period in all areas where hunting with the use of deer dogs is permitted, hunting as specified by paragraph 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, 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) No change.

(a) No change.

1. Dove – As established by Rule 68A-13.008, F.A.C., except that hunting during the first phase shall be on Saturdays, Sundays, and Wednesdays only.

~~2.1.~~ Archery – October ~~19~~ through November ~~17~~.

~~3.2.~~ Muzzleloading gun – November ~~22-24~~.

~~4.3.~~ General gun – November ~~28~~ through December ~~1~~ and December ~~14~~ through ~~February 5~~.

~~5.4.~~ Archery and muzzleloading gun – February ~~15-16~~ and February ~~28~~ through ~~March 2~~.

~~6.5.~~ Spring turkey – March ~~15~~ through April ~~20~~.

6. through 7. renumbered 7. through 8. No change.

(b) Legal to take: All legal game and furbearers. ~~Antlerless deer may be taken during the general gun season by permit only.~~ Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length.

(c) through (d) No change.

(13) No change.

(a) No change.

1. General gun – November ~~29~~ through December ~~1~~ and December ~~14~~ through ~~January 5~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~10~~ through March ~~2~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~19~~ through November ~~17~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~15~~ through April ~~20~~ (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~~. No size or bag limit on wild hogs.

(c) through (d) No change.

1. through 3. No change.

4. Hunters shall check in and out at the check station on ~~January 4~~ and check all game taken.

5. No change.

(14) No change.

(a) No change.

1. Archery and muzzleloading gun – November ~~29~~ through December ~~1~~ and December ~~14~~ through January ~~5~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~10~~ through March ~~2~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~19~~ through November ~~17~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~15~~ through April ~~20~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(15) No change.

(a) No change.

1. General gun – November ~~28~~ through December ~~1~~ and December ~~14~~ through February ~~5~~.

2. Small game – November ~~9-27~~ and December ~~2-13~~ through March ~~2~~.

3. Archery – October ~~19~~ through November ~~17~~.

4. Muzzleloading gun – November ~~22-24~~.

5. Muzzleloading gun and archery – February ~~20~~ through March ~~2~~.

6. through 8. No change.

9. Spring turkey – March ~~15~~ through April ~~20~~.

10. through 11. No change.

(b) No change.

(c) Camping – Prohibited, except at designated sites ~~by~~. ~~During hunting seasons, a permit from the Florida Division of Forestry is required.~~

(d) No change.

1. Deer dogs may be trained from October ~~26~~ through November ~~14~~.

2. through 5. No change.

(16) No change.

(a) No change.

1. Archery – October 19-27.

2. Muzzleloading gun – November 22-24.

~~3.1.~~ Small game – November ~~9~~ through ~~February 5~~.

~~4.2.~~ General gun still – November ~~28~~ through December ~~1~~ and December ~~14-22~~.

3. through 4. renumbered 5. through 6. No change.

~~7.5.~~ Spring turkey – ~~March 15-18, 27-30~~ and ~~April 3-6~~.

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

(b) No change.

(c) Camping: Prohibited, except at designated sites by- ~~During hunting seasons, a permit from the Florida Division of Forestry is required.~~

(d) No change.

(17) No change.

(a) No change.

1. General gun – November ~~9 10~~ through January 5 6.

2. Small game – January ~~6 7~~ through March 2 3.

3. Spring turkey – March ~~15 16~~ through April 20 21.

4. Archery – September ~~21 22~~ through October 20 21.

5. Muzzleloading gun – October 25-27.

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

~~9,8.~~ Trapping – January ~~6 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, muzzleloading gun season, and the first 23 days of general gun season. Antlerless deer may not be taken during the archery season.

(c) through (d) No change.

1. No change.

2. Hunting with dogs other than bird dogs ~~or and~~ waterfowl retrievers is prohibited south of U.S. 98 and on those lands lying north of Goose Pasture Road east of the Aucilla River.

3. through 12. No change.

(18) No change.

(a) No change.

1. Muzzleloading gun – October 25-27.

~~2,1.~~ General gun – November ~~9 10~~ through January 5 6.

~~3,2.~~ Small game – January ~~6 7~~ through March 2 3.

~~4, 3.~~ Spring turkey – March ~~15 16~~ through April 20 21.

~~5,4.~~ Archery – September ~~21 22~~ through October 20 21.

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

~~9,8.~~ Trapping – January ~~6 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, muzzleloading gun season and the first 23 days of general gun season.

(c) through (d) No change.

(19) Pine Log Wildlife Management Area.

(a) Open Season:

1. Archery – October 19 through November 3.

2. Muzzleloading gun – November 22-24.

3. General gun – November 28 through December 1, January 25-28, and January 29 through February 2.

4. Small game – December 7-31.

5. Spring turkey – March 15-30.

6. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, fish, frogs, and furbearers.

(c) Camping: Permitted at designated sites only.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads and shall enter and exit at designated entrances only.

2. Hunting with dogs other than bird dogs and retrievers is prohibited.

3. The use of all-terrain vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 79 or County Road 2296 is prohibited as provide by Rule 68A-4.008, F.A.C.

5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

6. Firearms and crossbows are prohibited in the archery-only area, delineated as that portion of the area lying north of Pine Log Creek, south of Environmental Road, and west of State Road 79.

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, 7-1-91, 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, 7-22-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Specific Regulations for Type I Wildlife

Management Areas – South Region 68A-15.064

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all South Region Wildlife Management Areas (WMAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the South Region to conform with

2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

J. W. Corbett WMA – The proposed rule would permit archery hunting in the archery-only still hunt area during muzzleloading gun season; permit through-hiking on the Florida Trail; and clarify the boundaries of the still hunt area.

Holey Land WMA – The proposed rule would eliminate the restriction on maximum engine size for ATVs used on the area and permit use of ATVs during the archery and muzzleloading gun seasons.

Everglades WMA – The proposed rule would eliminate the restriction on maximum engine size for ATVs used on the area.

Rotenberger WMA – The proposed rule would eliminate the restriction on maximum engine size for ATVs used on the area.

Big Cypress WMA – The proposed rule would make agency rules consistent with National Park Service rules with regard to possession and use of dogs and vehicular access.

Okaloacoochee Slough WMA – The proposed rule would add an additional three Saturdays for dove hunting, would establish a small game season (November 23 through December 15) and would allow horses to be used on named or numbered roads and designated trails during small game season and during non-hunting periods.

Fisheating Creek WMA – The proposed rule would eliminate the size and bag limit on wild hogs and require an airboat use permit for all airboats operating in the WMA.

Picayune Strand WMA – The proposed rule would establish the following open season: (a) archery (September 7-13 and 14-22); (b) muzzleloading gun (October 12-14); (c) general gun (October 26-29 and October 30 through November 3); (d) small game (November 9-24); (e) spring turkey (March 1-4 and 5-9); and (f) fishing and frogging throughout the year. The proposed rule would establish the following as legal to take: all legal game, fish, frogs, and furbearers; only wild hogs with a shoulder height of 15 inches or more; and taking antlerless deer or turkey is prohibited during the archery season. Proposed bag limits would be one deer, one hog, and one turkey per quota hunt permit. The proposed rule would: (a) prohibit the use of tracked vehicles, airboats, motorcycles or all-terrain vehicles; fires other than campfires and hunting with dogs other than bird dogs or retrievers; (b) allow camping by permit from Division of Forestry; (c) require vehicles to be operated only on named or numbered roads or trails; hunters to check in and out at a check station when entering and exiting the area and check all game taken; and deer, hog, or turkey to be kept whole until checked.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$650 for administrative preparation and \$535 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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 – South Region.

(1) No change.

(a) No change.

1. General gun – November ~~2~~ <sup>3</sup> through Sunday December ~~29~~ <sup>30</sup>.

2. Small game – December ~~30~~ <sup>31</sup> through February ~~9~~ <sup>10</sup>.

3. Spring turkey – March ~~1~~ <sup>2</sup> through April ~~6~~ <sup>7</sup> (Saturdays and Sundays only).

4. Archery – August ~~24~~ <sup>25</sup> through September ~~15~~ <sup>16</sup>.

5. Muzzleloading gun – September ~~28~~ <sup>29</sup> through October ~~13~~ <sup>14</sup>.

6. Raccoon season – December ~~30~~ <sup>31</sup> through February ~~9~~ <sup>10</sup>.

7. No change.

(b) through (d) No change.

1. through 2. No change.

3. All persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. through 7. No change.

8. Dogs shall be removed the last day of the small game season. Dogs other than bird dogs, dogs with a shoulder height of 15 inches or less, or raccoon dogs are prohibited after the last day of the general gun season. Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall ~~M-1~~ Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal ~~wildlife management area boundary~~ to its junction with the Big Gopher Canal, then northeast along the Big Gopher Canal to its junction with the Tomato Field

Grade, then east along the Tomato Field Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.

9. through 10. No change.

11. During raccoon season, firearms and dogs as specified in paragraph 68A-24.002(2)(b), F.A.C., may be used except in the still hunt area.

12. through 17. No change.

18. Archery equipment may be used for hunting during the established muzzleloading gun season in the archery still-hunt area. All legal to take regulations for muzzleloading gun season shall apply when using archery equipment during this time period.

(2) No change.

(a) No change.

1. General gun – Walk, October ~~19-27~~ 20-28.

2. General gun – Vehicle, November ~~2-17~~ 3-18 (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August ~~24~~ 25 through September ~~15~~ 16.

4. Muzzleloading gun – September ~~28~~ 29 through October ~~13~~ 14.

5. through 6. No change.

(b) through (d) No change.

1. During the archery, ~~and muzzleloading gun, and general-gun walk~~ seasons, only all-terrain vehicles are permitted for hunting and all other vehicles are prohibited in the area except on levees. Airboats are prohibited during the archery, muzzleloading, general gun-walk, and general gun-vehicle season except on days when duck and coot hunting is allowed under Rule 68A-13.003, F.A.C., and by general gun-vehicle hunt permittees. ~~During the general gun-walk season, no vehicles other than all-terrain vehicles with an engine displacement not exceeding 450 cc. are permitted.~~ If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle).

2. through 18. No change.

(e) No change.

(3) No change.

(a) No change.

1. General gun – Walk, October ~~19-27~~ 20-28, Conservation Areas 3A North and 2 only. ~~November 30 through December 29~~ 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 ~~2-17~~ 3-18, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August ~~24~~ 25 through September ~~15~~ 16, Conservation Area 3A North only.

4. Muzzleloading gun – September ~~28~~ 29 through October ~~13~~ 14, in Conservation Area 3A North only.

5. No change.

6. No change.

(b) through (d) No change.

1. through 3. No change.

4. During the archery, muzzleloading gun and general gun-walk seasons, only all-terrain vehicles ~~with an engine displacement not exceeding 450 cc.~~ are permitted for hunting. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle).

5. through 22. No change.

(e) No change.

(4) No change.

(a) No change.

1. General gun – Walk, October ~~19-27~~ 20-28.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~2-17~~ 3-18 by quota permit only.

3. Archery – August ~~24~~ 25 through September ~~15~~ 16.

4. Muzzleloading gun – September ~~28~~ 29 through October ~~13~~ 14.

5. through 6. No change.

(b) through (d) No change.

1. through 6. No change.

7. Camping is permitted only on the Miami Canal, Manley Ditch and ~~P~~powerline levees. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun-vehicle season. Kitchen stoves, refrigerators and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. The erection of any permanent structure is prohibited.

8. through 9. No change.

10. During the archery, muzzleloading gun and general gun-walk season only all-terrain vehicles ~~with an engine displacement not exceeding 450 cc.~~ are permitted for hunting on designated trails. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured

from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle). Other vehicles may be operated only on levees.

11. through 17. No change.

(5) No change.

(a) No change.

1. No change.

2. Small game – The day following the close of general gun season through February ~~2~~ 3.

3. Archery – ~~August 31 September 1~~ through September ~~29 30~~ in all units and November ~~9 10~~ 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 ~~5-20 6-21~~, except in the Deep Lake Unit.

5. Spring turkey – March ~~1 2~~ through April ~~6 7~~.

6. through 7. No change.

(b) Legal to take: All legal game, including only deer with at least one antler five inches in length, fish, frogs, snails, and furbearing animals (except bobcat, and otter and mink). The taking of raccoons with a gun and light is prohibited. The taking of antlerless deer is prohibited. The taking of turkeys during the archery season is prohibited. Deer, turkey and hog bag limit one per day; two annually.

(c) through (d) No change.

1. No change.

2. Hunting with dogs (other than bird dogs and waterfowl retrievers) is prohibited. Hunting deer or hogs with dogs is prohibited. All dogs are prohibited in the Loop unit. The possession of dogs ~~customarily used for hunting~~ (other than bird dogs and waterfowl retrievers for hunting purposes) is prohibited except as authorized by National Park Service regulations during any period. Leashed dogs may not be used for trailing wounded game.

~~3. Vehicle access or use for the purposes of hunting, fishing or frogging is prohibited except by all-terrain vehicles with three or more rubber tires, the front tire(s) of which shall be at least 7 inches wide and the rear tires of which must be at least 9 inches wide and other vehicles with three or more rubber tires of nine-inch minimum width. Airboats are permitted except in the Bear Island, Deep Lake and Loop units. Vehicles are prohibited on Loop and Deep Lake units. In management units other than Deep Lake and Loop units, vehicles shall not be operated off designated roads and trails or outside designated vehicle access areas; however, if vehicle trails or areas have not been designated, vehicles may be operated throughout the unit.~~

4. through 18. renumbered 3. through 17. No change.

(6) No change.

(a) through (d) No change.

(7) No change.

(a) No change.

1. Archery – September ~~7-13 8-14~~ and ~~14-22 15-23~~.

2. Muzzleloading gun – October ~~12-14 13-15~~.

3. General gun – October ~~26-29 27-30~~ and October ~~30 31~~ through November ~~3 4~~.

4. General gun hog – November ~~16-22 17-23~~.

5. Small Game – November 23 through December 15.

~~6.5.~~ Spring turkey – March ~~1-4 2-5~~ and ~~5-9 6-10~~.

~~7.6.~~ Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., ~~except during muzzleloading, general gun, and general gun hog seasons.~~

~~8.7.~~ Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

1. through 2. No change.

3. Vehicles may be operated only on named or numbered roads and numbered trails during the archery, muzzleloading gun, general gun, and general gun hog seasons by individuals possessing a quota permit. During the remainder of the year, vehicles may be operated only on named roads, or numbered roads.

4. Horses are prohibited during periods open to hunting except during the small game season. Horses are permitted on named or numbered roads or designated trails only.

4. through 9. renumbered 5. through 10. No change.

(8) No change.

(a) No change.

1. Archery – September ~~13-15 14-16~~ and ~~20-22 21-23~~ west of U.S. Highway 27 only.

2. Muzzleloading gun – October ~~11-13 12-14~~ and ~~18-20 19-21~~ west of U.S. Highway 27 only.

3. General gun – November ~~1-3 2-4~~ and ~~22-24 23-25~~ west of U.S. Highway 27 only.

4. Spring turkey – March ~~1-4 2-5, 7-10 8-11, 14-17 15-18, 21-24 22-25~~, and March ~~28-31 29-April 1~~ west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March ~~1-7 2-8~~, March ~~15-21 16-22~~ east of U.S. Highway 27 only.

6. General gun hog – December ~~7-8 8-9~~, west of U.S. Highway 27 only.

7. No change.

(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. Wild hogs may be taken with no size or bag limit. 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) through (d) No change.

(a) through (d) No change.

(7) No change.

(a) No change.

1. Archery – September ~~7-13 8-14~~ and ~~14-22 15-23~~.

2. Muzzleloading gun – October ~~12-14 13-15~~.

3. General gun – October ~~26-29 27-30~~ and October ~~30 31~~ through November ~~3 4~~.

4. General gun hog – November ~~16-22 17-23~~.

5. Small Game – November 23 through December 15.

~~6.5. Spring turkey – March 1-4 2-5 and 5-9 6-10.~~

~~7.6. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., except during muzzleloading, general gun, and general gun hog seasons.~~

~~8.7. Fishing and frogging – Permitted throughout the year.~~

(b) through (d) No change.

1. through 2. No change.

3. Vehicles may be operated only on named or numbered roads and numbered trails during the archery, muzzleloading gun, general gun, and general gun hog seasons by individuals possessing a quota permit. During the remainder of the year, vehicles may be operated only on named roads, or numbered roads.

4. Horses are prohibited during periods open to hunting except during the small game season. Horses are permitted on named or numbered roads or designated trails only.

4. through 9. renumbered 5. through 10. No change.

(8) No change.

(a) No change.

1. Archery – September ~~13-15 14-16~~ and ~~20-22 21-23~~ west of U.S. Highway 27 only.

2. Muzzleloading gun – October ~~11-13 12-14~~ and ~~18-20 19-21~~ west of U.S. Highway 27 only.

3. General gun – November ~~1-3 2-4~~ and ~~22-24 23-25~~ west of U.S. Highway 27 only.

4. Spring turkey – March ~~1-4 2-5, 7-10 8-11, 14-17 15-18, 21-24 22-25~~, and March ~~28-31 29-April 1~~ west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March ~~1-7 2-8, March 15-21 16-22~~ east of U.S. Highway 27 only.

6. General gun hog – December ~~7-8 8-9~~, west of U.S. Highway 27 only.

7. No change.

(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. Wild hogs may be taken with no size or bag limit. 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) through (d) No change.

1. No change.

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.” An airboat use permit issued by the Commission shall be required for all airboats operating in the management area. 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. through 8. No change.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September 7-13 and 14-22.

2. Muzzleloading gun – October 12-14.

3. General gun – October 26-29 and October 30 through November 3.

4. Small game – November 9-24.

5. Spring turkey – March 1-4 and 5-9.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, and general gun seasons, the bag limit for deer and wild hogs shall be one each per quota permit. Only wild hogs with a shoulder height of 15 inches or greater may be taken. The taking of antlerless deer and turkey is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) Camping: Camping is permitted by Special-Use Permit issued by the Division of Forestry. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General Regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.

2. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

3. Vehicles may be operated only on named or numbered roads and trails.

4. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

5. No deer, hog or turkey shall be dismembered until checked at a check station.

6. Fires other than campfires are prohibited.

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, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region

RULE NO.: 68A-15.065

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Northeast Region Wildlife Management Areas (WMAs) to conform with proposed 2002 – 2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WMAs in the Northeast Region to conform with 2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Bull Creek WMA – The proposed rule would eliminate special-opportunity dove hunts.

Richloam WMA, Baird Unit – The proposed rule would permit public access 30 minutes earlier (4:30 a.m. rather than 5:00 a.m.).

Three Lakes WMA – The proposed rule would remove the size and bag limits on wild hogs; allow quota permit holders to operate vehicles on named or numbered roads and established firebreaks, between the Florida Turnpike and U.S. 441, during the general gun dog hunts; allow use of bird dogs and dogs with a shoulder height of 15 inches or less anywhere on the WMA during small game season; allow horses to be ridden on named or numbered roads year-round; and allow persons hunting from horseback to ride anywhere on the area during the small game season.

Three Lakes WMA, Prairie Lakes Unit – The proposed rule would increase small game season from 16 days to 23 days (December 7-29).

Tiger Bay WMA – The proposed rule would permit use of motorcycles; prohibit boats powered by internal combustion engines on Woody Pond and Bear Pond; and permit horses and bicycles on designated trails.

Relay WMA – The proposed rule would restrict camping to designated sites and by permit from The Timber Company.

Guana River WMA – The proposed rule would prohibit the operation of any vessel with an internal combustion engine larger than 10 horsepower on Lake Ponte Vedra. The proposed rule would allow hunters to take hunting equipment on the area the day before the opening of archery season and require that such equipment be removed from the area one day following the close of the final small-game season.

Half Moon WMA – The proposed rule would delay the archery season by two weeks; establish two two-day general gun hog hunts (January 11-12 and 18-19) with no size or bag limits; permit use of dogs with a shoulder height of 15 inches or less during small game season; and permit vehicular access for scouting one day prior to each hunt.

Lake George WMA, Dexter Mary Farms Unit – The proposed rule would permit camping during special-opportunity turkey hunts and prohibit public access (during non-hunting periods) from sunset to sunrise unless camping in designated camping areas.

Triple N Ranch – The proposed rule would eliminate Triple N Ranch WMA and all associated rules including Special-opportunity hunts.

Panasoffkee WMA – The proposed rule would allow vehicle parking within 25 feet of named or numbered roads; permit bicycles on designated trails; and restrict scouting to the day preceding each hunt from 8 a.m. to 6 p.m.

Cary WMA – The proposed rule would delete redundant rule language.

Ft. Drum WMA – The proposed rule would shift special-opportunity hog hunts from September to October and establish turkeys as legal to take during the special-opportunity turkey hunts with a bag limit of one gobbler (or bearded turkey) per special-opportunity hunt permit.

Ocklawaha River WMA, Gores Landing Unit – The proposed rule would establish the following seasons: (a) archery (September 21 through October 6); (b) muzzleloading gun (October 25-27); (c) general gun (November 9-17); (d) small game (November 30 through December 15); (e) spring turkey (March 15-18 and 19-23); and (f) fishing and frogging throughout the year.

The proposed rule would establish the following as legal to take: all legal game, wild hogs, fish, frogs, and furbearers. Proposed bag limits are one deer per hunter during the archery, muzzleloading gun and general gun hunts and one turkey per hunter during the spring turkey season (no bag or size limits on wild hogs). The proposed rule would: prohibit camping; the use of dogs other than bird dogs and retrievers; and the use of tracked vehicles, motorcycles, or all-terrain vehicles. The proposed rule would allow vehicles to operate on named and numbered roads during hunting seasons only; and require all hunters to enter and exit at designated entrances.

Seminole Forest WMA, Tracey Unit – The proposed would establish the following seasons: (a) archery (September 21-23); (b) muzzleloading gun (October 25-27); (c) general gun

(November 9-11); (d) spring turkey (March 15-17 and 21-23); and (e) fishing and frogging during established seasons. The proposed rule would establish as legal to take the following: all legal game, wild hogs, fish, frogs, and furbearers. The proposed rule would: prohibit dogs and the use of tracked vehicles, airboats, motorcycles, all-terrain vehicles and horses. The proposed rule would allow vehicles to be operated only on named or numbered roads; require vehicles to be parked in designated parking areas; and require hunters to enter and exit only at designated entrances and check in and out at self-service check stations and record all game taken.

Ocala WMA – The proposed rule would prohibit taking wildlife by use of a gun on or upon the right-of-way of Forest Road 538 between S.R. 42 and C.R. 445.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$1,175 for administrative preparation and \$927 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 8:30 a.m. each day, April 3-5, 2002

**PLACE:** The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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 Region.

(1) No change.

(a) No change.

1. General gun – November ~~9~~ <sup>9</sup> through January ~~5~~ <sup>6</sup>.

2. Small game – January ~~6~~ <sup>7</sup> through March ~~2~~ <sup>3</sup>.

3. Spring turkey – March ~~15~~ <sup>15</sup> through April ~~20~~ <sup>21</sup>.

4. Archery – September ~~21~~ <sup>21</sup> through October ~~20~~ <sup>21</sup>. A special quota permit will be required for the September ~~21-22~~ <sup>22-23</sup> hunt.

5. Muzzleloading gun – October ~~25-27~~ <sup>26-28</sup>.

~~6. Special opportunity dove – The first and third Saturdays only during the first and second phase of the mourning dove and white-winged dove season as established in Rule 68A-13.008, F.A.C., and the first and second Saturdays only~~

~~during the third phase of the mourning dove and white-winged dove season established in Rule 68A-13.008, F.A.C. No dove hunting is allowed on posted dove fields other than on these dates.~~

~~6.7.~~ Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers (except bobcat, ~~mink~~ and otter). Any deer except spotted fawns may be taken during the archery season. During the muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. There shall be no bag or size limit restrictions on wild hogs.

(c) through (d) No change.

1. through 8. No change.

~~9. All persons shall possess a special opportunity dove hunt permit to hunt in posted dove fields.~~

~~10. Shooting hours for special opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time and shall exit by one hour after sunset.~~

(2) No change.

(a) No change.

1. General gun – November ~~9~~ <sup>9</sup> through January ~~5~~ <sup>6</sup>.

2. Small game – January ~~6-26~~ <sup>7-27</sup>.

3. Archery – September ~~21~~ <sup>21</sup> through October ~~20~~ <sup>21</sup>.

4. Muzzleloading gun – October ~~25-27~~ <sup>26-28</sup>.

5. Spring turkey – March ~~15~~ <sup>15</sup> through April ~~20~~ <sup>21</sup>.

6. No change.

(b) through (d) No change.

(3) No change.

(a) No change.

1. General gun – November ~~9~~ <sup>9</sup> through January ~~5~~ <sup>6</sup>.

2. Small game – January ~~6~~ <sup>7</sup> through March ~~2~~ <sup>3</sup>.

3. Spring turkey – March ~~15~~ <sup>15</sup> through April ~~20~~ <sup>21</sup>.

4. Archery – September ~~21~~ <sup>21</sup> through October ~~20~~ <sup>21</sup>.

5. No change.

(b) through (d) No change.

(4) No change.

(a) No change.

1. General gun – November ~~9~~ <sup>9</sup> through January ~~5~~ <sup>6</sup>.

2. Small game – January ~~6~~ <sup>7</sup> through March ~~2~~ <sup>3</sup>.

3. Archery – September ~~21~~ <sup>21</sup> through October ~~20~~ <sup>21</sup>.

4. Muzzleloading gun – October ~~25-27~~ <sup>26-28</sup>, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~9~~ <sup>9</sup> through April ~~13~~ <sup>14</sup>.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Spring turkey – March ~~20-23~~ <sup>21-24</sup>, ~~27-30~~ <sup>28-31</sup>, April ~~3-6~~ <sup>4-7</sup> and ~~10-13~~ <sup>11-14</sup>, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

8. through 9. No change.

(b) No change.

1. No change.

2. Furbearing animals – During the November ~~9~~ 10 through March 1 period, hunting as specified in paragraph 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 ~~3~~ 4 through April ~~13~~ 14 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 ~~6~~ 7 through April ~~13~~ 14, only in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of S.R. 19.

(c) through (d) No change.

1. through 4. No change.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 538 from State Road 42 to County Road 445, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. through 7. No change.

8. Dogs may be used to pursue rabbits from January ~~6~~ 7 through April ~~13~~ 14 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.

(5) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

3. Archery – September ~~21~~ 22 through October ~~20~~ 21.

4. No change.

5. Trapping – January ~~6~~ 7 through March 1.

(b) through (d) No change.

(6) No change.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~9-17~~ 10-18.

4. Spring turkey – March ~~15-17~~ 16-18, March ~~21-23~~ 22-24, and ~~28-30~~ 29-31.

5. Small Game – November 30 through December 15 ~~1-16~~ and January ~~18~~ 19 through February ~~9~~ 10.

6. No change.

(b) through (d) No change.

1. through 5. No change.

6. Public access to the area is prohibited during the period from 8:00 p.m. to ~~4:30~~ 5:00 a.m.

7. through 9. No change.

(7) No change.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Small game – January ~~6~~ 7 through March ~~2~~ 3.

3. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

4. Archery – September ~~21~~ 22 through October ~~20~~ 21.

5. No change.

6. Muzzleloading gun – October ~~25-27~~ 26-28.

7. General gun for mobility impaired – November ~~1-3~~ 2-4.

8. General gun-dog – December ~~5-8~~ 6-9, ~~19-22~~ 20-23 and ~~26-29~~ 27-30 in that area between the Florida Turnpike and U.S. 441 only.

9. No change.

(b) Legal to take: All legal game, fish, alligators as specified in Rule 68A-25.042, F.A.C., frogs and furbearers. Hogs may be taken only during the archery, muzzleloading gun, general gun for the mobility-impaired, and the general gun seasons with no size or bag limit. Taking of hogs during the general gun-dog seasons shall be prohibited.

(c) through (d) No change.

1. through 2. No change.

3. Vehicles may be operated only on named or numbered roads except during the general gun for mobility impaired and small game seasons. During general gun-dog hunts, quota permit holders may operate vehicles on named or numbered roads and established firebreaks in that area between the Florida Turnpike and U.S. 441.

4. through 5. No change.

6. Bird dogs and dogs with a shoulder height of 15 inches or less may be used ~~east of the Florida Turnpike~~ during the small game season.

7. through 12. No change.

13. ~~During the archery, muzzleloading gun and general gun seasons, H~~orses may only be ridden on named and numbered roads, except that horses may be ridden on firelines during the general gun-dog season in that portion of the area east of the Florida Turnpike by hunters possessing quota hunt permits for the general gun-dog season. During the small game season, persons hunting from horseback are not restricted to named and numbered roads.

(e) No change.

(8) No change.

(a) No change.

1. Archery – September ~~27-29~~ 28-30 and October ~~4-6~~ 5-7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~15-17~~ 16-18 and ~~22-24~~ 23-25.

4. Small game – December ~~7-29~~ 8-23.

5. Spring turkey – March ~~15-17 16-18, 28-30 29-31~~ and April ~~11-13 12-14~~.

6. No change.

7. General gun hog – November ~~29 30~~ through December ~~1 2~~ and January ~~3-5 4-6~~.

(b) through (d) No change.

(9) No change.

(a) No change.

1. General gun – November ~~9 10~~ through January ~~5 6~~.

2. Archery – September ~~21 22~~ through October ~~20 21~~.

3. Muzzleloading gun – October ~~25-27 26-28~~.

4. Small game – January ~~6 7~~ through March ~~2 3~~.

5. Spring turkey – March ~~15-17 16-18, 28-30 29-31~~ and April ~~11-13 12-14~~.

6. No change.

(b) through (d) No change.

1. through 5. No change.

6. Airboats, tracked vehicles, ~~motorcycles~~ and all-terrain vehicles are prohibited.

7. No change.

8. No person shall operate any boat powered by an internal combustion engine on Woody Pond, Bear Pond, or Rattlesnake Pond ~~and~~ ~~or~~ its adjoining canals.

(10) No change.

(a) No change.

1. General gun – November ~~9-17 10-18~~.

2. Archery – September ~~21 22~~ through October ~~6 7~~.

3. Muzzleloading gun – October ~~25-27 26-28~~.

4. Small game – November ~~21 22~~ through December ~~29 30~~.

5. Spring turkey – March ~~15-17 16-18, 28-30 29-31~~ and April ~~11-13 12-14~~.

6. through 7. No change.

(b) through (d) No change.

1. Vehicles may be operated only on named or numbered roads. Horses and bicycles are permitted only on roads, ~~and~~ ~~and~~ firelines, and designated trails.

2. through 6. No change.

(11) No change.

(a) No change.

1. General gun – November ~~9 10~~ through January ~~5 6~~.

2. Archery – September ~~21 22~~ through October ~~20 21~~ (Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October ~~25-27 26-28~~.

4. Small game – January ~~6 7~~ through March ~~2 3~~.

5. Spring turkey – March ~~15 16~~ through April ~~20 21~~.

6. No change.

(b) No change.

(c) Camping: Permitted only during periods open to hunting except during small game season. Camping is permitted only at designated campsites by permit from The Plum Creek Timber Company.

(d) No change.

(12) No change.

(a) No change.

1. Archery – September ~~26-29 27-30~~ and October ~~3-6 4-7~~.

2. Muzzleloading gun – October ~~10-13 11-14~~ and ~~17-20 18-21~~.

3. Modern gun – November ~~14-17 15-18~~ and ~~22-24 23-25~~.

4. Spring turkey – March ~~15-17 16-18, 28-30 29-31~~, and April ~~11-13 12-14~~.

5. General gun-hog – January ~~10-16 11-17~~ and ~~24-30 25-31~~.

(b) through (d) No change.

(13) No change.

(a) No change.

1. Archery – October ~~4-6 5-7~~ and ~~11-13 12-14~~.

2. Muzzleloading gun – October ~~26-27 27-28~~ and November ~~2-3 3-4~~.

3. Modern gun – November ~~15-17 16-18~~.

4. Small game – November ~~23-24 24-25, November 30-December 1 1-2~~ and ~~December 7-8 8-9~~.

5. Spring turkey – March ~~15-17 16-18, 21-23 22-24~~ and ~~28-30 29-31~~.

6. General gun hog – February ~~8-14 9-15~~.

7. No change.

(b) Legal to take: All legal game, fish and furbearers (except bobcat, ~~mink~~ and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Any deer (except spotted fawn) may be taken during the archery season. Antlerless deer may be taken by permit only during the muzzleloading and modern gun seasons. There shall be no size limit or bag limit restrictions on wild hogs. Only wild hogs may be taken during the general gun-hog season.

(c) through (d) No change.

(14) No change.

(a) No change.

1. Archery – September ~~21 22~~ through October ~~20 21~~.

2. Muzzleloading gun – October ~~25-27 26-28~~.

3. General gun – November ~~9 10~~ through January ~~5 6~~.

4. Small game – January ~~6-26 7-27~~.

5. Spring turkey – March ~~15 16~~ through April ~~20 21~~.

6. No change.

(b) through (d) No change.

(15) No change.

(a) No change.

1. Archery – September ~~27-29 28-30~~ and October ~~4-6 5-7~~.

2. Muzzleloading gun – October ~~11-13 12-14~~ and ~~18-20 19-21~~.

3. Modern gun – November ~~8-10~~ ~~9-11~~ and ~~15-17~~ ~~16-18~~.  
 4. Small game – ~~November 30-December 1~~ ~~1-2~~, ~~December 7-8~~ ~~8-9~~ and ~~January 4-5~~ ~~5-6~~.

(b) through (d) No change.

(16) No change.

(a) No change.

1. No change.

2. General gun – November ~~15-17~~ ~~16-18~~ and ~~22-24~~ ~~23-25~~.

3. Muzzleloading gun – October ~~25-27~~ ~~26-28~~ and November ~~1-3~~ ~~2-4~~.

4. Archery – October ~~11-13~~ ~~12-14~~ and ~~18-20~~ ~~19-21~~.

5. Small game – November ~~29~~ ~~30~~ through December ~~1~~ ~~2~~, December ~~6-8~~ ~~7-9~~, January ~~3-5~~ ~~4-6~~, ~~10-12~~ ~~11-13~~, ~~17-19~~ ~~18-20~~ and ~~24-26~~ ~~25-27~~.

6. through 7. No change.

(b) through (d) No change.

1. through 6. No change.

7. Vessels with internal combustion engines ~~Outboard motors~~ larger than 10 h.p. are prohibited on Lake Ponte Vedra.

8. through 20. No change.

21. Authorized hunting equipment may be taken on the area after 8 a.m. one day before the opening of the archery season and shall be removed from the area before 6 p.m. one day following the close of the final small-game season.

(e) No change.

(17) No change.

(a) No change.

1. Archery – ~~October 4-6 and 11-13~~ ~~September 22-24 and 28-30~~.

2. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

3. General gun – November ~~9-11~~ ~~10-12~~ and ~~15-17~~ ~~16-18~~.

4. Small game – November ~~29~~ ~~30~~ through December ~~1~~ ~~2~~, December ~~6-8~~ ~~7-9~~ and ~~13-15~~ ~~14-16~~.

5. General gun hog – January ~~11-12 and 18-19~~.

~~6.5.~~ Spring turkey – March ~~21-23~~ ~~22-24~~, ~~28-30~~ ~~29-31~~ and April ~~4-6~~ ~~5-7~~.

~~7.6.~~ No change.

(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. During the archery, muzzleloading gun, and general gun seasons, antlerless deer may be taken by permit only. During the archery, muzzleloading gun and general gun seasons the bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. No bag or size limit on wild hogs.

(c) through (d) No change.

1. No change.

2. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

3. through 7. No change.

8. Vehicular access is permitted one day prior to each hunt during the archery, muzzleloading gun, general gun, and spring turkey hunts from 8 a.m. until 6 p.m.

(18) No change.

(a) No change.

1. Archery – September ~~22-29~~ ~~23-30~~.

2. Supervised small game – October ~~6-14~~ ~~7-15~~.

3. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

4. General gun – November ~~9-17~~ ~~10-18~~.

5. No change.

6. Small game – November ~~21~~ ~~22~~ through January ~~5~~ ~~6~~, Thursdays, Fridays, Saturdays and Sundays only.

7. Spring turkey – March ~~15-18~~ ~~16-19~~ and ~~19-23~~ ~~20-24~~.

8. No change.

9. No change.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers, except bobcat, ~~mink~~ and otter. During the archery, muzzleloading gun and general gun seasons the bag limit for deer shall be one per hunter. There shall be no bag or size limit restrictions on wild hogs. During the spring turkey season the bag limit for turkey shall be one gobbler (or bearded turkey) per hunter.

(c) through (d) No change.

(19) No change.

(a) No change.

1. Archery – September ~~21~~ ~~22~~ through October ~~20~~ ~~21~~.

2. Muzzleloading gun – October ~~25-27~~ ~~26-28~~.

3. General gun – November ~~9-24~~ ~~10-25~~.

4. Small game – November ~~25~~ ~~26~~ through March ~~2~~ ~~3~~.

5. Spring turkey – March ~~15-17~~ ~~16-18~~, ~~28-30~~ ~~29-31~~, and April ~~11-13~~ ~~12-14~~.

6. No change.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers, except bobcat, ~~mink~~ and otter. No bag or size limit restrictions on wild hogs.

(c) through (d) No change.

(20) No change.

(a) No change.

1. Small game – November ~~9~~ ~~10~~ through December ~~1~~ ~~2~~ and December ~~21~~ ~~22~~ through January ~~5~~ ~~6~~.

2. Special-opportunity turkey – March ~~15-21~~ ~~16-22~~, March ~~29~~ ~~30~~ through April ~~4~~ ~~5~~ and ~~12-18~~ ~~13-19~~.

3. General gun hog – January ~~11-14~~ ~~12-15~~, ~~15-20~~ ~~16-21~~, ~~21-26~~ ~~22-27~~.

4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third,

and ~~fourth~~ fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting is permitted on posted dove fields ~~is permitted~~ other than on these dates.

5. No change.

(b) No change.

(c) Camping: Camping is permitted at designated campsites during special-opportunity turkey hunts and at other times by permit from the Division of Forestry.

(d) No change.

1. through 10. No change.

11. During non-hunting periods, public access to the area is prohibited during the period from sunset to sunrise, unless camping at designated camping areas.

(e) No change.

(21) No change.

(a) No change.

1. Archery – September ~~21-24~~ 22-25 and ~~25-29~~ 26-30.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – ~~November 30-December 3~~ 4-8 and ~~December 4-8~~ 5-9.

4. Small game – January ~~11-26~~ 12-27, Saturdays and Sundays only.

5. Spring turkey – March ~~15-18~~ 16-19 and ~~19-23~~ 20-24.

6. General gun for mobility-impaired – October ~~18-20~~ 19-21.

7. No change.

(b) through (d) No change.

(22) Triple N Ranch Wildlife Management Area:

(a) Open season:

1. General gun hog – October ~~12-14, 19-21, and 26-28~~.

2. Special opportunity deer – November ~~10-16~~.

3. Small game – November ~~24 through January 20~~.

4. Special opportunity turkey – March ~~16-22, March 30 through April 5 and 13-19~~.

5. Fishing and frogging – Permitted throughout the year.

6. Trapping – Prohibited.

(b) Legal to take: Wild hogs, 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 of antlered deer not having at least one antler with four or more points is prohibited. 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) Camping: Permitted only at designated campsites during periods open to hunting.

(d) General regulations:

1. Only tents, trailers or self-propelled camping vehicles may be used for camping.

~~2. Vehicles or horses may be used only on named and numbered roads except that horses are not restricted to roads 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.~~

~~4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.~~

~~5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.~~

~~6. Hunters shall enter and exit the area at the designated entrance and register at the hunt headquarters. Persons entering the area for purposes other than hunting shall register upon entering and exiting the area. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.~~

~~7. Individuals in possession of a special-opportunity hunt permit may have vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt.~~

~~8. Hogs, deer and turkeys must be checked at the hunt headquarters prior to being dismembered and taken from the area.~~

~~9. Public access to the area is prohibited during the period from 8 p.m. to 5 a.m., unless camping at designated camping areas during hunts.~~

~~(22)(23)~~ Etoniah Creek Wildlife Management Area.

(a) No change.

1. Archery – September ~~21~~ 22 through October ~~6~~ 7.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~9-17~~ 10-18.

4. No change.

5. Spring turkey – March ~~15-17~~ 16-18, 21-23 ~~22-24, March 28-30~~ 29-31.

6. No change.

(b) through (d) No change.

~~(23)(24)~~ Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) No change.

1. Archery – October ~~4-6~~ 5-7 and ~~11-13~~ 12-14.

2. Muzzleloading gun – November ~~1-3~~ 2-4.

3. General gun – November ~~15-17~~ 16-18.

4. Small game – December ~~7-22~~ 8-23 (Saturdays and Sundays only).

5. No change.

(b) through (c) No change.

~~(24)(25)~~ Lake Panasoffkee Wildlife Management Area.

(a) No change.

1. Special-opportunity turkey – March ~~20-23~~ 21-24, April ~~1-4~~ 2-5 and April ~~17-20~~ 18-21.

2. Special-opportunity archery – September ~~26-29~~ 27-30, October ~~3-6~~ 4-7 and ~~15-18~~ 16-19, October 31 through November 3 ~~4-4~~, November 12-15 ~~13-16~~, November ~~28~~ 29 through December ~~1, 2~~ December 10-13 and ~~11-14~~, and January ~~2-5~~ 3-6.

3. Special-opportunity hog-still – January 31 through February 2 ~~1-3~~.

4. Special-opportunity hog-dog – February ~~12-14~~ 13-15.

5. Small game – January ~~17-19~~ 18-20 and ~~24-26~~ 25-27.

6. through 7. No change.

(b) through (d) No change.

1. No change.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads ~~may be parked only at designated parking areas~~. Horses and bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles, ~~bicycles~~ or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.

4. through 5. No change.

6. During periods when the area is closed to hunting, vehicular access is restricted to the main entrance road to the horse stable facility. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from ~~8 a.m. to 6 p.m. sunrise to sunset on the day Friday~~ preceding the hunt.

7. No change.

8. Shotguns are prohibited during the special-opportunity archery hunts.

8. through 11. renumbered 9. through 12. No change.

~~(25)(26)~~ Ross Prairie Wildlife Management Area.

(a) No change.

1. Supervised small game- October ~~12-18~~ 13-19, November ~~16-22~~ 17-23, December ~~14-20~~ 15-21 and January ~~11-17~~ 12-18.

(b) through (d) No change.

~~(26)(27)~~ Buck Lake Wildlife Management Area.

(a) No change.

1. Archery – September ~~21-29~~ 22-30 and September 30-October 6 ~~1-7~~.

2. Muzzleloading gun – October ~~25-27~~ 26-28.

3. General gun – November ~~9-12~~ 10-13 and ~~13-17~~ 14-18.

4. Small game – November 30-December 15 ~~1-16~~.

5. Spring turkey – March ~~15-18~~ 16-19 and ~~19-23~~ 20-24.

6. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat, ~~mink~~ and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Antlerless deer may be taken by permit only during muzzleloading gun and general gun season. No size or bag limit on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) No change.

~~(27)(28)~~ Nassau Wildlife Management Area.

(a) No change.

1. General gun – November ~~9~~ 10 through January ~~5~~ 6.

2. Small game – January ~~6~~ 7 through March ~~2~~ 3.

3. Spring turkey – March ~~15~~ 16 through April ~~20~~ 21.

4. Archery – September ~~21~~ 22 through October ~~20~~ 21.

5. Muzzleloading gun – October ~~25-27~~ 26-28.

6. No change.

7. Trapping – January ~~6~~ 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) through (d) No change.

~~(28)(29)~~ Cary Wildlife Management Area.

(a) No change.

1. Archery – October ~~12-13~~ 13-14, November ~~2-3~~ 3-4 and ~~16-17~~ 17-18, December ~~7-8~~ 8-9 and ~~21-22~~ 22-23.

2. Muzzleloading gun – December ~~28-29~~ 29-30 and January ~~11-12~~ 12-13.

3. No change.

(b) through (d) No change.

1. through 4. No change.

~~5. Crossbows are prohibited.~~

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

~~(29)(30)~~ Fort Drum Wildlife Management Area.

(a) No change.

1. Special-opportunity deer – November ~~9-15~~ 10-16.

2. Small game – December ~~7-22~~ 8-23.

3. Special-opportunity turkey – March ~~15-21~~ 16-22, March ~~29~~ 30 through April ~~4~~ 5 and April ~~12-18~~ 13-19.

4. Special-opportunity wild hog – October 4-6, 11-13, 18-20 ~~September 4-6, 11-13, and 18-20~~.

5. No change.

(b) Legal to take: All legal game and fish. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer 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) through (d) No change.

~~(30)~~ Ocklawaha River Wildlife Management Area – Gores Landing Unit.

(a) Open season:

1. Archery – September 21 through October 6.

2. Muzzleloading gun – October 25-27.

3. General gun – November 9-17.

4. Small game – November 30 – December 15.

5. Spring turkey – March 15-18 and 19-23.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers. During archery, muzzleloading gun, and general gun seasons, the bag limit for deer shall be one per hunter. There shall be no bag or size limits on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per hunter.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads during hunting season only.

2. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.

3. Hunters shall enter and exit the area at designated entrances or from the Ocklawaha River.

4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

(31) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September 21-23.

2. Muzzleloading gun – October 25-27.

3. General gun – November 9-11.

4. Spring turkey – March 15-17 and 21-23.

5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.

(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.

(c) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named and numbered roads and shall be parked at designated parking areas.

3. The use of horses, tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited during periods when hunting is permitted. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. Hunters shall enter and exit the area only at designated entrances, register upon entering, and record all game taken.

(32) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September 21 through October 20.

2. Muzzleloading gun – October 25-27.

3. General gun – November 9 through January 5.

4. Small game – January 6 through March 2.

5. Spring turkey – March 15 through April 20.

6. Fishing and frogging – During periods open for hunting or scouting.

7. Trapping – January 6 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited.

(d) General regulations:

1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited.

2. Vehicles may be operated only on named and numbered roads.

3. Fires are prohibited.

4. 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.

5. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday two weeks prior to the archery season through the last day of the spring turkey season.

6. Taking of wildlife by use of a gun on or from rights-of-way of named or numbered roads is prohibited.

7. Horses are prohibited.

8. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History–New 6-21-82, Amended 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, 12-26-00, 7-1-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

General Regulations Relating to Type II 68A-16.004  
Wildlife Management Areas

PURPOSE AND EFFECT: The purposes of the proposed rule change is to clarify rule language regarding issuance of permits for raccoon hunting.

SUMMARY: The proposed rule change would clarify that the Executive Director or designee shall (rather than may) issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon

hunting during otherwise closed seasons and at times and places designated in the permit, provided specified permit criteria are met.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$122 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 8:30 a.m. each day, April 3-5, 2002

**PLACE:** The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-16.004 General Regulations Relating to Type II Wildlife Management Areas.

(1) through (4) No change.

(a) No change.

(b) No person shall possess any dog on a wildlife management area during any hunting season in which the use of dogs is prohibited on such area provided that pet dogs under restraint may be possessed. The Executive Director or designee shall ~~may~~ issue permits to raccoon hunting organizations that are sanctioned by the United Kennel Club, American Kennel Club, Professional Kennel Club, or similar sanctioning entity to allow raccoon hunting during otherwise closed seasons and at times and places designated in the permit. Permits may be issued only in areas where this activity will not negatively impact wildlife, where adjoining landowner conflicts will be minimal, where cooperating landowners are in agreement with the permit conditions, and when not in conflict with other user groups.

(c) No change.

(5) through (12) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 8-4-81, 7-29-82, 9-27-83, 7-1-85, Formerly 39-16.04, Amended 8-18-88, 4-4-91, 9-15-94, 8-15-95, 7-1-98, 12-28-98, Formerly 39-16.004, Amended 7-1-00, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Timothy A. Breault, Division of Wildlife

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 23, 2002

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 30, 2001

**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 purposes of the proposed rule changes are to adjust hunting season dates on all Type II Wildlife Management Areas (WMAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WMAs.

**SUMMARY:** Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on Type II WMAs to conform with 2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WMAs as follows:

Bayard – The proposed rule would prohibit hog harvest during spring turkey season; delete redundant rule language; clarify rule language regarding use of horses; and expand the areas where hunting is permitted.

Eglin Air Force Base – The proposed rule would allow dogs, other than bird dogs and retrievers, to be trained November 16-17 in Units 1, 6, 10, 12, 13, and 17; prohibit taking wildlife by use of a gun on or upon the right-of-way of Range Road 200; clarify how firearms must be transported; clarify which target ranges may be used; clarify check station requirements; provide for permitting of ATV use; delete unnecessary rule language regarding open seasons, legal to take, and ATVs; corrects an error regarding closed units; and increases the daily hours that fishing is permitted.

Lower Escambia River – The proposed rule would update the WMA name to “Escambia River;” expand archery/muzzleloading gun by 30 days on major portions of the area; and delete redundant rule language.

Tyndall Air Force Base – The proposed rule would shift the second phase of the general gun season from December 28-30 to January 11-12; reduce muzzleloading gun season from 3 days to 2 days (November 23-24); restrict fires to designated areas; and restrict camping to designated areas.

Econfina Creek – The proposed rule would prohibit taking wildlife by use of a gun on or upon the right-of-ways of Thomas and Rattlesnake Roads.

Upper St. Johns River Marsh – The proposed rule would permit use of motorized tracked or wheeled vehicles on specified roads by mobility-impaired hunters possessing a letter of authorization from the St. Johns River Water Management District. The proposed rule would prohibit the possession or use of guns (except shotguns during the duck and coot season) on Stick Marsh/Farm 13 and Kenansville Lake.

Ralph E. Simmons Memorial – The proposed rule would prohibit vehicular access for scouting prior to small game seasons.

Emeralda Marsh – The proposed rule would delete obsolete rule language regarding phases of duck and coot season.

Dunns Creek – The proposed rule would establish a nine-day general gun hog hunt (January 18-26); prohibit the taking of hogs during other open seasons; and prohibit possession of rimfire or centerfire rifles or pistols during the spring turkey and wild hog seasons.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$725 for administrative preparation and \$643 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-16.005 Specific Regulations on Type II Wildlife Management Areas.

(1) No change.

(a) No change.

1. No change.

a. Archery – September 21 ~~22~~ through October 20 ~~21~~, Friday, Saturday, Sunday, and Monday only.

b. Muzzleloading gun – October 26 ~~27~~ through November 3 ~~4~~, Friday, Saturday, Sunday, and Monday only.

c. General gun – November 9 ~~10~~ through December 29 ~~30~~, Friday, Saturday, Sunday, and Monday only and at other times as designated by the U.S. Air Force.

d. Small game – December 30 ~~31~~ through March 1 ~~2~~, Friday, Saturday, Sunday, and Monday only.

e. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~, Friday, Saturday, Sunday, and Monday only.

f. through h. No change.

2. No change.

a. No change.

b. Antlerless deer may be taken during the archery season and on October 26 ~~27~~, December 7 ~~8~~ and 14 ~~15~~. Antlered deer may be taken during archery season, muzzleloading gun season, and the first four weekend hunting periods of general gun season.

c. No change.

3. No change.

(2) No change.

(a) No change.

1. No change.

a. Archery – September 21-23 ~~22-24~~, September 28-30 ~~29 through October 1~~, and October 5-7 ~~6-8~~.

b. Muzzleloading gun – October 25-27 ~~26-28~~.

c. Small game – November 30 through December 4 ~~1-5~~ and December 21-25 ~~22-26~~.

d. through g. No change.

2. through 3. No change.

(b) No change.

1. No change.

a. General gun – November 9 ~~10~~ through January 5 ~~6~~.

b. Small game – January 6 ~~7~~ through March 2 ~~3~~.

c. Archery – September 21 ~~22~~ through October 20 ~~21~~.

d. Muzzleloading gun – October 26 ~~27~~ through November 3 ~~4~~.

e. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

f. through i. No change.

2. through 3. No change.

(c) No change.

1. No change.

a. Small game – November 9 ~~10~~ through January 5 ~~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. through d. No change.

2. through 3. No change.

(d) No change.

1. No change.

a. Archery – September 21 ~~22~~ through October 6 ~~7~~ and November 16-24 ~~17-25~~.

b. Muzzleloading gun – October 26 ~~27~~ through November 3 ~~4~~.

- c. through f. No change.
- 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; except spring turkey; turkey of either sex during archery season only; ~~quail, gray squirrel, and rabbit.~~
  - 3. No change.
    - a. through f. No change.
    - g. Horses are permitted throughout the year in Area 1 but ~~and~~ only during non-hunting periods in Areas 2, ~~and~~ 3, ~~and~~ 4.
    - h. through j. No change.
    - k. Hunting is prohibited in Area 1 ~~shall be permitted only in Areas 2 and 3.~~
      - l. through n. No change.
      - (3) No change.
      - (a) No change.
      - 1. No change.
      - 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 7A, 8, 9B, 9C ~~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 7A, 8, 9B, 9C ~~7~~ and 11.
        - b. through d. No change.
        - e. Bird dogs may be trained with the aid of a blank pistol in designated areas during daylight hours. Other types of dogs may be trained from November 16-17 in Units 1, 6, 10, 12, 13, and 17.
        - f. Taking of wildlife by use of a gun on or from the rights-of-way of any paved Eglin road, Range Roads 200, 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. No change.
          - h. All persons must check in and out at the designated check station and check all game taken in Units 7A, 7B, 9A, 9B, 9C ~~7~~ and 11 except during the small game season.
            - i. The use of all-terrain vehicles is prohibited except by permit.
            - j. No change.
            - k. Motorized vehicles are prohibited in Units 4, 5, 8, 9C, 11, and 17, and in Units 1, 2, 3, 7A, 7B, 9A, 9B, ~~7,~~ and 16 except during designated hunts.
              - l. through m. No change.
              - 2. No change.
                - a. Open season – October 19 ~~13~~ through November 17 ~~11~~ in all open, stalk, and archery-only areas.

- b. Legal to take – Antlered deer, antlerless deer before November 18 ~~12~~ only, gray squirrel, and rabbit. Furbearers after November 30 only.
  - 3. No change.
    - a. Open season – November 22-24 ~~16-18~~.
    - b. No change.
  - ~~4. General gun for mobility impaired:~~
    - ~~a. Open season – February 2-3.~~
    - ~~b. Legal to take – All legal game, and antlerless deer.~~
    - ~~e. General regulations:~~
      - ~~i. Use of all-terrain vehicles is allowed by permit only.~~
  - ~~4.5. General gun hunts:~~
    - a. Open season – November 28 through December 1 ~~22-25,~~ December 14 through January 5 ~~8-30,~~ and January 25 ~~19~~ through February 9 ~~3~~ in all units except Units 6 and 16; November 28 through December 1 ~~22-25~~ and December 14 through January 5 ~~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 (except turkeys) and furbearers. Furbearers may be taken after November 30. Antlerless deer may be taken by permit only.
    - c. No change.
  - ~~5.6. Small game hunt:~~
    - a. Open season – January 6-24 ~~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 9 ~~10~~ through February 20 ~~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. No change.
      - 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 January 6-24 ~~December 31 through January 18.~~
  - ~~6.7. Archery and muzzleloading gun:~~
    - a. Open season – February 14-17 ~~8-11~~ and 21-23 ~~15-17~~ except in Units ~~6 and~~ 16.
    - b. through c. No change.
  - ~~7.8. Dove season:~~
    - a. through b. No change.
  - ~~8.9. Spring turkey season:~~
    - a. Open season – March 15 ~~16~~ through April 20 ~~21~~.
    - b. No change.
  - ~~10. Special hunt:~~
    - ~~a. Open season – February 9-10.~~
    - ~~b. Legal to take – Any deer (except spotted fawns).~~
  - ~~9.11. Trapping:~~
    - a. Open season – December 14 ~~8~~ through March 1.
    - b. No change.
  - ~~10.12. Fox, raccoon, opossum, and bobcat:~~
    - a. through b. No change.

~~11.13~~. Fishing:

a. Fishing is permitted only from ~~2 4-1/2~~ hours before sunrise to ~~2 4-1/2~~ hours after sunset except during May 1 through September 30 when it is permitted from ~~2 4-1/2~~ hours before sunrise until 10:00 p.m.

b. through c. No change.

~~12.14~~. Camping: Permitted only at designated campsites.

(b) ~~Lower~~ Escambia River – Escambia and Santa Rosa counties:

1. No change.

a. General gun – ~~November 28 through December 1 and December 14-31 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 9 through March 2 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. No change.

d. Muzzleloading gun – ~~November 22-24 46-48.~~

e. Archery – ~~October 19 43 through November 17 44.~~

f. Archery and muzzleloading gun – ~~February 14-24 except on Parker and Morgan Islands (January 1-31 and February 20 through March 2 44-24).~~

g. Spring turkey – ~~March 15 46 through April 20 24.~~

h. through j. No change.

2. through 3. No change.

a. through d. No change.

e. Hunting with dogs other than bird dogs is prohibited during daylight hours ~~November 9-27 40-24, December 2-13 November 26 through December 7, and January 2 3 through March 2 3~~; also, ~~November 28 through December 1 22-25 and December 14-31 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. through i. No change.

(c) No change.

1. No change.

a. Hunting – ~~October 19 43 through 17 24~~ daily and ~~October 28 22 through November 27 44~~ on Wednesdays, Saturdays, Sundays, and federal holidays only.

b. No change.

2. No change.

a. Hunting – ~~November 23-24 46-48~~ in designated areas.

b. No change.

3. No change.

a. General gun – ~~December 21-22 45-46, January 11-12 29-30, and February 1-2 January 26-27.~~

b. through c. No change.

4. No change.

a. Hunting – ~~November 28 through December 1 22-25 and December 14 8 through February 19 43~~ on Saturdays, Sundays, Wednesdays, federal holidays from ~~November 28 22 through February 19 43~~, and daily from ~~December 21 45 through January 5 30~~ except Christmas Day. Hunt days are subject to change by order of the Wing Commander.

b. No change.

5. No change.

a. Hunting – ~~November 23-24 47-48, December 7-8 44-42 and 21-22 45-46.~~

b. No change.

6. No change.

7. No change.

a. Hunting – ~~March 15-16 46-47, 22-23 23-24, 29-30 30-34, April 5-6 6-7, 12-13 43-44, and 19-20 20-24.~~

b. through c. No change.

8. through 9. No change.

a. through d. No change.

e. Fires are prohibited except in designated areas.

f. Camping is prohibited except in designated areas.

g. through m. No change.

(d) No change.

1. No change.

a. General gun – ~~November 28 through December 1 22-25 and December 14 8~~ through January 1.

b. Archery – ~~October 19 43 through November 17 44.~~

c. Muzzleloading gun – ~~November 22-24 46-48.~~

d. Small game – ~~November 9-27 40-24, December 2-13 November 26 through December 7, and January 2 through March 2 3.~~

e. Archery and muzzleloading gun – ~~February 22-23 46-47 and March 1-2 23-24.~~

f. Spring turkey – ~~March 15 46 through April 20 24.~~

g. through k. No change.

2. through 3. No change.

(e) No change.

1. No change.

a. General gun – ~~November 28 through December 1 22-25 and December 14 8~~ through February 19 43.

b. Archery – ~~October 19 43 through November 17 44.~~

c. Muzzleloading gun – ~~November 22-24 46-48.~~

d. Small game – ~~November 9-27 40-24, December 2-13 November 26 through December 7, and February 20 44 through March 2 3.~~

e. Archery and muzzleloading gun – ~~February 20 through March 2 44-24.~~

f. Spring turkey – ~~March 15 46 through April 20 24.~~

g. through k. No change.

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 28 through December 1 ~~22-25~~ and December 14-25 ~~8-19~~.

3. No change.

(f) No change.

1. No change.

a. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 19 ~~13~~ except Holmes Creek Unit and East River Island.

b. Archery – October 19 ~~13~~ through November 17 ~~11~~.

c. Muzzleloading gun – November 22-24 ~~16-18~~.

d. Small game – November 9-27 ~~10-21~~, December 2-13 ~~November 26 through December 7~~, and February 20 ~~14~~ through March 2 ~~3~~.

e. Archery and muzzleloading gun – February 20 through March 2 ~~14-24~~. Holmes Creek Unit and East River Island November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through March 2 ~~February 24~~.

f. Spring turkey – March 15 ~~16~~ through April 20 ~~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. through k. No change.

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 28 through December 1 ~~22-25~~ and December 14-25 ~~8-19~~.

3. No change.

(g) No change.

1. No change.

a. Archery – October 19 ~~13~~ through November 17 ~~11~~.

b. Muzzleloading gun – November 22-24 ~~16-18~~.

c. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 19 ~~13~~.

d. Small game – November 9-21 ~~10-15~~, 25-27 ~~19-21~~, and December 2-13 ~~November 26 through December 7~~, and February 25 through March 3.

e. Archery and muzzleloading gun – February 20 through March 2 ~~14-24~~.

f. through i. No change.

2. through 3. No change.

(h) No change.

1. No change.

a. Archery – October 19 ~~13~~ through November 17 ~~11~~.

b. Muzzleloading gun – November 22-24 ~~16-18~~.

c. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 19 ~~13~~.

d. Small game – November 9-21 ~~10-15~~, 25-27 ~~19-21~~, December 2-13 ~~November 26 through December 7~~, and February 25 through March 3.

e. Archery and muzzleloading gun – February 20 through March 2 ~~14-24~~.

f. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

g. through j. No change.

2. through 3. No change.

(i) No change.

1. No change.

a. Archery – October 19 ~~13~~ through November 17 ~~11~~.

b. Muzzleloading gun – November 22-24 ~~16-18~~.

c. General gun – November 28 through December 1 ~~22-25~~ and December 14 ~~8~~ through February 5 ~~January 30~~.

d. Archery and muzzleloading gun – February 20 through March 2 ~~14-24~~.

e. Small game – November 9 ~~10~~ through March 2 ~~3~~.

f. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~.

g. through k. No change.

2. No change.

a. General gun – November 29 through December 1 ~~23-25~~, January 17-19 ~~11-13~~, 24-26 ~~18-20~~, January 31 through February 2 ~~25-27~~, and February 5-7 ~~January 30 through February 1~~.

b. Spring turkey – March 15-16 ~~16-17~~, 21-23 ~~22-24~~, 28-30 ~~29-31~~, April 4-6 ~~5-7~~, 11-13 ~~12-14~~, and 18-20 ~~19-21~~.

c. No change.

3. through 5. No change.

a. through e. No change.

f. Taking of wildlife by use of a gun on or from rights-of-way of Thomas Road, Rattlesnake Road, 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) No change.

(a) No change.

1. No change.

a. Archery – September 22 ~~21~~ through October 23 ~~22~~.

b. Muzzleloading gun – October 26 ~~27~~ through November 3 ~~4~~.

c. General gun – November 9 ~~10~~ through January 19 ~~20~~.

d. Small game – January 20 ~~21~~ through March 2 ~~3~~.

e. Spring turkey – March 15 ~~16~~ through April 20 ~~21~~

f. Trapping – Prohibited.

g. through i. No change.

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 ~~16-17~~. Turkey of either sex may be taken during the archery or muzzleloading gun season. The period of November 9 ~~10~~ through January 5 ~~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. No change.

a. No change.

b. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road or by mobility-impaired hunters possessing a Letter of Authorization from St. Johns River Water Management District on the marsh. Motorized boats are prohibited in those portions of the area posted as "walk-in only."

c. through j. No change.

k. The possession or use of guns is prohibited, except shotguns during the duck and coot season, in the Stick Marsh/Farm 13, Kenansville Lake, 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. through m. No change.

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 22-26 23-27.

o. through s. No change.

(b) No change.

1. No change.

a. General gun – November 16-24 17-25.

b. Archery – September 21-29 22-30.

c. Muzzleloading gun – October 26 27 through November 3 4.

d. General gun for mobility-impaired – October 12-15 13-16.

e. Small game – December 16-29 17-30 and February 1-9 2-10.

f. through i. No change.

2. through 3. No change.

a. through c. No change.

d. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey, and small game seasons 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. through j. No change.

(c) No change.

1. No change.

a. No change.

i. through ii. No change.

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. through d. No change.

2. through 3. No change.

a. through k. No change.

(d) No change.

1. No change.

a. Archery – September 21 22 through October 6 7 and November 16-24 17-25.

b. Muzzleloading gun – October 26 27 through November 3 4.

c. Wild hog – January 18-26.

d.e. Spring turkey – March 15-17 16-18, 28-30 29-31, and April 11-13 12-14.

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

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. No bag or size limits on wild hogs. 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. No change.

a. through k. No change.

l. The possession of rimfire or centerfire rifles or pistols is prohibited during the spring turkey and wild hog seasons. Only shotguns may be used during the spring turkey season.

m. No change.

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, 5-1-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy A. Breault, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Specific Regulations for Wildlife and

RULE NO.:

Environmental Areas

68A-17.005

PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all Wildlife and Environmental Areas (WEAs) to conform with proposed 2002-2003 hunting season dates for the appropriate hunting zones and to make needed changes in other regulations to allow the agency to more efficiently manage fish and wildlife resources and public use on WEAs.

SUMMARY: Proposed rule changes would adjust all applicable hunting season dates and other references to such dates on WEAs to conform with 2002-2003 hunting season dates for the appropriate hunting zones. Changes also would establish or revise specific area regulations on WEAs as follows:

Lake Placid – The proposed rule would eliminate Lake Placid WEA as a separate WEA and establish those lands as an addition to the Lake Wales Ridge WEA.

Santa Fe Swamp – The proposed rule would clarify that vehicles are prohibited except in the designated parking areas.

Southern Glades – The proposed rule would permit vehicular access on named or numbered roads.

Dupuis – The proposed rule would specify that bird dogs are allowed during the small game season and permit entry and exit by people through-hiking on the Florida Trail.

Hungryland WEA – The proposed rule would establish the following seasons: archery (September 7-13 and 14-22); muzzleloading gun (October 12-14); general gun (October 26-29 and October 30 through November 3); small game (November 9-24); and fishing and frogging throughout the year. The proposed rule would establish the following as legal to take: deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as provided by 68A-13.003 and 68A-13.008. Taking antlerless deer during the archery season would be prohibited. Proposed bag limits would be one deer per quota permit (no bag or size limit on wild hogs). The proposed rule would: allow camping at designated primitive camping sites (tents only); prohibit dogs other than bird dogs or retrievers; prohibit centerfire and rimfire rifles; prohibit the use of tracked vehicles, airboats, buggies, motorcycles or all-terrain vehicles; and prohibit fires except at designated campsites; require horses to be restricted to named or numbered roads and designated horse trails; prohibit operation of vehicles except on named and numbered roads (vehicles prohibited on the Old Jupiter Grade); and require hunters to check in and out at a check station and check all game taken (deer may not be dismembered until checked).

Apalachicola River WEA – The proposed rule would prohibit camping in areas posted closed to camping; permit trailers and self-propelled camping vehicles; delete special-opportunity dove hunts and all associated rule references; prohibit entry into posted dove fields until one hour before shooting time and require exit by one hour after sunset; and permit operation of vehicles on named or numbered roads only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$400 for administrative preparation and \$304 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) No change.

(a) No change.

~~(b) Lake Placid—Highlands County.~~

~~1. The use of motorized vehicles is prohibited.~~

~~2. Horseback riding is allowed by permit only.~~

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

(2) No change.

(a) No change.

1. No change.

a. Archery – September ~~21~~ 22 through October ~~20~~ 24.

b. Muzzleloading gun – October ~~25-27~~ 26-28.

c. Archery and muzzleloading gun – November ~~9~~ 10 through January ~~5~~ 6.

d. Spring turkey – March ~~15~~ 16 through April ~~20~~ 24.

e. through 3. No change.

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles are prohibited except in ~~may be operated only on Cow Pen Road from the entrance to~~ the designated parking area.

c. through (3)(b)3. No change.

a. Camping is limited to tents, trailers, or self-propelled and camping vehicles only. Camping is permitted throughout the area, except where posted as no camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal, or other building materials is prohibited.

b. through d. No change.

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.~~

~~f.g.~~ During the first phase of dove season, all 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. During the second and third phases of dove season, dove 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.

g. Vehicles may be operated only on named or numbered roads.

~~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.~~

~~h.i.~~ Fires other than campfires are prohibited.

(c) through (4)(a)1. No change.

a. Archery – September 7 ~~8~~ through October 6 ~~7~~.

b. Muzzleloading gun – October 11-13 ~~12-14~~.

c. General gun – October 26 ~~27~~ through December 1 ~~2~~.

d. through 3.c. No change.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited. ~~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, and vehicles may be operated on named or numbered roads.~~

e. through (b)1. No change.

a. Archery – September 6-8 ~~8-10, 13-15~~ 15-17, and 20-22 ~~21-23~~.

b. Muzzleloading gun – October 4-6 ~~6-8, 11-13~~ 13-15, 18-20 ~~19-21~~.

c. General gun – October 25-27 ~~27-29~~ and November 1-3 ~~3-5~~.

d. General gun for mobility-impaired – November 9-10 ~~10-11~~.

e. General gun hog – November 12-14 ~~13-15, 19-21~~ 20-22, 26-28 ~~27-29~~, and December 3-5 ~~4-6~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March 4-6 ~~5-7, 14-16~~ 16-18, and 21-23 ~~23-25~~.

g. Small game – December 7 ~~8~~ through January 26 ~~27~~.

h. through 4.e. No change.

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. through j. No change.

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. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. through (c)1. No change.

a. Archery hog hunt – September 7-15 ~~8-16~~, Corkscrew Marsh Unit only.

b. Muzzleloading gun hog hunt – October 12-20 ~~13-21~~, Corkscrew Marsh Unit only.

c. No change.

2. through 4.(d) No change.

(e) Hungryland WEA – Palm Beach and Martin counties.

1. Open season:

a. Archery – September 7-13 and 14-22.

b. Muzzleloading gun – October 12-14.

c. General gun – October 26-29 and October 30 through November 3.

d. Small game – November 9-24.

e. Fishing and frogging – Permitted throughout the year.

2. Legal to take: Deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as established by Rule 68A-13.003 and 68A-13.008, F.A.C., when migratory game bird season coincides with the archery, muzzleloading gun, general gun, or small game season. The bag limit for deer shall be one each per quota permit. No size or bag limits on wild hogs. The taking of antlerless deer is prohibited during the archery season.

3. Camping: Camping is permitted at designated primitive sites. Only tents may be used for camping.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated camping sites.

c. Vehicles may be operated only on named or numbered roads and in designated parking areas. Vehicles are prohibited on the Old Jupiter Grade.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited.

e. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

f. No deer shall be dismembered until checked at a check station.

g. Dogs are prohibited except bird dogs and retrievers may be used for hunting during the small game season.

h. Centerfire and rimfire rifles are prohibited.

i. Horses may be used only on designated equestrian trails and named or numbered roads.

(5) No change.

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-#1-90, 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, 5-1-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy A. Breault, Division of Wildlife  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dr. Allan L. Egbert, Executive  
Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 23, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 30, 2001

**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 proposed rule would change regulations on Merritts Mill Pond Fish Management Area (FMA), Joe Budd (FMA), Marl Ponds FMA, and Tenoroc FMA, including regulations governing bag and length limits on freshwater fish, seasons on certain lakes open to public fishing, or other technical changes to more effectively manage public use and provide quality or high-quality fishing on these areas. The proposed rule would establish Lake Rachael, Madison County, as an FMA for the purpose of allowing public access to private property and to manage angler activities.

SUMMARY: The proposed rule would make the following changes:

Merritts Mill Pond FMA: The proposed rule would increase the bag limit from 5 to 10 and reduce the minimum length limit from 14 inches total length to 10 inches total length for redear sunfish (shellcracker).

Joe Budd Pond FMA: The proposed rule would change the date Joe Budd Pond is open for weekend public fishing from the Saturday before Memorial Day to the first Saturday of July.

Marl Pits 1, 2, and 3, FMA: The proposed rule would increase the bag limit from 5 to 10 and reduce the minimum length limit from 14 inches total length to 10 inches total length on Marl Pit 2 for bluegill or redear sunfish (shellcracker).

Tenoroc Fish Management Area: On lakes B and 5 the proposed rule would change the black bass length limit from a 16-inch minimum length limit (i.e., no person shall take any black bass that is 16 inches or less in total length) to a 15-inch maximum length limit (no person shall take any black bass that is 15 inches or more in total length), eliminate the 10 horsepower boat-motor restriction, establish that no person shall operate any boat at more than idle speed-no wake, and define idle speed-no wake as the minimum speed necessary to maintain steerage. On Picnic Lake, the proposed rule would change the black bass length limit from a 16-inch minimum length limit (i.e., no person shall take any black bass that is 16 inches or less in total length) to a 15-inch maximum length limit (no person shall take any black bass that is 15 inches or more in total length). The proposed rule would eliminate the

provision that no person 16 years or older shall fish unless accompanied by a child under 16 years of age. On Derby Lake the proposed rule would establish that no person 16 years of age or older shall fish unless accompanied by a child under 16 years of age.

Establish Lake Rachael as an FMA for the purpose of allowing public access to private property in return for fishery management and, at the request of the landowners, would include regulations specifying use of electric motors only, catch and release only for largemouth bass, and prohibiting discharge of firearms.

The proposed rule would also provide for two administrative corrections: (1) Replace reference of repealed Rule 68A-25.047, with 68A-25.042 in subparagraph 68A-20.005(4)(j)3., and (2) Change the minimum black bass length at harvest from 16 inches to 18 inches on Lang Lake as approved by the Commission at its March 2000 meeting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation, \$410 for advertising, and less than \$1,400 for miscellaneous expenses such as new signs or 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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) Northwest Region:

(a) through (b) No change.

(c) Merritts Mill Pond, Jackson County:

1. through 2. No change.

3. No person shall take in any one day more than 10 ~~5~~ redear sunfish (shellcracker).

4. No person shall kill or possess any redear sunfish that is less than 10 ~~14~~ inches in total length.

5. No change.

(d) through (g) No change.

(h) Joe Budd Pond, Gadsden County.

1. No change.
  - a. From 12:01 a.m. the ~~first Saturday of July before Memorial Day~~ to 12:01 a.m. Tuesday following Labor Day, open to fishing on weekends ~~and Memorial Day~~ and Labor Day.
    - b. No change.
    2. through 6. No change.
  - (i) No change.
  - (2) North Central Region:
    - (a) through (g) No change.
    - (h) Lang Lake, Hamilton County:
      1. through 2. No change.
      3. No person shall kill or possess any black bass less than ~~18~~ 16 inches in total length.
      4. through 5. No change.
    - (i) through (j) No change.
  - (k) Lake Rachael, Madison County:
    1. The use of boats propelled by gasoline motors is prohibited.
    2. No person shall kill or possess any black bass.
    3. Discharge of firearms is prohibited.
  - (3) No change.
  - (4) Southwest Region:
    - (a) through (h) No change.
    - (i) Marl Pits 1, 2 and 3, Charlotte County:
      1. through 2. No change.
      3. Marl Pit 2: No person shall kill or possess any bluegill or redear sunfish less than ~~10~~ 42 inches. No person shall take in any one day more than ~~10~~ 5 bluegill or redear sunfish.
        - (j) Tenoroc Fish Management Area.
          1. No change.
          2. Specific regulations:
            - a. Lakes B and 5
              - (I) No person shall operate any boat at more than idle speed-no wake. Idle speed-no wake is the minimum speed necessary to maintain steerage propelled by an engine of more than 10 horsepower.
              - (II) through (III) No change.
            - b. Picnic Lake
              - (I) No change.
              - (II) No person shall kill or possess any black bass that is 15 inches unless such black bass is 16 inches or more in total length. ~~No person 16 years of age or older shall fish unless accompanied by a child under 16 years of age.~~
          - c. Lakes East Pasture, West Pasture and Derby
            - (I) No change.
            - (II) Closed to fishing unless authorized by permit issued by the Commission for Commission-sanctioned events or as specified in sub-sub-subparagraph 68A-20.005(4)(j)2.c.(III), ~~and (IV), and (V)~~, F.A.C., below.

(III) through (IV) No change.  
(V) No person 16 years of age or older shall fish on Derby Lake unless accompanied by a child under 16 years of age.  
 (V) through (VI) renumbered (VI) through (VII) No change.  
 d. through e. No change.  
 3. Notwithstanding any provisions of this subparagraph, special-opportunity alligator hunt participants may possess and use guns and baits as specified in Rule ~~68A-25.042~~ 68A-25.047, F.A.C., when taking alligators.  
 (k) through (u) No change.  
 (5) No change.  
(6) This rule shall become effective July 1, 2002.

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, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 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, 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, 10-9-01, 7-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Darrell L. Scovell, Division of Freshwater Fish  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan L. Egbert, Executive Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Introduction of Non-Native Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purposes; Diseased Fish  
 RULE NO.: 68A-23.008  
 PURPOSE AND EFFECT: The proposed rule would exempt aquaculturists, who are properly registered by the Department of Agriculture and Consumer Services (DACs), from the requirement to obtain a Fish and Wildlife Conservation Commission (Commission) permit to possess restricted nonnative species. The proposed rule would simplify restricted nonnative aquatic species permitting for aquaculturists.  
 SUMMARY: Aquaculturists, who possess a valid certificate of registration from DACs, which authorizes them to possess restricted nonnative aquatic species, would be exempt from obtaining a Commission permit for this same activity.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Costs are estimated at approximately \$150 for administrative preparation, \$172 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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) through (b) No change.
  - (c) Permits may be granted for research or ~~aquacultural purposes and~~ to commercial import or export facilities or public aquaria involved in educational efforts. Permits shall not be issued for display in private aquaria.

(d) Any person engaged in aquaculture who possesses a valid certificate of registration from the Department of Agriculture and Consumer Services issued pursuant to Chapter 597, Florida Statutes, and who is authorized to possess restricted aquatic species in accordance with such Chapter is exempt from the permit requirement in paragraph 68A-23.008(2)(a), F.A.C.

- (3) through (8) No change.
- (9) This rule shall become effective July 1, 2002.

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, 7-1-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Division of Freshwater Fish

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Methods of Taking Fur-Bearing Animals; Possession; Open Season

RULE NO.: 68A-24.002

PURPOSE AND EFFECT: The purpose of the proposed rule change is to prohibit the harvest of mink.

SUMMARY: The proposed rule change will prohibit the harvest of mink.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$65 for administrative preparation and \$79 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-24.002 Methods of Taking Fur-Bearing Animals; Possession; Open Season.

- (1) through (2)(b) No change.
- (c) ~~Bobcat, or otter, or mink (except Everglades mink)~~ may be taken only from December 1 through March 1 by live traps, guns, dogs or snares. Fox and bobcats may be chased by the use of free-running dogs throughout the year. The possession of a gun while hunting fox is prohibited. The possession of a gun while chasing bobcat is prohibited from March 2 through November 30. No person shall kill or possess fox unless authorized by permit from the executive director.

(d) The taking or possession of ~~Everglades~~ mink, weasel, round-tailed muskrat or Key Vaca raccoon is prohibited.

- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-5-84, 7-1-85, Formerly 39-24.02, Amended 10-8-87, 4-11-90, Formerly 39-24.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy A. Breault, Division of Wildlife  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dr. Allan L. Egbert, Executive  
Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 23, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 8, 2002

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Regulations Governing Alligator Egg and  
Hatchling Collections on Not Included  
in Alligator Management Programs  
on Private Lands

RULE NO.: 68A-25.031

PURPOSE AND EFFECT: The purposes of the proposed rule are to lower the minimum number of hatchling tags that must be requested by program participants from 200 to 50 and provide for refunding egg collection coordinators' egg fees when they pay for survey costs. The effects will be to reduce requirements for participation in the hatchling collection program and to make egg collection coordinators' collection costs, relative to egg fees and survey costs, similar across all egg collection areas.

SUMMARY: The proposed rule would lower the minimum number of hatchling tags that must be requested from 200 to 50 and provide for refunding egg collection coordinators' egg fees when they pay for survey costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$629 for administrative preparation and \$113 for advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands.

(1) No change.

(a) No change.

(b) Alligator hatchling collection quota limits will be established by the Executive Director for individual counties or other specified management units. Such quotas will be from zero to 500 and will be based on the quantity of alligator habitat in each individual county and the best biological information that indicates the number of hatchlings that can be removed from the system without long-term adverse impacts on population levels. The maximum and minimum numbers of alligator hatchlings that a farm permittee may request and take are 1,000 and ~~50~~ 200, respectively.

(c) through (3)(m) No change.

(n) All eggs collected each day shall be presented in a single layer for inspection to Commission personnel at the designated egg inspection site. The coordinator may select eggs to be retained and shall mark said eggs in a manner designated by the Commission. A fee of \$5 per egg shall be assessed for every egg retained as recorded on Alligator Egg Fee Assessment Records. All remaining eggs shall be surrendered to Commission personnel at the egg inspection site. Each egg collection coordinator shall be refunded fees assessed under this provision for eggs retained from egg collections areas for which he/she has paid for the survey costs not to exceed the amount he/she paid for such surveys as documented by Commission flight records and helicopter flight time invoices.

(o) through (r) No change.

(s) Of the \$5 fee per egg assessed under (3)(~~n~~)(~~i~~), \$1 shall be expended on alligator marketing and education.

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.6674 FS. History—New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy E. O'Meara, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

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

PURPOSE AND EFFECT: The purpose of the proposed rule is to allow applicants to qualify for issuance of egg and hatchling collection permits by meeting minimum quota thresholds in lieu of minimum acreage requirements. The effect will be to increase opportunities for collecting eggs and hatchlings on private lands.

SUMMARY: The proposed rule would allow applicants to qualify for issuance of egg and hatchling collection permits by meeting minimum quota thresholds in lieu of minimum acreage requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$629 for administrative preparation and \$81 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators on private lands may only be established under the following conditions:

(1) through (3) No change.

(a) Alligator eggs and hatchlings may only be collected from properties containing more than 1,000 acres of alligator habitat as described in an alligator habitat inventory submitted as part of FWC form 1000PW, or from properties for which an

alligator nest or hatchling pod survey is submitted which results in establishment of quotas of at least five (5) nests or five (5) pods, respectively, as specified in (3)(b) to (d), below.

(b) through (i) No change.

(4) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O’Meara, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale  
RULE NO.: 68A-25.042

PURPOSE AND EFFECT: The purposes of the proposed rule are to establish new application requirements and permit issuance procedures, extend the birth date deadline for participation from June 1 to September 1, and make the beginning and ending hours similar among all harvest periods. The effects will be to streamline the application and permit issuance procedures, increase participation opportunities, and increase the number of hours within two harvest periods.

SUMMARY: The proposed rule would establish new application requirements and permit issuance procedures, extend the birth date deadline for participation from June 1 to September 1, and make the beginning and ending hours similar among all harvest periods.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$629 for administrative preparation and \$138 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 WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3-5, 2002

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, 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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

- (1) No change.
- (2) Application procedures:

(a) Each applicant shall submit one current-year aAlligator harvest permit applications (FWC form 1000AT, effective April 30, 2000, is incorporated into this rule by reference and may be obtained at the Commission's Tallahassee and regional offices); an alligator trapping license application and fee payment for an alligator trapping license as required by s. 372.6673, F.S., or evidence of possession of an alligator trapping license valid through October 8 of the current year; and \$20 for two CITES tags, pursuant to s. 372.6674, F.S. must be received at the address indicated on the application by 5 p.m., June 1 of each year. Applications received after June 1 shall not be accepted irrespective of the postmark date. Only those complete application packages alligator harvest permit applications received at delivered to the address on the alligator harvest permit application after 8:00 a.m., May 1 of each year via electronic mail, U.S. mail, or a commercially established messenger or courier service shall be accepted. Multiple applications received in one envelope shall not be accepted.

(b) Applicants for alligator harvest permits shall:

1. Be 18 years of age or older by September June 1 in the current application year of the harvest period applied for.

2. through 5. No change.

(3) Procedures governing the selection of applicants and the issuance of harvest permits:

(a) Application packages A subset of applicants meeting the requirements of subsection (2), above, and received each day beginning May 1 shall be randomly selected on a daily basis for permit issuance until all available permits are issued selected by random drawing.

(b) A harvest permit shall be issued to each selected applicant for his/her highest ranked, available harvest unit and harvest period choices. Should a harvest permit not be available for any of the applicant's choices of harvest units and

harvest periods, the applicant's fees shall be returned. To be eligible for permit issuance, selected applicants must submit \$20 for two CITES tags, pursuant to s. 372.6674, F.S., and

1. evidence that they are in possession of an alligator trapping license valid through the harvest period they were assigned, or

2. fee payment and a completed application for an alligator trapping license as required by s. 372.6673, F.S. These submittals must be received, irrespective of the postmark date, by 5 p.m. July 15 at the Commission's Tallahassee office, 620 South Meridian Street, Tallahassee, FL 32399-1600.

(c) Secondary random drawings of applicants meeting the requirements of paragraph (3)(b), above, shall be made for each management unit and harvest period. Applicants so selected shall be issued harvest permits for their assigned management unit and harvest period; remaining applicants shall be issued refunds for fees submitted.

(c)(d) Two CITES tags shall be issued with each harvest permit, except that two harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(d)(e) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferrable.

(4)(a) No change.

(b) Alligators may be taken from 1/2 hour before sunset to 1/2 hour after sunrise during the harvest period specified in the harvest permit. Harvest periods shall be from 1/2 hour before sunset on October 1 through 1/2 hour after sunrise on midnight October 8 7, and from either 1/2 hour before sunset on September 1 through 1/2 hour after sunrise on September 8, or 1/2 hour before sunset on September 8 through 1/2 hour after sunrise on September 15, or 1/2 hour before sunset on September 15 through 1/2 hour after sunrise on September 22, or 1/2 hour before sunset on September 22 through 1/2 hour after sunrise on October 1 midnight September 30, except as otherwise provided in the harvest permit.

(c) through (6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Timothy E. O'Meara, Division of Wildlife

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE: Stone Crab Trap Limitation Program RULE NO.: 68B-13.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to make clarifying and technical changes to the ongoing stone crab management program. The most substantial changes are to increase the number of additional stone crab trap certificates that can be allocated by the Trap Certificate Advisory and Appeals Board and extend the board’s life for an additional year to deal with problems associated with the fishery, when trap tags begin to be used in October of this year. The effect of these changes will be minimal to participants in the fishery, as the board’s work will continue.

SUMMARY: Subsection (5) of Rule 68B-13.010, F.A.C., is amended to insert the word “valid” in a phrase allowing holders of a stone crab incidental take endorsement to harvest up to 5 gallons of stone crab claws per day from blue crab traps. Subparagraph (7)(a)1.d. of the rule, which requires one appointed member of the Trap Advisory and Appeals Board to be of Hispanic origin and bilingual, is deleted. Paragraph (7)(e) of the rule is amended to increase the number of trap certificates that can be allotted by the Board to settle disputes from 100,000 to 180,000. Paragraph (7)(g) of the rule is amended to extend the life of the Board for one additional year, from July 1, 2002, to July 1, 2003.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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-13.010 Stone Crab Trap Limitation Program.

(1) through (4) No change.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(6) No change.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

c. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.

~~d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.~~

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1., the executive director must replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (07-01) (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f), the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director may accept, alter, or disapprove any decision of the board, with notice given in writing to the board and to each party in the dispute explaining the reasons for the alteration or the

disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(e) Board Authority. In addition to those certificates allotted pursuant to the initial eligibility provisions established in subparagraph (2)(a), up to 180,000 ~~100,000~~ trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

c. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.

d. Persons who worked together on the same boat but operated as separate business entities, each with their own SPL and stone crab endorsement, but who reported their landings or who had their landings reported on a single SPL. Under such circumstances the boards may divide the number of certificates allotted between the two people; however, each person must agree to the division prescribed by the board.

e. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:

(I) Sold nets to the state according to the provisions of the net buy back program, s. 370.0805(5), Florida Statutes;

(II) Invested money in the stone crab fishery by the 1999/2000 fishing season;

(III) Produced at least 300 pounds of claws since July 1, 1995; and

(IV) Have no record of net violations since July 1, 1995.

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

(f) In determining eligibility and initial allotment of traps for the trap reduction program, when a fisherman disagrees with commission records regarding the number of traps fished by the fisherman during a particular qualifying year, the burden of proof shall be on the fisherman to establish the number of traps fished, through trip tickets or copies of his or her SPL applications.

(g) Dissolution. On July 1, ~~2003~~ 2002, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-00, Amended 7-22-01, \_\_\_\_\_.

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: February 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Bay Scallops

RULE TITLE: Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops

RULE NO.: 68B-18.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to shift the open area for harvest of bay scallops southward to the Pasco-Hernando County Line from the Suwannee River and contract the westward boundary of the open area from the Florida-Alabama State Line to Salt Creek, near Mexico Beach. This change in open area recognizes restoration of bay scallop populations in the Homosassa area and decline in populations in the western Florida Panhandle. The effect of this rule amendment will be to match the open areas for bay scallop harvest to the areas with the healthiest populations of the species.

SUMMARY: Paragraph (3)(a) of Rule 68B-18.003, F.A.C., is amended to shift the southern extent of the open area for the harvest of bay scallops from the Suwannee River southward to the Pasco-Hernando County Line and the western boundary from the Florida-Alabama border eastward to Salt Creek in Bay County. Paragraph (4)(b) of the rule is amended to update an archaic reference to the Department of Environmental Protection.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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-18.003 Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested during the open season, which is from July 1 through September 10 of each year.

(2) No person shall harvest in or from the waters of the state, land, or possess while in or on the waters of the state any bay scallop during the period beginning on September 11 of each year and continuing through June 30 of the following year.

(3)(a) The harvest of bay scallops is allowed only in state waters along the Gulf of Mexico north of the Pasco-Hernando County Line (latitude ~~28 29~~ 28.016 degrees, ~~17~~ 17 minutes, ~~and~~

~~02 seconds~~ North and east and southeast of a line extending due south from the west bank at the mouth of Salt Creek in Bay County (longitude 85 degrees, 25.84 minutes West) ~~(from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters)~~. Any bay scallops harvested and possessed pursuant to this subsection shall only be landed within the area where harvest is herein allowed. The possession while in or on the waters of the state or landing of bay scallops outside the open area specified by this subsection is prohibited.

(b) It is the intent of the Fish and Wildlife Conservation Commission to annually review and evaluate the status and health of the bay scallop fishery. Should it become necessary to close any area presently open to bay scalloping, or should the bay scallop resource recover sufficiently to allow the opening of an area presently closed to bay scalloping, the Commission shall initiate rulemaking to amend paragraph (a) of this subsection.

(4) The prohibition against possession in subsection (3) of this rule shall not apply to:

(a) Bay scallops that have been legally harvested in another state and have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such bay scallops for sale or exchange, to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such bay scallops originated from a point outside the waters of the State of Florida and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(b) Bay scallops that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial cultivation pursuant to a special activity License issued by the commission ~~department~~ as authorized by Section 370.101(2), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-13-85, Amended 6-15-94, 3-1-95, 7-15-96, 7-1-97, Formerly 46-18.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR 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, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Snook

RULE TITLES:

Definitions	RULE NOS.:
Prohibition of Sale of Snook	68B-21.0015
Snook Culture and Sale for Use in Private Ponds or Aquariums	68B-21.003
	68B-21.008

PURPOSE AND EFFECT: The purpose of these proposed rule amendments and new rule is to implement the provisions of Section 370.027, Florida Statutes, "to allow persons possessing a valid aquaculture certificate of registration to sell and transport live snook produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display" consistent with comparable provisions made for freshwater game fish. The effect of this rulemaking will be to regulate the aquaculture of snook consistent with the stringent management plan for the species currently effective in the state.

SUMMARY: Rule 68B-21.0015, F.A.C., is amended to add definitions of terms "Atlantic Region", "certified aquaculture facility", "Gulf Region", "snook special activity license", "state waters of the Atlantic Ocean", and "state waters of the Gulf of Mexico." Rule 68B-21.003, F.A.C., is amended to provide an exception to the prohibition of sale of snook, for cultured snook pursuant to the provisions of new Rule 68B-21.008. Subsection (1) of proposed new Rule 68B-21.008, F.A.C., establishes the Snook Special Activity License (SSAL) and provides criteria for issuance of the license to certified aquaculture certificate holders engaging in snook aquaculture and sale to other licensees, and to owners of certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities purchasing from other licensees. Subsection (2) of the proposed new rule provides criteria and conditions for the sale of snook broodstock progeny by SSAL holders engaging in snook aquaculture to SSAL holders providing pay-to-fish ponds, aquariums, or other fully contained exhibitional facilities. Subsection (3) of the new rule provides restrictions applicable to owners of pay-to-fish private ponds stocked with aquacultured snook.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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-21.0015 Definitions.

(1) “Atlantic Region” means all or part of counties encompassed by the St. Johns Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(2) “Certified aquaculture facility” when used in conjunction with the culture of snook, means any aquaculture systems constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., that do not directly discharge production unit water to surface waters of the state.

(3) “Gulf Region” means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County and all or part of counties

encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District.

(4)(1) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirement of this chapter shall not construe harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(5)(2) “Snook” means unless the context requires otherwise, any fish of the genus *Centropomus*, or any part thereof.

(6) “Snook Special Activity License” or “SSAL” is a permit that allows certified aquaculture facilities to collect, possess, and transport regional wild broodstock and possess, transport, and sell cultured broodstock progeny. A SSAL also allows certified aquaculture facilities, regional private pond owners, fully contained aquariums, and other fully contained exhibitional display facilities that are open to the public to possess broodstock progeny purchased from certified aquaculture facilities.

(7)(3) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear or by snagging (snatch hooking).

(8) “State waters of the Atlantic Ocean” means all waters of the state in the Atlantic Region, including all state waters of the Atlantic Ocean and all inland waters of the region, including all waters of Lake Okeechobee and the Kissimmee River.

(9) “State waters of the Gulf of Mexico” means all waters of the state in the Gulf Region, including all state waters of the Gulf of Mexico and all inland waters of the region, excluding all waters of Lake Okeechobee and the Kissimmee River.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended \_\_\_\_\_.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule 68B-21.008.

(2) It is unlawful for any wholesale or retail seafood dealer or restaurant to possess, buy, sell or store any snook or part thereof, or permit any snook or part thereof to be possessed, bought, sold or stored on, in, or about the premises or vehicles where such wholesale or retail seafood business or restaurant is

carried on or conducted; provided, however, that snook which have been lawfully harvested, or parts thereof, may be kept on the premises of a restaurant for the limited purpose of preparing such snook for consumption by the angler who harvested them, so long as such snook or parts thereof are packaged or on strings with tags bearing the name and address of the owner clearly written thereon.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Formerly 46-21.003, Amended \_\_\_\_\_.

68B-21.008 Snook Culture and Sale for Use in Private Ponds or Aquariums.

(1) SNOOK SPECIAL ACTIVITY LICENSE (SSAL) – The Fish and Wildlife Conservation Commission intends to issue SSALs to valid aquaculture certificate holders collecting and possessing wild broodstock for purposes of snook aquaculture, and possessing, transporting, and selling broodstock progeny. The Commission also intends to issue SSALs to owners of certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that are open to the public and purchase aquacultured broodstock progeny from certified aquaculture facilities. Certified aquaculture facilities possessing SSALs for the purposes of possessing, transporting, and selling live broodstock progeny to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities open to the public, shall meet each of the following criteria:

(a) The applicant must possess a valid aquaculture certificate of registration issued by the Department of Agriculture and Consumer Services, pursuant to Section 597.004, Florida Statutes.

(b) The applicant must own a certified aquaculture facility that is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C., and that does not directly discharge production unit water to surface waters of the state.

(c) The applicant must complete and submit a SSAL application provided by the FWC (Division of Marine Fisheries Form DMF SSAL-03 (7-02)) that includes information showing the location of the facility within either the Gulf or Atlantic Region, the number of specimens to be collected, the area of collection, the gear used for harvest, the time period of harvest, a description of the facility, and information indicating the training and experience of the applicant to successfully engage in snook aquaculture. Proof of DACS aquaculture certification must also be submitted with a completed SSAL application.

(d) No applicant shall receive a SSAL who, in the previous three years, has been charged with violating any provision of Titles 68A through 68E, F.A.C., Chapter 370, Florida Statutes,

or Chapter 372, Florida Statutes, and who has received a judicial disposition other than acquittal or dismissal on such charges.

(e) The applicant agrees to all conditions specified in Rule 68E-3.004, F.A.C.

(2) SALE OF SNOOK PRODUCED AT AQUACULTURE FACILITIES – Persons culturing snook pursuant to a SSAL shall sell broodstock progeny of any size only to owners of other certified aquaculture facilities, regional private ponds, fully contained aquariums, and other exhibitional display facilities, provided that the following criteria and conditions are met:

(a) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that purchase snook broodstock progeny from a certified aquaculture facility must be located within the state of Florida and within the same region as that facility.

(b) Certified aquaculture facilities, regional private ponds, fully contained aquariums, and other fully contained exhibitional facilities that possess snook broodstock progeny purchased from certified aquaculture facilities shall possess a valid SSAL issued for that purpose. A SSAL will only be issued for private ponds that do not discharge water to surface waters of the state and that are located or designed so that the minimum control elevation is at least one-foot above the 100-year flood elevation.

(c) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide information from the FWC to each purchaser of snook, stating that the intentional release of snook into the wild is prohibited, and once delivered, those snook cannot be sold. Any snook removed from the private property, fully contained aquarium, or other fully contained exhibitional facility must conform to regional size limits, bag limits, and seasonal closures.

(d) The holder of a SSAL issued for purposes of possessing, collecting, transporting, and selling live broodstock progeny produced in certified aquaculture facilities shall provide a bill of sale or other documentary evidence to each purchaser of snook and shall maintain records of such sales. The bill of sale or other documentary evidence should include the name, address, and aquaculture certificate number of the certified aquaculture facility, the name and address of the person purchasing the snook, the date of purchase, the quantity of snook purchased, and the exact location where the snook are being stocked.

(3) PAY-TO-FISH PONDS – Owners of private ponds that are stocked with snook from certified aquaculture facilities may charge a fee to harvest snook in such ponds, provided:

(a) Snook are not sold on a per-pound or per-fish basis.

(b) Snook removed from the private property on which the pay-to-fish pond is located conform to regional size limits, bag limits, and closed seasons, as follows:

1. In the Atlantic Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a)-(b), Rule 68B-21.005, and subsection 68B-21.006(1).

2. In the Gulf Region, snook removed from the private property on which a pay-to-fish pond is located are subject to size limits, bag limits, possession limits, and closed seasons specified in paragraphs 68B-21.004(1)(a) and (c), Rule 68B-21.005, and subsection 68B-21.006(2).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

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

RULE TITLE: Importation of Spiny Lobster; Documentation and Other Requirements

RULE NO.: 68B-24.0045

PURPOSE AND EFFECT: The purpose of this rule amendment is to allow for the properly controlled importation of spiny lobster from foreign countries and the sale of those lobster, during the closed season for the species within Florida. Documentation will be required to accompany the product, which must also meet minimum sizes and not violate egg-bearing prohibitions. The effect of this rule amendment should be to encourage commerce in this economically valuable commodity, while still protecting Florida's lucrative spiny lobster resource.

SUMMARY: The provisions of current Rule 68B-24.0045, F.A.C., regarding importation of spiny lobster into Florida during the open season are numbered as subsection (1) of the rule. A new subsection (2) is added to the rule to allow importation into Florida of spiny lobster during the closed season, if the product is accompanied by appropriate documentation and that documentation is maintained through

retail or restaurant sale. A new subsection (3) is added to the rule to reiterate that all imported spiny lobster must meet minimum size requirements and prohibitions relating to eggbearing animals.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the commission with respect to any matter considered at this hearing, he will need a record of proceedings, and for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-24.0045 Importation of Spiny Lobster ~~During Open Season~~; Documentation and Other Requirements.

(1) Documentation Requirements During Open Season – During the open season specified in Rule 68B-24.005(1), a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in Rule

68B-24.004(1), while on state waters, if such person is also in possession of appropriate receipt(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were purchased in a foreign country and are entering the state in international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(2) Sale of Imported Spiny Lobster During the Closed Season. Documentation – Notwithstanding the provisions of Section 370.14(7)-(9), Florida Statutes, spiny lobster tails or whole spiny lobsters that have been imported into Florida from a foreign country may be sold during the closed harvesting season of April 1 through August 5 of each year, if such spiny lobster are accompanied with the appropriate receipts(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were harvested and purchased in a foreign country and are entering the state in international commerce. Such documentation shall accompany the lobster through retail or restaurant sale. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(3) Each spiny lobster imported pursuant to this rule shall comply with the minimum size requirements specified in Rule 68B-24.003(1), and the prohibitions relating to eggbearing spiny lobster specified in Rule 68B-24.007(1), F.A.C.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-2-90, Amended 10-4-95, Formerly 46-24.0045, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Sponges

RULE TITLES:	RULE NOS.:
Commercial Sponge Size Limit	68B-28.0035
Recreational Bag Limit; Commercial Licensing Requirements	68B-28.0036

PURPOSE AND EFFECT: The purpose of these two new proposed rules is to establish an endorsement for the commercial harvest of “commercial” sponges, provide a recreational bag limit, and clarify the existing statutory size limit. “Commercial sponges” are those sponges with

significant commercial value, i.e., sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges. The effect of these rules will be to update the existing management plan for these sponges to allow better reporting of commercial landings and to assure that these sponges are taken at appropriate sizes.

SUMMARY: Proposed new Rule 68B-28.0035, F.A.C., restates and clarifies the 5-inch minimum size limit for commercial sponges currently appearing in Section 370.17(3), Florida Statutes, to be measured across the top of the sponge. Subsection (1) of proposed new Rule 68B-28.0036, F.A.C., establishes a 10 piece per day recreational bag and possession limit for commercial sponges. Subsection (2) of the rule establishes a sponge endorsement for the saltwater products license, to be obtained by those harvesting sponges beyond the recreational bag limit and selling sponges thus harvested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed regulation will create a free endorsement to the saltwater products license, for commercial fishermen who harvest commercial sponge. Commercial sponges include eight species of sponge listed in Rule 68B-28, F.A.C. The rule also creates a ten-piece sponge recreational bag limit for persons who do not have a saltwater products license. The measures are designed to document participation in the fishery and to improve trip reporting. The rule should not affect variable costs or revenues in the fishery (transactional costs). The rule will not affect small cities or small counties. The rule will affect small businesses, because the rule will increase paperwork and reporting requirements. Agency implementation costs include those for promulgation and adoption and the costs of creating and issuing commercial sponge endorsements.

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.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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-28.0035 Commercial Sponge Size Limit.

Notwithstanding the provisions of Section 370.17(3), Florida Statutes, no person shall harvest in or from the waters of the state, possess while in or on the waters of the state, land, or sell any commercial sponge, or piece thereof, measuring, when wet, less than 5 inches in greatest dimension, measured across the top of the sponge.

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

68B-28.0036 Recreational Bag Limit: Commercial Licensing Requirements.

(1) Beginning July 1, 2002, except as provided in subsection (2), no person shall harvest within or without the waters of the state in any one day, possess while in or on the waters of the state, or land more than 10 pieces of commercial sponge.

(2) Beginning July 1, 2002, no person shall harvest within or without the waters of the state, possess while in or on the waters of the state, or land more pieces of commercial sponge than the amount specified in subsection (1), or sell any commercial sponge, unless such person possesses a valid saltwater products license with a sponge endorsement.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Resources**

RULE CHAPTER TITLE: Permit for Catching and Possession of Fish Protected by Law as Stock for Artificial Cultivation

RULE TITLE: Review, Expiration, Revocation, Penalty

RULE NO.: 68E-3.004

PURPOSE AND EFFECT: The purpose of this rule amendment, in conjunction with rules being proposed for the cultivation of snook and sale for use in private pay-to-fish ponds and aquariums, is to change the technical term of permits issued for the collection of broodstock to allow flexibility in issuance and effectiveness. The effect of the rule amendment will be to assist in the artificial cultivation of snook and other species for lawful purposes.

SUMMARY: Subsection (2) of Rule 68E-3.004, F.A.C., is amended to provide that permits issued pursuant to Section 370.101(2), Florida Statutes, can be issued at any time of the year, are valid for one year, and may be renewed in the same manner as for the original permit. Provisions being replaced provided for automatic expiration of such permits on January 31 each year.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE FISH AND WILDLIFE CONSERVATION COMMISSIONS REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 3-5, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, 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 Cindy Hoffman, ADA Coordinator, (850)488-6411. 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:

68E-3.004 Review, Expiration, Revocation, Penalty.

(1) Permit applications will be reviewed and approved by the Directors of the Divisions of Law Enforcement and Marine Fisheries or designated representatives thereof. All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection trip.

(2) ~~Permits may be issued at any time during the year. All Permits are valid for up to one year from the date of issuance and may be renewed by application in the same manner as for the original permit automatically expire January 31 of each year and are renewable in writing each year.~~ Permits are nontransferable.

(3) Permits may be forfeited and revoked for cause by the Commission. Cause for forfeiture or revocation would include, but not be limited to, violating or otherwise failing to comply with the provisions of Rule 68E-3.

Specific Authority ~~Art. IV, Sec 9, Fla. Const. 370.02, 370.021 FS. Law Implemented Art. IV, Sec 9, Fla. Const. 370.101(2),(3), 370.021 FS. History-New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan L. Egbert, Ph.D., Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Securities and Finance

RULE NOS.:	RULE TITLES:
3C-560.902	Definitions
3C-560.903	Deferred Presentment Transactions
3C-560.907	Database Access
3C-560.908	Database Transaction Requirements
3C-560.909	Database Availability
3C-560.910	Database Transaction Fees
3C-560.911	Database Dispute Resolution for Customers
3C-560.912	Database Confidentiality

#### NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rules, which were originally published in the January 28, 2002, Vol. 28, No. 3, issue of the Florida Administrative Weekly, based on comments made at the public hearing and written materials received by the Department.

3C-560.902 Definitions.

(1) The term "provider" means a deferred presentment provider as defined by Section 560.402(5), F.S.

(2) The term "close of business" means the time of day that a provider closes its office to the public ceases operations for that calendar day.

(3) The term "database" means the Department administered transactional database authorized by Section 560.404(23), F.S.

(4) The term "database vendor" means the vendor, which contracted with the Department for the purpose of developing and administering the daily operations of the database.

(5) The term "registered" means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term "recorded" means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

~~(7) The term "uniform service agreement" means the required uniform agreement executed between the database vendor and each provider outlining the terms of service regarding database usage by providers.~~

~~(7)(8)~~ The term "consumer credit counseling" means a confidential comprehensive personal money management review, including budget counseling resulting in a written

assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

(8) The term “notice” means written communication to the last address provided to the Department by regular mail, electronic mail, or facsimile; provided that notice to the Department must be to the DPP Database Contract Manager, Department of Banking and Finance, by mail to 101 East Gaines Street, Tallahassee, Florida 32399-0350, or by electronic mail to electronic\_licensing@mail.dbf.state.fl.us, or by facsimile to DPP Database Contract Manager, Department of Banking and Finance, (850)410-9279.

(9) The term “open transaction” or “open” means a transaction which has been registered and recorded but not terminated or pending.

(10) The term “pending transaction” or “pending” means an open transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to Section 560.404(22)(a), F.S., or returned to the provider pursuant to Section 560.406, F.S.

(11) The term “closed transaction” or “close” means a transaction terminated as provided in Rule 560.903(1), F.A.C.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History—New 12-17-01, Amended \_\_\_\_\_.

3C-560.903 Deferred Presentment Transactions.

(1)(a) A deferred presentment transaction shall be considered terminated at such time as the check that is the basis of the deferred presentment agreement has been:

1. Redeemed by the drawer by payment to the provider of the face amount of the check in cash;
2. Exchanged by the provider for a cashier’s check or cash from the drawer’s financial institution;
3. Deposited by the provider and such provider has evidence that such check has cleared in accordance with subsection (2);
4. Collected by the provider through any civil remedy available under Part IV of Chapter 560, F.S.; or
5. Collected by means of a repayment plan between the drawer and the provider or as the result of credit counseling where the provider has been paid the amount required under such plan.

(b) In the event that the amount collected from the drawer exceeds the face amount of the check, the provider shall notify the drawer that he or she may retrieve such excess at the provider’s location where the initial agreement between the drawer and provider was executed.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer’s account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer’s account may include, but shall not be limited to:

1. A copy of the drawer’s bank statement showing the check has cleared;
2. The canceled check or a copy of the canceled check;
3. A copy of any other record provided by the drawer’s financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or
4. A verbal representation from the drawer’s financial institution to the provider that the drawer’s check has cleared, if the drawer’s financial institution will provide such representation.

(b) Upon receipt of evidence that a drawer’s check that is the basis of a previous deferred presentment transaction has cleared, the provider shall immediately update the database to close the transaction. The provider who deposited the drawer’s check is the only provider that can close ~~out~~ the transaction on the database.

(c) The provider shall retain a copy of the evidence presented by the drawer, which it relies upon to terminate an existing deferred presentment transaction ~~or to enter into a new transaction.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New \_\_\_\_\_.

3C-560.907 Database Access.

(1) The database vendor shall operate and maintain a website with the URL and domain name www.FLADPP.com on behalf of the Department, which shall be the means by which real-time access to the database is made available through an internet connection for providers to comply with Part IV, Chapter 560, F.S. The database vendor shall operate and maintain the database and shall give providers access to the database on the following terms and conditions:

(a) A provider shall designate to the database vendor a security administrator to assign employee user identification numbers and passwords to employees authorized by the provider to register transactions on the database, to maintain provider information on the website and database, and to ensure the accuracy of database transaction information, including that the user identification and password for the employee are associated with the appropriate location from which the transaction is conducted, except for a new location as provided in Sections 560.307(2) or 560.208(2), F.S. Only the security administrator identification and password will be administered by the database vendor. The provider’s security

administrator will be responsible for all other employee user identification numbers and passwords within the provider's organization.

1. If the security administrator needs to be changed or a new security administrator needs to be designated, the provider shall request those changes from the database vendor.

2. If the security administrator forgets the password, the provider shall request the database vendor to reset the password;

(b) A provider's security administrator will not have access to the database until he or she has been certified by the database vendor. The database vendor shall initially provide certification to the provider for one security administrator at no cost. A provider may have one replacement security administrator certified by the database vendor per year at no cost;

~~(c)(1) A provider shall be Every person who engages in deferred presentment transactions with drawers located in the State of Florida after the time that the database becomes available shall, prior to conducting such transactions:~~

~~(a) Be and remain registered licensed pursuant to Part II or Part III of Chapter 560, F.S., and provide a "Declaration of Intent to Engage in Deferred Presentment Transactions" together with the required fee to the Department as provided by Rule 3C-560.108, F.A.C.;~~

~~(b) Enter into the uniform service agreement with the database vendor which agreement shall be legally binding and in full force and effect at the time of the transactions. A copy of such agreement shall be maintained by the provider;~~

~~(d)(e) Upon being given notice by the database vendor of the database being available to register existing open transactions, a provider shall accurately enter all required information required by the database regarding each such open all open deferred presentment transactions, entered into on or after October 1, 2001, upon being given notice by the database vendor of the database being available to accept such open transactions; and~~

~~(e)(f) Thereafter, a provider shall accurately enter all new deferred presentment transactions into the database in accordance with the provisions of Rule 3C-560.908, F.A.C.~~

~~(2)(a) Every primary business location of a deferred presentment provider, and every branch office location of which the Department has been notified of, shall be permitted to register transactions on the database. The Department will provide the database vendor with nightly updates Monday through Friday of each week regarding primary business and branch office locations.~~

~~(b) It will be the responsibility of each provider's designated security administrator to assign user identification numbers and passwords to those employees at new branch office locations who may register deferred presentment transactions on the database after Form DBF-MT-2-01 (Location Notification Form) as to notice of such branch office location has been provided to the Department.~~

(3) The database vendor will make available limited predefined reporting capabilities to providers, but under no circumstances will these reporting capabilities extend beyond transactions entered by that provider. Any provider may request additional predefined reports from the database vendor, but the database vendor shall have discretion to deny these requests. Any reports made available on the database designed by the database vendor for one provider shall be made available to all providers.

(4) A provider's access to the Department's database, including all locations of such provider, will be restricted by the database vendor at such time as the Department provides notice to the database vendor via the nightly registration information update or electronic mail that the provider's:

(a) Registration pursuant to Part II or Part III of the code is surrendered, revoked, expired, rendered inactive or the registrant is denied renewal of such licensure; or

(b) "Declaration of Intent to Engage in Deferred Presentment Transactions" is not renewed with the Department.

(5) Any provider who has had its access to the Department's database restricted shall not have access reinstated until the next business day following resolution of the issue which caused the restriction.

~~(6) The database vendor may restrict a provider's access to the database after giving final written notice of not less than ten (10) business days for any material breach of the uniform service agreement between the provider and the database vendor which breach has not been cured within the 10-day period. The database vendor shall reinstate the provider's access to the database within one (1) business day from the time the provider has taken the necessary action to be in compliance with the uniform service agreement.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New\_\_\_\_\_.

### 3C-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being recorded in the database prior to a provider giving currency or a payment instrument (Part II registrants only) to the drawer except as set forth in Rule 3C-560.909, F.A.C. The purpose of this database is to:

(a) Prevent the practice of rollover transactions;

(b) Prevent simultaneous deferred presentment transactions with multiple providers by an individual drawer; and

(c) Prevent a new deferred presentment transaction by a drawer within 24 hours of the termination of a prior transaction.

(2) The provider will begin each transaction by:

(a) Accessing the database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction, the provider may submit all of the required information on a person necessary to have the transaction registered on the database; and

(d) Once all of the required information has been submitted to the database, the database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the database. The provider shall place the transaction authorization number on the deferred presentment agreement.

(3) Providers may cancel a deferred presentment agreement before the close of business on the date of the transaction without incurring a transaction fee; ~~but the database transaction fee shall still be assessed to the provider.~~ If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the database.

(4) Providers shall update open transactions on the database to ensure that all identifying information regarding both the drawer and the transaction are accurate, including any comments on the transaction, which the provider deems relevant. A provider shall also update the database by entering a pending reason when:

(a) The check that is the basis of the deferred presentment agreement has been deposited by the provider, in which case, the date on which the check was deposited shall also be entered;

(b) A drawer has requested the 60-day grace period in accordance with Section 560.404(22)(a), F.S.; and

(c) The drawer's check is returned to the provider as not collected.

(5) Providers shall be responsible for closing all transactions on the database when the transaction has terminated, in which case, the provider shall input the date and time a transaction closes, as well as the payment method, unless the provider has previously entered such payment method.

(6) Any inquiry that results in the person being deemed ineligible by the database will provide a printable message notice with a description of the reason for the determination together with the name, address and toll-free support number of the database vendor, 1-877-FLA-DPPI. At a minimum, the description shall state that the person is ineligible because he or she: (a) has an open transaction with the inquiring provider; (b) has an open transaction with another provider; or (c) has terminated a prior transaction within 24 hours of the inquiry. A copy of the printable message ~~The notice~~ shall be provided to the person at the any time the database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New\_\_\_\_\_.

3C-560.909 Database Availability.

(1) The database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the database vendor. During times of scheduled maintenance or system upgrades, providers will be given no less than 24 hours notice in the form of electronic mail to the designated security administrator for each provider, or a broadcast message on the website.

(2) In the event the database is unavailable, providers shall adhere to the following procedures:

(a) The provider shall confirm that the database remains unavailable by attempting to access the database with every person seeking a new deferred presentment transaction unless they have been notified via electronic mail by the database vendor of an expected period of time necessary to correct whatever problem is causing the database to remain unavailable;

(b) The provider shall then contact the database vendor's toll-free help desk or voice response AVR (Automated Voice Response) system to obtain a temporary transaction authorization number directly from the database vendor; and

(c) Within 24 hours of obtaining the temporary transaction authorization number from the database vendor, the provider shall accurately enter the remaining transactional data into the database.

(3) In the event that either the Department or the database vendor notifies the provider that the database is unavailable and that all alternative methods for registering a transaction and receiving a transaction authorization number are also unavailable;

(a) The provider shall be authorized to conduct transactions during the specific period of unavailability, after receiving written authorization, via electronic mail or facsimile from either the Department or the database vendor with the Department's consent.

(b) Copies of the written authorization for any transactions conducted during such an unavailability period must be attached to the deferred presentment agreement for those transactions. One copy shall be provided to the drawer and another copy shall be kept as an audit record for the provider.

(c) Transactions created during a period of authorized unavailability must be registered with the database within 24 hours of notification, by the database, that the database is available; provided, however, that if the database is unavailable for more than 24 hours, then the period for registration shall be extended by 24 hours for each additional 24-hour period of unavailability.

(d) Once the transaction has been registered with the database, the transaction number assigned to that transaction must be placed on the provider's record copy of the deferred presentment agreement signed by the drawer for that transaction. If the drawer requests that transaction number, at any time, the provider must provide it to the drawer.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.910 Database Transaction Fees.

(1) The database transaction fee shall be \$1.00 per transaction. A provider shall be assessed this fee for each transaction that has been both registered and recorded on the database. On behalf of the Department, the database vendor shall electronically submit an invoice to the provider for its transaction fees at least five (5) days before payment is due and the provider shall pay each such invoice within five (5) days of the invoice date. The database vendor shall submit such invoices for payment to the provider every seven (7) days.

(2) The database vendor shall collect all transaction fees on behalf of the Department. A provider has the option of paying for transactions by ACH payment to be initiated by the database vendor, at no cost to the provider; by EFT to be initiated by the provider, at the provider's expense; or by any other commercially electronic methods of payment. If the provider elects to pay by ACH, the provider must sign a form authorizing the database vendor to initiate debit entries for transaction fees and to initiate, if necessary, credit entries and adjustments for any debit entries made in error to the provider's bank account. The database vendor shall be responsible for all billing and collection of database usage fees from providers. The frequency and method of collection shall be included in the uniform service agreement between the vendor and provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.911 Database Dispute Resolution for Customers.

(1) Any inquiry into the database where the person is deemed ineligible for a new deferred presentment transaction will provide a printable message notice describing the reason the person was deemed ineligible together with the toll-free

support number of the database vendor. The provider shall provide a copy of the message notice to the person any time the database deems the person to be ineligible for a new deferred presentment transaction.

(2) Only the person deemed ineligible may make a direct inquiry to the database vendor via the toll-free customer support number printed on the message notice.

(3) Any person deemed ineligible by the database may seek to dispute the determination by following the dispute resolution procedures of the database vendor.

~~(4) The In accordance with the terms of the uniform service agreement, the database vendor shall request any additional information from the person and the provider, regarding any negative eligibility determination, that the database vendor deems necessary.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

3C-560.912 Database Confidentiality.

(1) Inquiries to the database by providers shall only state that a person is eligible or ineligible for a new deferred presentment transaction together with a description of the reason for such determination. Only information previously registered and recorded by the provider on the database shall be made available to the provider by the database, the database vendor, or the Department.

(2) Only the person seeking the deferred presentment transaction may make a direct inquiry to the database vendor to request a more detailed explanation of a particular transaction that was the basis for the database's ineligibility determination.

(3) Any information regarding any person's transactional history is confidential pursuant to Section 560.4041, F.S., and shall not be released to the public.

~~(4) Providers shall be able to receive reports prepared by the system, but only for transactions entered by that provider.~~

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New\_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-157.007	Conditions of Eligibility
	NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 27, No. 41, October 12, 2001, of the Florida Administrative Weekly, have been withdrawn.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally

9B-72.040	Product Evaluation and Quality Assurance for Local Approval
9B-72.045	Validation of Evaluation for Local Approval
9B-72.050	Product Approval by Local Jurisdiction
9B-72.060	Optional Statewide Approval Generally
9B-72.070	Product Evaluation and Quality Assurance for Optional Statewide Approval
9B-72.080	Product Validation by Approved Validation Entity for Optional Statewide Approval
9B-72.090	Product Approval by Building Commission
9B-72.100	Approval of product evaluation entities, product validation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies
9B-72.110	Criteria for certification of independence
9B-72.120	List of approved product evaluation entities, validation entities, testing laboratories, certification agencies, quality assurance agencies and accreditation bodies
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approvals and Entity Certifications
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

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. 31, August 3, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received at public hearing.

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) No change.

(2) Approved accreditation entity body means a Commission approved, third party entity, which initially accredits and subsequently monitors, on a continuing basis, the competency and performance of an agency related to carrying out specific tasks.

(3) through (12) No change.

(13) Comparative analysis means an engineering analysis that may ~~include~~ be interpolation based on testing of a product.

(14) Evaluation means an assessment ~~a comparison~~ of product conformance to the Code ~~compliance~~ by comparing against standards or intent of the Code using ~~by~~ testing or comparative analysis or rational analysis or a combination thereof.

(15) Evaluation report means a report based upon testing or comparative or rational analysis, or combination thereof, from an approved product evaluation entity or a professional engineer or architect licensed in this state indicating that the product was evaluated to be in compliance with the Code or the intent of the Code and that the product complies with the Code or is, for the purpose intended, at least equivalent to that required by the Code.

(16) Inspection means conformity evaluation to the applicable Code section by observation and judgment accompanied as appropriate by measurement, testing or gauging or any other method that will allow for determination of appropriate method for determining ~~appropriate method for determining~~ compliance with the Code.

(17) No change.

(18) Labeled means devices, equipment or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards. Products to which a label, seal or symbol cannot be directly affixed shall be labeled by affixing the label, seal or symbol to both its primary and aggregate packaging.

(19) Listed means equipment or materials included in a list published by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner. The means for identifying listed equipment may vary for each testing laboratory, inspection agency or other organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The building official should use the system employed by the listing organization to identify a listed product.

~~(20) Peer review means a documented review by a registered architect or licensed professional engineer of the work performed by another registered architect or professional engineer.~~

~~(20)(21)~~ Product means any individual type of manufactured goods ~~product~~, system or method of construction.

~~(21)~~(22) Product Approval:

(a) Local product approval means the acceptance of the product for local use after review, performed by the building official or designee, of the method used to demonstrate that the product complies with the Code, including the use of approved product evaluation entities, testing laboratories, quality assurance entities and certification agencies. Information that addresses the requirements of the Code and the product or material is suitable for use in the location and project where it is proposed must be verified. The issuance of a signed permit denotes approval of any product shown on the approved construction documents on which the permit is based. Approval may be by inspection of ~~the approved~~ certification marks of approved certification agencies.

(b) Statewide product approval means the approval by the Commission for acceptance of a product on a statewide or regional basis consistent with that approval.

~~(22)~~(23) Rational analysis means a standardized or non-standardized method by which a Florida Registered Architect or Florida Professional Engineer uses mathematical or scientific analysis to evaluate the product behavior and to demonstrate that the product evaluated complies with the code for which the evaluation or engineering report is issued. Rational analysis shall be performed in accordance with well-established principles of mechanics and sound engineering practices.

~~(23)~~(24) Scope of Accreditation means the specific test standards, calibration services or other functions for which the organization is accredited.

~~(24)~~(25) Standard means a prescribed set of rules, conditions, or requirements concerning: definition of terms; classification of components; specification of materials, performance, or operation; delineation of procedures for measure the quantity or quality of materials, products, systems, services, or practices referenced in the Code.

~~(25)~~(26) Standardized test means a specified technical procedure for performing a test.

~~(26)~~(27) Structural component means any part, ~~material~~ or assembly of a building or structure used or intended to support or shelter any use or occupancy, and which affects the safety of such building or structure or which supports any dead or designed live load and the removal of which part, material or assembly could cause, or be expected to cause, all or any portion to collapse or to fail, or both.

~~(27)~~(28) Test means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure.

~~(28)~~(29) Test report means a report from an approved testing laboratory ~~or approved certification agency~~ which provides performance data showing compliance with a code requirement to a referenced standard as determined by a

referenced standard test or equivalent pursuant to Rule 9B-72.180, F.A.C., and which identifies which products are covered by the report and limitations on the products' use.

~~(29)~~(30) Third party means an entity independent of the manufacturer (first Party) and the buyer (second party) certified in accordance with Rule 9B-72.110, F.A.C.

~~(30)~~(31) Validation means determination of compliance pursuant to Rule ~~9B-72.050~~ 9B-72.045, F.A.C., for local approval and Rule 9B-72.080, F.A.C., for statewide approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New \_\_\_\_\_.

## 9B-72.030 Local Product Approval Generally.

All products are subject to approval by the authority having jurisdiction. Approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.040, F.A.C., and validation of the evaluation as required by Rule ~~9B-72.045~~ 9B-72.080, F.A.C. Validation shall be by the authority having jurisdiction.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New \_\_\_\_\_.

## 9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

(1) Compliance can be demonstrated through one of the methods established in subsection Rule 9B-72.040(2)-(4), F.A.C.; Local approval of products listed in subsection 9B-72.060(1)-(8), F.A.C., must be evaluated by the methods in subsection 9B-72.040(3)-(4), F.A.C., except: that panel walls, exterior doors, roofing, skylights, windows, shutters and

(a) Structural components covered by United States Department of Commerce Product Standards; and

(b) Structural components comprised of materials or products that are assembled or placed in the field and are subject to standardized field testing procedures contained within nationally recognized standards adopted within the Code may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement must be evaluated by either Rule 9B-72.040(3) or 9B-72.040(4), F.A.C.

(2) Method 1. Products, except as provided in subsection Rule 9B-72.040(1), F.A.C., which are specifically addressed in the code through prescriptive provisions, may be approved for use in accordance with the building plan review and inspection process.

(3) Method 2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through subsection 9B-72.040(2), F.A.C., the plan review and inspection process, shall demonstrate compliance with the Code through one of the following.

(a) A certification mark or listing from an approved certification agency indicating the product is in compliance with a specific standard or other normative document referenced in the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product ~~or material~~ tested complies with the standards referenced in the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based on testing or comparative or rational analysis, or combination thereof, and indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity and indicates that the product was evaluated to be in compliance with the intent of the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(4) Method 3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity that covers the subject product based on testing or comparative or rational analysis, or combination thereof, which provides verifiable documentation indicating the product was evaluated to be in compliance ~~complies~~ with the intent of the Code and the product is, for the purpose intended, at least equivalent to that required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity.

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance ~~complies~~ with the Code and that the product is, for the purpose intended, at least equivalent to that

required by the Code and is manufactured under a quality assurance program audited by an approved quality assurance entity.

(5) Evaluation Report and Test Report and Certification Agency Documentation Requirements.

All evaluation reports required in subsection Rule 9B-72.040(3)-(4), F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

(a) Name, address and phone number of the manufacturer, and the approved evaluation entity or approved testing laboratory.

(b) Statement of compliance with the appropriate section or standard of the Code.

(c) Description of the product, construction method or building system.

(d) Technical documentation supporting the compliance statement.

(e) Installation requirements.

(f) Limitations and conditions of use.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) Name, title and signature of person authorized to sign on behalf of entity or signature, registration number and seal in the case of architects and engineers.

~~(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.~~

~~(j) Demonstration of listing of product where products are listed.~~

(6) The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code.

(a) Name, address and phone number of manufacturer and certification agency.

(b) Manufacturer's product model number or identifier and product description.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New \_\_\_\_\_.

9B-72.045 Validation of Evaluation for Local Approval. Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

(1) Verification that the testing, evaluation and quality assurance requirements established by Rule 9B-72.040, F.A.C., are met and that all documentation is in order.

(2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(5), F.A.C.

(3) Certification of the building official that the documentation submitted for the product indicates the product complies with the Code.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5),(6),(8) FS. History—New \_\_\_\_\_.

9B-72.050 Product Approval By Local Jurisdiction.

Approval of a product for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with Rule 9B-72.040, F.A.C.

(1) The authority having jurisdiction shall validate the method of compliance pursuant to Rule 9B-72.030, F.A.C.

(2) Upon acceptance of required documentation pursuant to subsection 9B-72.040(5) ~~Rule 9B-72.030~~, F.A.C., the authority having jurisdiction may deem the product approved for use in accordance with its approval and limitation of use.

(3) Approval shall be valid until such time as the product changes significantly or the standards of the Code change or the approval is otherwise suspended or revoked. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History—New \_\_\_\_\_.

9B-72.060 Optional Statewide Approval Generally.

Statewide approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. Approval by the Commission for statewide use shall be limited to the following products:

- (1) Panel Walls;
- (2) Exterior Doors;
- (3) Roofing Products;
- (4) Skylights;
- (5) Windows;
- (6) Shutters;
- (7) Structural components; and,
- (8) Products introduced as a result of new technology, or those of a type that have not previously been used in the State of Florida.

~~All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New \_\_\_\_\_.

9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.

(1) Method 1.2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) A certification mark or listing from an approved certification agency indicating that the product is in compliance with the Code. Indication of compliance shall be by certification to standards adopted by the Code.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product ~~or material~~ tested complies with the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.

(c) An evaluation report from an approved product evaluation entity that covers the subject product and based upon testing or comparative or rational analysis, or a combination thereof, ~~and~~ indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code and the product is manufactured under a quality assurance program audited by an approved quality assurance entity and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(2) Method 2.3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) through (b) No change.

(3) Evaluation Report and Test Report ~~and Certification Agency~~ Documentation Requirements. All reports and documentation required in subsection Rule 9B-72.070(1) and (2)(a)-(d), F.A.C., ~~and Rule 9B-72.070(2)~~, F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not to be construed to be an evaluation report and do not require this information.

(a) through (h) No change.

~~(i) Copy of certification mark applied to products designating compliance with specific standards where such marks are used.~~

~~(j) Demonstration of listing of product where a product is listed.~~

(4) The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code.

(a) Name, address and phone number of manufacturer and certification agency.

(b) Manufacturer's product model number or identifier and product description.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New \_\_\_\_\_.

9B-72.080 Product Validation by Approved Validation Entity for Optional Statewide Approval.

Validation of compliance with the Code shall be performed by approved validation entities through the following steps:

(1) No change.

~~(2) Validation of the method of compliance pursuant to Rule 9B-72.080, F.A.C.,~~ using the validation checklist in ~~subsection Rule 9B-72.130(3), F.A.C.~~

(3) No change.

(4) Products listed by approved certification agencies as complying with standards established by the Code shall be approved by the Commission absent compliance with this section.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New \_\_\_\_\_.

9B-72.090 Product Approval by the Commission.

(1) Approval of a product for statewide use shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for ~~product~~ approval by filing an application in accordance with subsection Rule 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C. and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Code Information System on the Internet and payment shall be by credit card.

(b) No change.

(c) Upon Commission acceptance of the required documentation pursuant to Rule 9B-72.070, F.A.C., and validation entity's certification of compliance with the Code pursuant to Rule 9B-72.080, F.A.C., a Florida Certificate of Product Approval shall be issued by the Commission indicating the product has been approved for use statewide in accordance with its approval and limitations of use.

(d) Approval shall be valid until such time as the product changes significantly or the standards or provisions of the Code affecting the product change or the approval is otherwise suspended or revoked.

(2) Fees for optional statewide approval of products.

(a) Fee for approval, Three Hundred Dollars (\$300.00) ~~Fifty Dollars (\$50.00)~~ per product.

(b) through (c) No change.

(3) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New \_\_\_\_\_.

9B-72.100 Approval of product evaluation entities, product validation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies.

(1) No change.

(a) The following entities ~~are~~ recognized in Section 553.842(9)(a), F.S., are ~~as~~ approved product evaluation entities:

1. through 5. No change.

(b) No change.

(c) Evaluation entities, other than architects and engineers registered in this state, shall apply to the Commission for approval as an evaluation entity by filing an application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, testing laboratory or certification agency and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this state are also approved to conduct validation for the optional statewide approval.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsection 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., Section 8 and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. section 14. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(c) No change.

(3) Approved Testing Laboratory Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) No change.

(b) Testing laboratories shall apply to the Commission for approval by filing and application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(c) No change.

(4) Approved Certification Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a certification agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation or accreditation listing issued by the accreditation body:

1. No change.

2. Certification Agencies accredited as meeting by Approved Product Evaluation Entities that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems, or equivalent as certified by an approved product evaluation entity the accrediting entity

3. Certification Agencies accredited as meeting by other approved accreditation bodies that meet the requirements of ISO/IEC Guide 65: General Requirements for Bodies Operating Product Certification Systems, or equivalent as certified by other approved accreditation bodies the accrediting entity.

4. Lumber grading or inspection agencies approved by the American Lumber Standards Committee (ALSC) or equivalent, in accordance with United States Department of Commerce "Voluntary Product Standard: DOC PS 20-99," "American Softwood Lumber Standard."

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the certification agency no longer qualifies under current requirements or the approval is suspended or revoked.

(5) Approved Quality Assurance Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a quality assurance agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation issued by the accreditation body.

1. Quality assurance agencies accredited as meeting by approved product evaluation entities that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by an approved product evaluation entity accrediting entity.

2. Quality assurance agencies accredited as meeting by approved certification agencies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by an approved certification agency accrediting entity.

3. Quality assurance agencies accredited as meeting by other approved accreditation bodies that meet the requirements of ISO/IEC Guide TR 17020: 1998, General Criteria for the Operation of Various Types of Bodies Performing Inspection or equivalent as certified by other approved accreditation bodies an accrediting entity.

(b) Quality assurance agencies shall apply to the Commission for approval by filing an application in accordance with subsection Rule 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection Rule 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card.

(c) No change.

(6) Approved Accreditation Body Criteria.

(a) The following are recognized by the Commission as approved accreditation bodies for accrediting testing laboratories, certification programs and quality assurance program auditors/inspection bodies:

1. Entities accrediting testing laboratories, certification agencies and quality assurance agencies pursuant to subsection 9B-72.100(3), (4) and (5), F.A.C.

~~2.1~~ Bodies operating acceptance/accreditation programs for testing bodies pursuant to ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

~~3.2~~ Bodies operating acceptance/accreditation programs for certification programs pursuant to ISO/IEC Guide 61, General Requirements for Assessment and Accreditation of Certification/Registration Bodies.

~~4.3~~ Bodies operating acceptance/accreditation programs for quality assurance/inspection bodies pursuant to ISO/IEC Guide TR 17010: 1998, General Requirements for Bodies Providing Accreditation of Inspection Bodies.

(b) through (d) No change.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History—New \_\_\_\_\_.

9B-72.110 Criteria for certification of independence.

A certification of independence shall be provided by a Florida registered architect or professional engineer as applicable or by an officer of the entity, agency or laboratory that attests to shall attest to and certify the following:

(1) through (2) No change.

(3) The Florida registered architect or professional engineer performing an evaluation ~~report~~ does not have nor will acquire, a financial interest in any company manufacturing or distributing products for which the reports are being issued.

(4) The Florida registered architect or professional engineer performing an evaluation ~~report~~ does not have nor will acquire, a financial interest in any other entity involved in the approval process of the product.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1),(9) FS. History–New \_\_\_\_\_.

9B-72.120 List of approved product evaluation entities, validation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies.

The Commission shall make available a current list of approved product evaluation entities, testing laboratories, certification agencies, ~~and~~ quality assurance agencies and accreditation bodies on its web-site.

Specific Authority 553.842(14) FS. Law Implemented 553.842(14) FS. History–New \_\_\_\_\_.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(1) through (3) No change.

(4) Florida Building Commission, Application for Local Product Approval.

(5) Florida Building Commission, Validation Checklist for Local Product Approval.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History–New \_\_\_\_\_.

9B-72.160 Revocation or Modification of Product Approvals and Entity Certifications.

(1) Product Approval Revocation or Suspension.

(a) No change.

(b) The Commission may suspend the approval of a product any entity based on any provision of subsection Rule 9B-72.160(1), F.A.C., until such time as the manufacturer demonstrates the product is currently in compliance with this document.

(c) through (d) No change.

(2) Revocation or suspension of evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agencies or accreditation body approval.

(a) The Commission shall revoke or suspend the approval of any evaluation entity, certification agency, testing laboratory, quality assurance agency, or validation entity other than those specifically identified in s. 553.842(9)(a), F.S., ~~law~~ for one or more of the following reasons:

1. Failure to maintain accreditation by a Commission approved accreditation body.

2. Suspension or revocation of accreditation by a Commission approved accreditation body for failure to meet Commission accreditation standards or equivalent pursuant to Rule 9B-72.100, F.A.C. and Rule 9B-72.180, F.A.C.

3. through 7. No change.

(b) No change.

(c) ~~The Commission suspensions under may suspend the approval of any evaluation entity, certification agency, testing laboratory, or validation entity based on subsection Rule 9B-72.160(2), F.A.C., shall remain in effect~~ until such time as the entity demonstrates to the Commission that it is currently in compliance with said requirement.

(d) No change.

(e) The Commission shall clearly post the status of approved evaluation entity, certification agency, testing laboratory, validation entity, quality assurance agency and accreditation body approval, suspension or revocation on its web-site list of approved entities.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New \_\_\_\_\_.

9B-72.170 Investigations.

(1) Investigation of approved product non-compliance.

(a) through (c) No change.

(d) Substantially affected party complaints shall be based on one or more of the provisions of Rule 9B-72.160 ~~9B-71.160~~, F.A.C.

(2) Investigation of approved certification agency, evaluation entity, test laboratory or validation entity non-compliance.

(a) The Commission shall initiate an investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity non-compliance on the basis of a written complaint including substantial material evidence provided by an substantially affected party.

(b) Investigation of approved certification agency, evaluation entity, test laboratory, quality assurance agency or validation entity deficiencies shall be conducted by its accrediting body.

(c) through (e) No change.

Specific Authority 553.842(15) FS. Law Implemented 553.842(15) FS. History–New \_\_\_\_\_.

9B-72.180 Equivalence of Standards.

(1) Equivalence of product standards. Where conformance to the code is based on standards then product evaluation shall rely on national and international consensus standards referenced in the Code. Product evaluation shall rely on national and international consensus standards referenced by the Code. Other standards which meet or exceed standards referenced by the Code, as determined by the Commission may be recognized as equivalent for determining Code compliance.

(2) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New \_\_\_\_\_.

9B-72.190 Reference Standards.

(1) No change.

(2) International Organization for Standardization/ International Electrotechnical Commission, (ISO/IEC) Guide 65: 1996, General Requirements for Bodies Operating Product Certification Systems.

(3) through (4) No change.

(5) International Organization for Standardization/ International Electrotechnical Commission, (ISO/IEC) Guide 17025: 1999, General Requirements for the Competence of Testing and Calibration Laboratories.

(6) International Organization for Standardization/ International Electrotechnical Commission ISO/IEC Guide 58, Calibration and Testing Laboratory Accreditation Systems – General Requirements for Operation and Recognition.

Specific Authority 553.842(1) FS. Law Implemented 553.842(2) FS. History--New \_\_\_\_\_.

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: 10:05 a.m., March 26, 2002

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO. 9B-74  
 RULE CHAPTER TITLE: Prototype Plan Review and Approval

RULE NO.: 9B-74.020  
 RULE TITLE: Administration and Fees

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. 50, December 14, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

9B-74.020 Administration and Fees.

(1) through (3) No change.

~~(4) Oversight and supervision shall be by a licensed Building Official.~~

Specific Authority 553.77(5) FS. Law Implemented 553.77(5) FS. History--New \_\_\_\_\_.

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 26, 2002

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1-800-955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-98  
 RULE CHAPTER TITLE: Highway Traffic Safety Program

RULE NOS.: 14-98.003  
 14-98.005  
 14-98.008  
 RULE TITLES: Policy  
 Application and Award Procedures  
 Forms

SUMMARY OF CHANGE: The following changes are made in response to comments received from the Joint Administrative Procedures Committee:

1. 14-98.003(5) – Correction of a typographical error: The sentence is revised to add the word “how” between “. . . summarizes” and “the activities . . .”

2. 14-98.005(5)(a) – Include dates of publication: Wherever possible, the effective dates are added. The actual documents incorporated by reference and filed with the Department of State will be as they exist at the time of the filing.

3. Rule Section 14-98.005(5)(a)13. – Correction of title: The word “Completion” is changed to “Competition” to correct the title.

4. 14-98.005(5)(a)15. – The title of the document (definitions) should be inserted.: The word “Definitions” is added as requested.

5. 14-98.005(5)(a)16.-18. – Addition of titles: The titles are added as follows:

- “16.: Congressional Declaration of Goals and Policy
- 17.: Competition Requirements
- 18.: Congressional Finding and Declaration of Purpose”

6. Upon further review of the document listed in 14-98.005(5)(a)14., it was determined that the intent of that document was merely to prevent false statements from being made by applicants. Therefore, 14-98.005(5)(a)14. is being deleted and the subsequent numbers in that section, i.e. 15. through 20. are renumbered to 14. through 19., respectively.

7. 14-98.008 – Form revisions: In addition to the specific revisions to the rules themselves, several revisions were made to the actual forms and to the Part V Conditions of Agreement incorporated by reference under Rule 14-98.008. Most involved changing “may” to “shall” or “will” or other revisions to clarify language and remove language considered to be objectionable. Corrected forms showing the revised language will be filed.

Notice was published in Florida Administrative Weekly, Vol. 27, No.: 51, December 21, 2001.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-13  
 RULE CHAPTER TITLE: Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids

RULE NO.: 20-13.0011  
 RULE TITLE: Oranges: 2001-2002 Anhydrous Acid Maturity Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly:

Hearing date was incorrectly noticed. Correct hearing date is March 27, 2002.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.314  
 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

**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. 28, No. 3, January 18, 2002, issue of the Florida Administrative Weekly:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum  
Disciplinary  
Actions

Section 1. through Section 8. No change.

**SECTION 9 – MISCELLANEOUS INFRACTIONS**

9-1 through 9-32 No change.

9-33 Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution. **60 DC + All GT**

9-34 Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff and inmates. **60 DC + All GT**

Section 10. through Section 11. No change.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.711  
 RULE TITLE: Legal Visits

**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. 28, No. 2, January 11, 2002, issue of the Florida Administrative Weekly:

33-601.711 Legal Visitors.

(1) No change.

(2) An agent of an attorney (a law student, law clerk, paralegal, legal assistant, legal investigator or interpreter) working under the supervision of an attorney may visit an inmate whom the attorney represents, subject to all conditions applicable to the attorney, if the attorney provides a signed statement for each visit stating that the visit is for the purpose of a legal consultation and agreeing to supervise the assistant and to accept ~~personal and~~ professional responsibility for business conducted by the agent on behalf of the attorney ~~all acts of the assistant that may affect the institution, its inmates and staff.~~

(3) through (6) No change.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
33-601.725                    Permissible Items for Visitors  
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. 28, No. 4, January 25, 2002, issue of the Florida Administrative Weekly:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (f) No change.

(g) Visitors with authorized infants and small children shall be allowed to bring in:

1. Five diapers, three clear plastic baby bottles or two sipper cups for toddlers, one clear plastic baby pacifier and three clear jars of baby food with the original seal intact.

2. through 4. No change.

(h) through (2) No change.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Group Insurance**

RULE NO.:                    RULE TITLE:  
60P-6.0075                    Benefits  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 49, December 7, 2001, Florida Administrative Weekly.

60P-6.0075 Benefits.

(1) through (3) No change.

(4) Subject to the appropriation of funds the State shall pay for the following insurance coverage for each full-time member of the Senior Management Service or Selected Exempt Service; in addition, the State may pay 100% of the

premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency:

(a) 100% of the premium for the state individual life insurance policy;

(b) 100% of the premium for the individual or family state group health insurance plan, or up to an equal dollar amount for a health maintenance organization premium; and

(c) 100% of the premium for the state individual disability insurance policy.

Specific Authority 110.161(5), 110.403(1), 110.605(1) FS. Law Implemented 110.161, 110.205(2), 110.403(1)(c), 110.603(2) FS. History--New 8-26-96, Repromulgated as Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.:                    RULE TITLE:  
61G8-32.002                    Approved Courses  
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. 28, No. 3, January 18, 2002 issue of the Florida Administrative Weekly. The change is in response to the Board's review of the rule text during their regularly scheduled public meeting held on February 13, 2002. Subsection (1) of the rule shall now read as follows:

61G8-32.002 Approved Courses.

(1) An approved communicable diseases and HIV-AIDS course must consist of a minimum 1-hour presentation for renewal and a minimum 2-hour presentation for initial licensure.

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 ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-53R

RULE CHAPTER NO.:        RULE CHAPTER TITLE:  
62-620                        Wastewater Facility and Activities Permitting

RULE NO.:                    RULE TITLE:  
62-620.610                    General Conditions for All Permits  
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given of changes that have been made to the proposed rule published in Vol. 27, No. 51, December 21, 2001, issue of the Florida Administrative Weekly.

The full text of this notice, showing changes to the proposed rulemaking language, is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For further information, please contact John Coates, P.E., Environmental Administrator, Division of Water Resource Management, 2600 Blair Stone Road, M.S. # 3550, Tallahassee, Florida 32399-2400, telephone (850)488-4520.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.003  
RULE TITLE: Licensure Without Examination  
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 the Vol. 28, No. 2, January 11, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on January 13, 2002.

The rule shall now read as follows:

64B17-3.003 Licensure By Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has passed an examination before a similar, lawful, authorized examining board in physical therapy in another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**Section IV  
Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 411, 24K  
RULE NO.: 53ER02-8

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 411, "24K," 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 estimated 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-8 Instant Game Number 411, 24K.

(1) Name of Game. Instant Game Number 411, "24K."

(2) Price. 24K lottery tickets sell for \$2.00 per ticket.

(3) 24K 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 24K lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any 24K lottery ticket, or as to the prize amount, 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 symbol captions are as follows:

INSERT SYMBOLS

(7) The FAST \$50 play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(8) The legends are as follows:

INSERT SYMBOLS

(9) Determination of Prize Winners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$24,000.

(b) A claimant who is entitled 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 24K lottery ticket which entitles the claimant 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) A ticket having a "crown" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize amount shown.

(d) A ticket having a "gold bar" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all ten prizes shown in the "YOUR NUMBERS" play area.

(e) A ticket having a "stack of coins" symbol in the "FAST \$50" play area shall entitle the claimant to a prize of \$50.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 411 are as follows:

\$10 x 5	\$50	60,000.00	84
\$50	\$50	60,000.00	84
\$50 (CROWN)	\$50	1,200.00	4,200
FAST \$50	\$50	450.00	11,200
\$10 x 10 (GOLD BAR)	\$100	6,000.00	840
\$25 x 4	\$100	36,000.00	140
(\$10 x 5) + FAST \$50	\$100	6,000.00	840
\$100	\$100	36,000.00	140
\$50 x 10 (GOLD BAR)	\$500	240,000.00	21
(\$100 x 4) + \$50 + FAST \$50	\$500	240,000.00	21
(\$100 x 3) + (\$25 x 6) + FAST \$50	\$500	240,000.00	21
\$500 (CROWN)	\$500	240,000.00	21
\$24,000	\$24,000	1,680,000.00	3

(11) The estimated overall odds of winning some prize in Instant Game Number 411 are 1 in 2.82.

(12) For reorders of Instant Game Number 411, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a 24K lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(14) Payment of prizes for 24K lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 2-15-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 15, 2002

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 416, BANKROLL  
 RULE NO.: 53ER02-9

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 416, "BANKROLL" 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, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-9 Instant Game Number 416, BANKROLL.

(1) Name of Game. Instant Game Number 416, "BANKROLL."

(2) Price. BANKROLL tickets sell for \$1.00 per ticket.

(3) BANKROLL 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)

GAME PLAY	WIN	ODDS OF	NUMBER OF
			WINNERS IN
TICKET	\$2 TICKET	1 IN	28 POOLS OF
			180,000
			TICKETS
			PER POOL
\$1 x 2	\$2	7.50	672,000
\$2	\$2	25.00	201,600
\$2 (CROWN)	\$2	150.00	33,600
\$2 + \$1	\$3	15.00	336,000
\$1 x 3	\$3	75.00	67,200
\$3	\$3	150.00	33,600
\$3 (CROWN)	\$3	150.00	33,600
\$2 + \$3	\$5	42.86	117,600
(\$1 x 2) + \$3	\$5	150.00	33,600
\$1 x 5	\$5	150.00	33,600
\$5	\$5	300.00	16,800
\$5 (CROWN)	\$5	75.00	67,200
(\$4 x 2) + \$2	\$10	600.00	8,400
\$2 x 5	\$10	600.00	8,400
\$5 x 2	\$10	600.00	8,400
\$10	\$10	600.00	8,400
\$10 (CROWN)	\$10	150.00	33,600
\$5 x 5	\$25	1,440.00	3,500
(\$10 x 2) + \$5	\$25	1,440.00	3,500
(\$5 x 3) + \$10	\$25	1,800.00	2,800
(\$4 x 5) + \$5	\$25	1,800.00	2,800
\$25	\$25	1,800.00	2,800
\$25 (CROWN)	\$25	857.14	5,880
\$25 x 2	\$50	36,000.00	140
\$5 x 10 (GOLD BAR)	\$50	1,800.00	2,800

under the latex area on the ticket. To be a valid winning BANKROLL lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any BANKROLL lottery ticket, or as to the prize amount, 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 “BANKROLL NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

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

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “BANKROLL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, \$4,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a BANKROLL lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having a “money bag” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to the corresponding prize shown.

(c) A ticket having a “bankroll” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all five prizes shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 416 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	15.00	504,000
\$2	\$2	25.00	302,400
\$4	\$4	100.00	75,600
\$1 + (\$2 x 2)	\$5	150.00	50,400
\$1 x 5 (BANKROLL)	\$5	75.00	100,800
\$5 (MONEY BAG)	\$5	75.00	100,800
\$1 + (\$2 x 2) + \$5	\$10	300.00	25,200
\$10 (MONEY BAG)	\$10	300.00	25,200
\$2 x 5 (BANKROLL)	\$10	300.00	25,200
\$25 (MONEY BAG)	\$25	7,200.00	1,050
\$5 x 5 (BANKROLL)	\$25	7,200.00	1,050
\$5 + (\$10 x 2)	\$25	7,200.00	1,050
\$10 x 5 (BANKROLL)	\$50	18,000.00	420
\$25 x 2	\$50	36,000.00	210
\$50 (MONEY BAG)	\$50	18,000.00	420
\$20 x 5 (BANKROLL)	\$100	252,000.00	30
\$25 + \$25 + \$50 (MONEY BAG)	\$100	252,000.00	30
\$100 (MONEY BAG)	\$100	252,000.00	30
\$1,000	\$1,000	1,512,000.00	5
\$4,000	\$4,000	1,512,000.00	5

(10) The estimated overall odds of winning some prize in Instant Game Number 416 are 1 in 3.56.

(11) For reorders of Instant Game Number 416, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BANKROLL lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for BANKROLL lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(9)(a),(b),(c) FS. History—New 2-15-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 15, 2002

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on January 10, 2002, the South Florida Water Management District (SFWMD) received a request to withdraw the Petition for Variance (Application 011026-12), filed by the Florida Department of Transportation, for relief from site groundwater recharge requirements for a project know as State Road 60 from east of Tiger Lake Road to east of County Road 630, located in Polk County.

A copy of the withdrawal may be obtained from Beth Colavecchio, (561)682-6905 or e-mail: bcolavec@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: District Clerk.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Board of Veterinary Medicine hereby gives notice that on February 14, 2002, it received a Petition for Variance from Jose Cerna. Petitioner is seeking a waiver or variance of Rule 61G18-11.002(4), Florida Administrative Code, with regard to the requirement that an applicant must receive a passing score on each portion of the examination. More specifically, in this case, the petitioner is seeking a variance from the first portion which is the North American Veterinary Licensure Examination (NAVLE). The Board will hear this petition on March 12, 2002, at 8:00 a.m., or shortly thereafter at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316. Comments on this petition should be filed with Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For additional information, contact: Leon Biegalski, Executive Director, Board of Veterinary Medicine, at the above address or telephone number (850)922-8043.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection has taken action on a petition for variance received from the City of Key Colony Beach, on July 25, 2001 (with additional information received on September 4, 2001, October 22, 2001 and November 16, 2001). Notice of receipt of this petition was published in the Florida Administrative Weekly, on August 24, 2001. No public comment was received. The petition requested a variance from the a minimum staffing requirement, by a

Class C or higher operator 6 hours per day, 7 days per week, at the wastewater treatment plant (WWTP) under subsection 62-610.462(3) of the Florida Administrative Code (FAC). The City of Key Colony Beach, petitioned for the variance in order to incorporate a reverse osmosis system into their existing wastewater treatment facility and provide public access reclaimed water. Specifically, the variance requested staffing requirements be reduced on both Saturday and Sunday, from six (6) hours per day, to one (1) hour per day, while the facility was not operating the public access reuse system. On February 13, 2002, the Department granted a variance to the City of Key Colony Beach, in a final order, File No. FLA014720-007-DWF, OGC Case No.01-1226-48-DW. The final order granted a variance from the subsection 62-62-610.462(3), FAC., and contained conditions. The conditions require that (a) Turbidity shall be monitored continuously. The reverse osmosis (RO) pumps shall automatically shut-off if the turbidity setpoint of 3.0 NTU is reached and the effluent from the wastewater treatment plant shall be automatically diverted to the injection wells for disposal; (b) Ultraviolet transmittance shall be monitored continuously. The reverse osmosis (RO) pumps shall automatically shut-off if the ultraviolet transmittance falls below setpoint of 70 percent and the effluent from the wastewater treatment plant shall be automatically diverted to the injection wells for disposal; (c) The reverse osmosis system shall shutdown automatically upon loss of pressure (possibly indicating failure of the membrane) and effluent from the wastewater treatment plant shall be automatically diverted to the injection wells for disposal; (d) Once the RO system shuts down, it shall require manual restarting by the plant operator (in lieu of restarting automatically); (e) At a minimum, staffing shall include a Class C or higher operator six (6) hours per day for five (5) days per week and one (1) hour on Saturday and (1) hour on Sunday. On weekends, the reclaimed water treatment systems (reverse osmosis system and feed pump) shall only be operated while the operator is on site. The quantity of reclaimed water required to irrigate the golf course and parks will be generated on the weekdays between Monday morning and Friday afternoon and be pumped to storage; (f) The City of Key Colony Beach shall publish at its own expense a Public Notice of this final order granting petition for variance. The notice must be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected; and (g) This variance from subsection 62-610.462(3), F.A.C. shall expire on July 1, 2010. For a copy of the final order write or call, Department of Environmental Protection, South District, Division of Water Resource Management, P. O. Box 2549, Fort Myers, Florida 33902-2549, telephone (941)332-6975, Extension 105.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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DEP received on November 14, 2002, a petition from Amerada Hess Corporation for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On February 7, 2002, the Department partially granted this petition.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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DEP received on February 8, 2002, a petition from PDG Environmental Services, Inc. (Holmes Oil), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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DEP received on February 8, 2002, a petition from PDG Environmental Services, Inc. (First Coast Auto), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The Department of Environmental Protection gives notice of its intent to issue a variance under section 403.201 of the Florida Statutes (F.S.) from the provisions of subsection 62-302.530(31), Florida Administrative Code (F.A.C.), to Kendall Properties and Investments, 888 Southeast Third Avenue, Suite 501, Fort Lauderdale, Florida 33312, File Number 0175262-002-EV, to allow water within the reclaimed mining pits at the Krome Quarry to not meet the standard for dissolved oxygen in the lower layers of the pits.

During mining, stormwater within the project area will be contained within the mine pits, by using a system of berms. At the completion of mining and reclamation, the project area will be re-connected with state waters by the removal of all berms, and the water quality standards listed in section 62-302.530, F.A.C. will apply to all surface waters within the reclaimed project area. Water quality studies conducted for the United States Army Corps of Engineers Environmental Impact

Statement on existing limerock mining lakes indicate that the water within the lakes is expected to be vertically well mixed during the winter months. However, during the warmer summer months, the lake is expected to stratify and dissolved oxygen levels below the thermocline may not meet the water quality standard for dissolved oxygen, as required by subsection 62-302.530(31), F.A.C. This was anticipated by the Florida Legislature in paragraph 373.414(6)(a), F.S., which states that, "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit." A petition for a variance pursuant to Section 403.201, F.S. was received on December 12, 2001.

Low dissolved oxygen levels in the lower levels of the mine lakes is not expected to result in any adverse on-site or off-site impacts. Oxygen levels in the upper layers of the lakes are expected to be adequate to support the fish populations of the lake during periods when stratification occurs. It is not expected that the low dissolved oxygen water from the lower levels of the lake will be exchanged with off-site waters. The Department considered requiring a berm to sever the hydrologic connection between the lakes and adjacent waters, alleviating the need to meet surface water quality standards within the lakes. This approach was rejected in favor of a variance for three reasons. Construction of a berm would provide no environmental benefit, would require the filling of wetland areas, and may reduce the habitat value of the area by restricting the movement of water, nutrients, and fish and wildlife between the lake and the surrounding habitat. In addition, berms would provide potential vehicle and pedestrian access to the area, which may encourage dumping and other activities harmful to the habitat value and water quality of the lakes and surrounding areas.

There is no practicable means known or available to prevent the low dissolved oxygen levels at depth within the mining lakes. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen in the lower layers of the reclaimed lakes.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310, Telephone (850)488-8217.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

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The Department of Environmental Protection gives notice of its intent to issue a variance under section 403.201 of the Florida Statutes (F.S.) from the provisions of subsection

62-302.530(31), Florida Administrative Code (F.A.C.), to APAC-Florida, Incorporated, 7600 Northwest 69th Avenue, Medley, Florida 33166, File Number 0175232-002-EV, to allow water within the reclaimed mining pits at the Miami Crushed Rock Quarry to not meet the standard for dissolved oxygen in the lower layers of the pits.

During mining, stormwater within the project area will be contained within the mine pits, by using a system of berms. At the completion of mining and reclamation, the project area will be re-connected with state waters by the removal of all berms, and the water quality standards listed in Rule 62-302.530, F.A.C. will apply to all surface waters within the reclaimed project area. Water quality studies conducted for the United States Army Corps of Engineers Environmental Impact Statement on existing limerock mining lakes indicate that the water within the lakes is expected to be vertically well mixed during the winter months. However, during the warmer summer months, the lake is expected to stratify and dissolved oxygen levels below the thermocline may not meet the water quality standard for dissolved oxygen, as required by subsection 62-302.530(31), F.A.C. This was anticipated by the Florida Legislature in paragraph 373.414(6)(a), F.S., which states that, "Where such mining activities otherwise meet the permitting criteria contained in this section, such activities may be eligible for a variance from the established water quality standard for dissolved oxygen within the lower layers of the reclaimed pit." A petition for a variance pursuant to section 403.201, F.S. was received on December 11, 2001.

Low dissolved oxygen levels in the lower levels of the mine lakes is not expected to result in any adverse on-site or off-site impacts. Oxygen levels in the upper layers of the lakes are expected to be adequate to support the fish populations of the lake during periods when stratification occurs. It is not expected that the low dissolved oxygen water from the lower levels of the lake will be exchanged with off-site waters. The Department considered requiring a berm to sever the hydrologic connection between the lakes and adjacent waters, alleviating the need to meet surface water quality standards within the lakes. This approach was rejected in favor of a variance for three reasons. Construction of a berm would provide no environmental benefit, would require the filling of wetland areas, and may reduce the habitat value of the area by restricting the movement of water, nutrients, and fish and wildlife between the lake and the surrounding habitat. In addition, berms would provide potential vehicle and pedestrian access to the area, which may encourage dumping and other activities harmful to the habitat value and water quality of the lakes and surrounding areas.

There is no practicable means known or available to prevent the low dissolved oxygen levels at depth within the mining lakes. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen in the lower layers of the reclaimed lakes.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Mine Reclamation, 2051 East Dirac Drive, Tallahassee, Florida 32310, Telephone (850)488-8217.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

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## DEPARTMENT OF HEALTH

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors hereby gives notice that a petition was filed on February 12, 2002, from Rene R. Glover Seuntjens. Petitioner is seeking a waiver from Rule 64B4-3.003, F.A.C. which addresses licensure examination.

Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counselors, 4052 Bald Cypress Way, Tallahassee, Florida 32399.

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The Board of Psychology hereby gives notice that on February 15, 2002, it received a petition from Anthony J. Fischetto, Ed.D., requesting a variance or waiver of paragraph 64B19-11.0035(5)(j), with regard to the requirement that the doctoral program must require participation in a formal one-year internship. Comments on this petition should be filed with Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, within 14 days of publication of this notice.

For additional information, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone number (850)245-4373.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a focus group meeting to gather input and information for the development of a long-range plan for library development in Florida.

DATE AND TIME: March 21, 2002, To Be Posted

PLACE: Miami Dade Public Library System Main Library, Miami, FL

SUBJECT MATTER TO BE CONSIDERED: Development of a long-range plan for library development in Florida.

Specific meeting times and room locations will be posted on the following web page: <http://dhis.dos.state.fl.us/bld/Lrp/>.

For more information contact: Sondra Taylor-Furbee, (850)245-6600.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Sondra Taylor-Furbee, (850)245-6600, Suncom 205-6600 or TDD (850)922-4085

**DEPARTMENT OF LEGAL AFFAIRS**

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, March 15, 2002, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: March 22, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

NOTICE OF CHANGE – The **Friends of Florida State Forests** announce a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2002, 8:00 a.m. – 12:00 Noon

PLACE: Tallahassee District Office, 865 Geddie Road, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the Corporation.

A copy of the agenda can be obtained by contacting: Harriett L. Abrams, FFSF Coordinator, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)414-0869.

If special accommodations are needed to attend this meeting because of a disability, please contact Harriett Abrams as soon as possible.

NOTE: This notice is to update the meeting that was originally scheduled for February 15, 2002. The meeting date and location have changed.

**DEPARTMENT OF EDUCATION**

The **Department of Education** announces the following meeting of the Occupational Access and Opportunity State Plan Committee and to which all persons are invited and to which all interested individuals are encouraged to attend.

**STATE PLAN COMMITTEE**

DATE AND TIME: March 6, 2002, 1:00 p.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the State Plan Committee.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, at least seven days before the meeting.

The **Department of Education** announces the following meeting of the Occupational Access and Opportunity Corporation and to which all persons are invited and to which all interested individuals are encouraged to attend.

**OCCUPATIONAL ACCESS AND OPPORTUNITY CORPORATION**

DATE AND TIME: March 8, 2002, 1:00 p.m. – Adjournment

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Occupational Access and Opportunity Corporation.

In accordance with the Americans with Disabilities Act, persons needing special accommodations to participate in the meeting should contact V. Virginia Rhoden, (850)488-0059, Ext. 207, at least seven days before the meeting.

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, March 20, 2002, 9:30 a.m. – 12:30 p.m.

PLACE: Room 1706, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: K-16 Articulation, Florida Department of Education, Room 1652, Turlington Building, Tallahassee, Florida 32399-0400, (850)922-0344 or Suncom 292-0344.

The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited.

**DATES AND TIMES:** March 21, 2002, 10:00 a.m. – 5:00 p.m.; March 22, 2002, 9:00 a.m. – 2:00 p.m.

**PLACE:** Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida 33609

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Partnership for School Safety and Security Members appointed by Governor Jeb Bush in October 2000.

The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Felicia Williams-Elliott, Office of Safe Schools, (850)414-7777, at least five calendar days prior to the meeting. Additional information may be obtained by writing: Department of Education, Office of Safe Schools, Room 301, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

The State of Florida, **Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

#### TEACHER HEARING PANEL

**DATE AND TIME:** March 22, 2002, 8:30 a.m. or as soon thereafter as can be heard

**PLACE:** The Crowne Plaza Tampa Airport/Westshore, 700 North Westshore Boulevard, Tampa, Florida 33609, (813)289-8200

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, Room 224, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida 32399-0400.

**SPECIAL ACCOMMODATION:** Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)488-0547, at least five calendar days prior to the hearing. Persons who are hearing or speech impaired can

contact the Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Florida Art In State Buildings Program** (FAMU) announces the following public meeting to which all persons are invited:

**COMMITTEE:** Art Selection Committee

**DATE AND TIME:** Tuesday, March 5, 2002, 10:00 a.m.

**PLACE:** Florida A & M University, School of Architecture, Dean's Conference Room, A-Wing, Tallahassee, Florida 32307, (850)599-3032

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To hold a Orientation meeting to determine potential sales and media for artwork, establish project schedules and set the next meeting dates.

For more information or to obtain a copy of the agenda, please contact: Kenneth Falana, User Agency Representative, Art In State Buildings Program, Florida A & M University, Tallahassee, Florida 32307, (850)561-2842.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Art In State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Kenneth Falana, (850)561-2842. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

**DATE AND TIME:** Thursday, March 7, 2002, 10:00 a.m.

**PLACE:** Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Promotion and Tenure Workshop.

A copy of the agenda may be obtained by contacting: Dr. Richard Osburn, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-2011.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD, (561)297-2130.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Thursday, March 7, 2002, 2:00 p.m.

PLACE: Boca Raton Campus, Board of Trustees Room, Kenneth R. Williams Administration Bldg., 777 Glades Road, Boca Raton, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting.

A copy of the agenda may be obtained by contacting: Dr. Kenneth Jessell, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-3266.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD, (561)297-2130.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Monday, March 11, 2002, 10:00 a.m.

PLACE: Davie Campus, 2912 College Avenue, Davie, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: University/Trustees Business.

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Dr. Anthony Lombardo, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-3032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD, (561)297-2130.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, March 16, 2002, 9:00 a.m.

PLACE: Wilson Music Building, Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a rules hearing on Rules 6D-4.002, President, 6D-4.003, Business Manager and 6D-8.004 Food Service, F.A.C.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Duval County Research and Development Authority** announces a business meeting will be held on:

DATE AND TIME: March 11, 2002, 12:00 Noon

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting: Earle Traynham, Interim Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

**DEPARTMENT OF TRANSPORTATION**

NOTICE OF CANCELLATION – The Florida **Department of Transportation**, Florida **Department of Community Affairs**, and **Monroe County** announces a cancellation of a public meeting, notice of which was published in F.A.W., Vol. 28, No. 8, dated February 22, 2002. The following referenced meeting is hereby cancelled:

DATE AND TIME: March 14, 2002, 9:00 a.m.

PLACE: National Key Deer Refuge Office, Big Pine Key, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, Florida Department of Community Affairs, and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

**STATE BOARD OF ADMINISTRATION**

The **Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 8, 2002, 9:00 a.m.

PLACE: The Hermitage Centre, Hermitage Room, Plaza Level, 1801 Hermitage Boulevard, Tallahassee, FL 32308. A call-in number is provided, (850)488-8295 or Suncom 278-8295

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly scheduled quarterly meeting of the Investment Advisory Council (IAC). The IAC is a six-member advisory council, which reviews the investments made by the staff of the Board of Administration and makes recommendations to the board regarding investment policy, strategy and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agency may be obtained by contacting: State Board of Administration, Attention: Cheryl D. Creel, Suite 600, 1801 Hermitage Boulevard, Tallahassee, Florida 32308, (850)413-1015.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify Dorothy Westwood, (850)488-4406.

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#### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Citrus Abscission Registration Committee to which all persons are invited.

DATE AND TIME: Tuesday, March 12, 2002, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The committee will have its monthly meeting to discuss natural abscission compounds, economics of abscission and public relations and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson, at the above address or by telephone, (863)499-2510.

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The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, March 12, 2002, 1:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will have its monthly meeting to update on scorecard issues, update on abscission registration chemicals, update on harvesting labor and other business that might come before the council for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson, at the above address or by telephone, (863)499-2510.

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#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 13, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Building C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

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#### PUBLIC SERVICE COMMISSION

**NOTICE OF CANCELLATION** – The Florida **Public Service Commission** announces the cancellation of a hearing noticed in:

Docket No. 020005-WS – Annual reestablishment of price increase or decrease index of major categories of operating costs incurred by water and wastewater utilities pursuant to Section 367.081(4)(a), F.S.

DATE AND TIME: March 4, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

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The Florida **Public Service Commission** announces a staff workshop to which all persons are invited.

**UNDOCKETED – REVIEW OF CONFIDENTIALITY PROCEDURES**

DATE AND TIME: Friday, March 15, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review confidentiality procedures, including potential rule revisions and/or statutory changes to Chapter 366, Florida Statutes, which would facilitate the handling of confidential information. One or more Commissioners may attend and participate in the workshop.

A copy of the agenda for this workshop is attached. Additional copies may be obtained by writing to the Director, Division of the Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: March 18, 2002, 9:30 a.m.\*

PLACE: The Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission through the Florida Relay Service by using the following numbers 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

\* In the event of a scheduling conflict, this meeting may be moved to March 19, 2002, immediately following the Commission Conference, in Room 140.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 19, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearings has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy. (\$1.00 per copy, Rule 25-22.002, F.A.C.), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

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

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000824-EI – Review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light.

DATES AND TIME: March 20-22, 27-28, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the review of Florida Power Corporation’s earnings, including effects of proposed acquisition of Florida Power Corporation by Carolina Power & Light, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the

prehearing conference held on March 4, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

The Florida **Public Service Commission** announces a staff rule development workshop to be held on Rule 25-4.082, F.A.C., Number Portability; Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies; Rule 25-24.490, Customer Relations; Rules Incorporated; and Rule 25-24.845, F.A.C., Customer Relations; Rules Incorporated at the following time and place.

DATE AND TIME: Thursday, May 2, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0862

The Notice of Proposed Rule Development with instructions on how to obtain the preliminary text of the rules was published in the February 8, 2002, F.A.W., Vol. 28, No. 6.

A copy of the agenda may be obtained after April 18, 2002, from: Samantha Cibula, Office of the General Counsel, Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202.

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

The Florida **Public Service Commission** announces a staff rule development workshop to be held on Rule 25-4.119, F.A.C., Line Information Database Maintenance; Rule 25-24.830, F.A.C., Consumer Information; and Rule 25-24.840, F.A.C., Service Standards, at the following time and place.

DATE AND TIME: Thursday, May 9, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0862, Call-In: (850)488-8295

The Notice of Proposed Rule Development with instructions on how to obtain the preliminary text of the rules was published in the January 25, 2002, F.A.W., Vol. 28, No. 4.

A copy of the agenda may be obtained after April 25, 2002, from: Samantha Cibula, Office of the General Counsel, Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202.

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

## REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, March 13, 2002, 10:00 a.m.

PLACE: Southwest Florida Water Management District, Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: March 15, 2002, 9:30 a.m.

PLACE: The Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, Suite 300, 301 E. Ocean Boulevard, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

### REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

#### PUBLIC HEARING

DATE AND TIME: March 4, 2002, 8:30 a.m.

PLACE: County Center, Planning Commission Board Room, 18th Floor, 601 East Kennedy Boulevard, Tampa, Florida

PURPOSE: Regularly Scheduled Board Meeting.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to order.
2. Approval of Minutes.
3. Introductions, Recognition and Awards.
4. Consumer Advisory Committee Report.
5. Public Comment on Action Items.
6. Consent Action Items.
7. Other Action Items.
8. Chairman's Report.
9. Reports from HART Representatives.
10. HART Committee Reports.
11. Other Board Member's Report.
12. Executive Director's Report.
13. Employee Comment.
14. General Public Comment.
15. Discussion and Presentations.
16. Monthly Information Reports.
17. Other Information Items.
18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Mary Staples, Administrative Assistant II, Hillsborough Area Regional Transit Authority, Suite 900, 201 E. Kennedy Boulevard, Tampa, FL 33602, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, 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 to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should

contact Alvin Orgeron, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 14, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 2822 Remington Green Circle, Suite 101, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: March 12, 2002, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

PURPOSE: Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Bessie Ann Harmon/Bronson Wastewater Tract, 35 acres +/-, Levy County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Mary Ruth Butler/Bronson Wastewater Tract, 40 acres +/-, Levy County, Florida, with funds from Florida Forever Trust Fund; also the proposed acquisition of the Thompson/Cedar Key Scrub Addition Tract, 1,714 acres +/-, Levy County, Florida, with funds from the Florida Forever Trust Fund; also the proposed

acquisition of the Otter Sink Tract, 11,609 acres +/-, Dixie County, Florida, with funds from the Florida Forever Trust Fund.

DATE AND TIME: March 12, 2002, following Board Meeting

PLACE: Okefenokee, Folkston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Board Trip/Workshop.

DATE AND TIME: March 13, 2002, 9:00 a.m.

PLACE: Okefenokee, Folkston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Board Trip/Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee meetings and tour:

**PROJECTS AND LAND COMMITTEE PUBLIC MEETING**

DATE AND TIME: Thursday, March 7, 2002, 6:00 p.m.

PLACE: Meeting Room B, 1st Floor, 117 West Duval Street, Jacksonville, Florida

**PROJECTS AND LAND COMMITTEE BUSINESS MEETING**

DATE AND TIME: Friday, March 8, 2002, 8:30 a.m.

PLACE: Mayor's Conference Room, 117 West Duval Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects and Land Committee Program overview by staff and public meeting March 7, 2002 (followed by dinner), and Projects and Land Committee Business meeting and tour March 8, 2002. The Business meeting will be followed by lunch and a project site tour.

A copy of the agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Kuecker, BRSIV/Water Resources, (904)312-2330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mrs. Linda Lorenzen, (904)329-4262. If you are hearing or speech impaired, please contact the agency by calling, (904)329-4450 (TDD).

The **St. Johns River Water Management District** announces the following public meetings and hearings, which may be conducted by means of or in conjunction with communications technology, to which all persons are invited:

**MEETING OF GOVERNING BOARD CHAIR AND COMMITTEE CHAIRS**

DATE AND TIME: Tuesday, March 12, 2002, 9:30 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

**FINANCE AND ADMINISTRATION COMMITTEE MEETING**

DATE AND TIME: Tuesday, March 12, 2002, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance, Facilities/Planning/Construction, Information Technology and Personnel agenda items followed by committee recommendations to be approved by the full Governing Board.

**REGULATORY COMMITTEE MEETING**

DATE AND TIME: Tuesday, March 12, 2002, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD/REGULATORY MEETING**

DATE AND TIME: Tuesday, March 12, 2002, 1:00 p.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

**GOVERNING BOARD MEETING AND PUBLIC HEARING**

DATE AND TIME: Wednesday, March 13, 2002, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments. Discussion and consideration of District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference.

A copy of the agenda for these meetings may be obtained by writing to the St. Johns River Water Management District, Post Office Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Executive Office.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting Ann Freeman, (386)329-4101. If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

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The **Southwest Florida Water Management District** (SWFMWD) announces the following public meeting(s) to which all interested persons are invited:

**POWER PLANT TASK FORCE**

DATE AND TIME: Tuesday, March 5, 2002, 9:30 a.m.  
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of permitting and water use issues relative to power plants.

**SPRINGS COAST CONFERENCE**

DATE AND TIME: Wednesday, March 6, 2002, 8:30 a.m.  
 PLACE: Homosassa State Wildlife Park, Homosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical staff will present information relative to water quality and other springs issues.

**LAND RESOURCES COMMITTEE (Formerly Land Acquisition Ad Hoc Committee)**

DATE AND TIME: Thursday, March 7, 2002, 10:00 a.m.  
 PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Governing Board policy relative to Basin Boards' Land Resources Committee.

**COASTAL RIVERS BASIN BOARD MEETING**

DATE AND TIME: Wednesday, March 13, 2002, 9:30 a.m.  
 PLACE: SWFWMD, District Headquarters, Conference Rooms A & B, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

**GOVERNING/BASIN BOARDS PLANNING WORKSHOP**

DATE AND TIME: Friday, March 15, 2002, 9:00 a.m.  
 PLACE: Florida Aquarium, 701 Channelside Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of water management issues and future policy direction.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4604, TTD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Wednesday, March 13, 2002, 4:00 p.m.  
 PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: March 7, 2002, 8:30 a.m. – 5:00 p.m.  
 PLACE: South Florida Water Management District, Auditorium, Building B1, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC).

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, March 7, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: South Florida Water Management District, Headquarters, Storch Room, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Project Development Team for EAA Reservoir Phase I, CERP.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Assistant District Clerk, Paula Moree, (561)686-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Angela Prymas, Project Management–CERP Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 3710, West Palm Beach, FL 33406, (561)682-6629.

The **South Florida Water Management District** announces public meetings which may be conducted by means of or in conjunction with communications technology, to which all interested parties are invited:

DATE AND TIME: March 13, 2002, 9:00 a.m.

PLACE: South Florida Water Management District, Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- A. Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.
- B. Conduct meeting of the Human Resources Committee.
- C. Conduct meeting of the Audit Committee.

All of part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency

conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, March 14, 2002, meeting agenda, including regulatory and non-regulatory items.

NOTE: Due to extensive demolition and construction at the main complex for the next few months, parking will be severely impacted. Additional parking for the public will be available at the National Guard Armory just east of the main complex or at Lake Lytel Park, located west of the main complex.

DATE AND TIME: March 14, 2002, 8:30 a.m.

PLACE: District Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, including public meetings.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680 or may be acquired via the SFWMD Website at <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Paula Moree, Assistant District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, March 25, 2002, 2:00 p.m.

PLACE: Northern Palm Beach County Improvement District, Auditorium, 357 Hiatt Drive, Palm Beach Gardens, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of The Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact Kathy LaMartina, (561)223-2600, Ext. 3603.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, March 13, 2002, 1:00 p.m. or soon after

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss litigation strategy in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; District attorneys J. Fumero, J. Nutt, D. MacLaughlin and S. Glazier, and Executive Director H. Dean.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session in the event this subject matter is not reached as noticed for March, 13, 2002, in the Friday, March 1, 2002 issue of the F.A.W.

DATE AND TIME: Thursday, March 14, 2002, 7:30 a.m. or soon after

PLACE: South Florida Water Management District, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss litigation strategy in Miccosukee Tribe of Indians of Florida, v. South Florida Water Management District and Sam Poole, and Friends of Everglades v. South Florida Water Management District, United States Court of Appeals Eleventh Circuit, Case No. 00-15703.

ATTENDEES: Governing Board Members T. Williams, P. Brooks-Thomas, M. Collins, H. English, G. Fernandez, P. Gleason, N. Gutiérrez, L. Lindahl, H. Thornton; District attorneys J. Fumero, J. Nutt, D. MacLaughlin and S. Glazier, and Executive Director H. Dean.

The subject matter shall be confined to the pending litigation. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of governing board members.

A copy of the agenda may be obtained: (1) District website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, Florida 33416-4680.

#### REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, March 18, 2002, 10:00 a.m.

PLACE: Tampa Bay Water, Suite 211-A, 2535 Landmark Drive, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the 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 to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services** announces a meeting of the Commission for Purchase from the Blind or Other Severely Handicapped to which all persons are invited.

DATES AND TIME: March 12-13, 2002, 9:00 a.m.

PLACE: Florida State University Center, Building B, 1 Champions Way Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual retreat of the Commission. No action will be taken during this retreat.

Please mail comments to the address below prior to the scheduled meeting.

A copy of the agenda may be obtained by contacting: RESPECT of Florida, Suite 205, 2475 Apalachee Parkway, Tallahassee, Florida 32301-4946, (850)942-0905.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at the meeting because of a disability should call RESPECT, (850)942-0905, at least five (5) workdays prior to the meeting. If you are hearing or speech impaired, please contact RESPECT by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, State Technology Office**, Wireless 911 Board announces the following meeting schedule information:

DATES AND TIME: March 12-13, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Jupiter Beach Resort, Jupiter Beach, Florida

SPECIAL NOTE: March 11, 2002, 9:00 a.m. – 5:00 p.m., Rural Grant Committee to review grant applications for award consideration (2 or more Board Members will be in attendance).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: March 20, 2002, 9:00 a.m.

PLACE: Access Phone #: (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she 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 to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-6685, at least five calendar days prior to the meeting. 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).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, March 13, 2002, 2:00 p.m.; Thursday, March 14, 2002, 8:00 a.m.; Friday, March 15, 2002, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Dania, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)921-6983, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Professional Engineers** announces a public meeting of the Mandatory Continuing Education Committee to which all persons are invited:

DATE AND TIME: Monday, March 11, 2002, 11:00 a.m. – Conclusion of the meeting

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of proposed recommendations to the Board on Mandatory continuing education requirements.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Legislative and Rules Committee to which all persons are invited:

DATE AND TIME: Tuesday, March 12, 2002, 8:00 a.m. – Conclusion of the meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on proposed legislation, review of current and proposed rules.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Tuesday, March 12, 2002, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committee which all persons are invited:

DATE AND TIME: Wednesday, March 13, 2002, 9:00 a.m.

PLACE: Florida Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call which all persons are invited:

DATE AND TIME: Tuesday, March 19, 2002, 2:00 p.m.

PLACE: Conference Call: 1(800)659-1081

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Education Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, Suite 200, 2507 Callaway Road, Tallahassee, Florida 32301.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty eight (48) hours before the meeting by contacting Natalie Lowe, (850)521-0500.

The Florida **Board of Professional Geologists** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: March 21, 2002, 10:00 a.m.

PLACE: Access Phone # – (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she 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 to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-6685, at least five calendar days prior to the meeting. 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).

The **Florida Real Estate Appraisal Board** announces a General Meeting to which everyone is invited.

DATE AND TIME: Friday, March 8, 2002, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Public Meeting Room 301, North Tower, 400 W. Robinson St., Orlando, Florida, (407)481-5632

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting to discuss the Appraisal Qualifications Board's request to review for endorsement the Florida Real Estate Board's examination.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Real Estate Appraisal Board, (407)245-0800, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Appraisal Board using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Appraisal Board, Suite 308N, 400 W. Robinson Street, Orlando, Florida 32801-1772.

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers to which all persons are invited.

DATE AND TIME: Friday, March 15, 2002, 10:30 a.m. or soon thereafter

PLACE: Via telephone conference – To connect, dial (850)921-2530, Suncom 291-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040 or by calling their office, (850)488-2141.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 13, 2002, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County

Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include MAG member reports, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, Town of Marineland, 9741 Ocean Shore Blvd., St. Augustine, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The **Department of Environmental Protection** announces a public meeting of the Alligator Bay Ecosystem Management Team Permitting Group. All interested persons may attend.

DATE AND TIME: March 14, 2002, 1:00 p.m. – 4:00 p.m.

PLACE: The Charlotte Harbor State Aquatic and Buffer Preserve, Conference Room, 12301 Burnt Store Road, Punta Gorda, FL 33955

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Group meeting is to finalize the permitting criteria under the non-binding agreement and establish the next steps in the Ecosystem Management/Team Permitting process.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, March 12, 2002, 9:30 a.m.

PLACE: Tallahassee at Meet Me Number: (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Chiropractic Medicine, Executive Director, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Hearing Aid Specialists** announces an official board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: April 5, 2002, 9:00 a.m.

PLACE: Hotel Sofitel, 5800 Blue Lagoon Drive, Miami, FL 33126, (305)264-4888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by March 29, 2002.

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, March 23, 2002, 8:30 a.m. or soon thereafter

PLACE: The Hilton Miami Airport, 5101 Blue Lagoon Dr., Miami, FL 33126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure

that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 8, 2002, 1:00 p.m. or soon thereafter

PLACE: Conference Call: Meet Me Number: (850)921-6545, Suncom (850)291-6545

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Opticianry** announces a General Business Meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: May 8, 2002, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by May 1, 2002.

The **Department of Health, Board of Athletic Training** announces an official Board Meeting. All interested parties are invited to attend at the address below, which is open to the public.

DATE AND TIME: June 5, 2002, 9:00 a.m.

PLACE: Crowne Plaza, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Board of Athletic Training, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and the evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment, can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, by May 30, 2002.

The **Correctional Medical Authority** announces a meeting to be held to which all persons are invited:

DATE AND TIME: March 15, 2002, 8:30 a.m. – 12:30 p.m.

PLACE: Department of Health, Conference Room 310A, Prather Building, 2585 Merchant's Row Boulevard, Tallahassee, Florida 32399, (850)245-4044

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, BIN #B-04, Tallahassee, FL 32399-1732, (850)245-4044.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Local Advocacy Council**, Service Area 7B (Brevard County) announces the following meetings of 2002:

DATES AND TIME: February 27, 2002; March 27, 2002; April 24, 2002; May 22, 2002; June 26, 2002; July 24, 2002; August 28, 2002; September 25, 2002; October 23, 2002; November 20, 2002; No Meeting in December 2002, 4:00 p.m.  
 PLACE: Department of Children and Family Services, Village Green Service Center, Family Safety Conference Room, 1636 South Fiske Boulevard, Rockledge, FL

For more information please contact: Susan Walker, (407)245-0400, Ext. 111.

The **Local Advocacy Council**, Service Area 7A (Orange, Osceola and Seminole Counties) announces the following meetings of 2002:

DATES AND TIME: March 11, 2002; April 8, 2002; May 13, 2002; June 10, 2002; July 8, 2002; August 12, 2002; September 9, 2002; October 14, 2002; November 4, 2002; December 9, 2002, 4:00 p.m.

PLACE: Department of Children and Family Services, Suite 1129, South Tower, 400 West Robinson Street, Orlando, FL

For more information please contact: Susan Walker, (407)245-0400, Ext. 111.

The **Department of Children and Family Services**, SunCoast Region, Mental Health Program Office announces the following public forum to which all persons are invited.

DATE AND TIME: Tuesday, March 12, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Psychotherapeutic Services, Suite 1, 7212 US 19, North, New Port Richey, FL 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of The Harbor Behavioral Health Care Institute as a Baker Act receiving facility.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Family Services, not later than 5 working days prior to the proceeding.

For further information, including a copy of the agenda, please contact Rob Parkinson, (727)588-7009.

The **Department of Children and Family Services**, SunCoast Region, Mental Health Program Office announces the following public forum to which all persons are invited.

DATE AND TIME: Wednesday, March 13, 2002, 9:30 a.m. – 10:30 a.m.

PLACE: Mary Grizzle Building, Room 418-D, 11351 Ulmerton Rd., Largo, FL 33778

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of Windmoor Healthcare of Florida as a Baker Act receiving facility.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Department of Children and Family Services, not later than 5 working days prior to the proceeding.

For further information, including a copy of the agenda, contact: Gail Moss, (727)588-6833.

NOTICE OF CHANGE – The Leadership Roundtable of the Shared Services Network and the **Department of Children and Family Services** announces date changes in its previously published meeting schedule for 2002. The new dates are as follows:

DATES AND TIME: March 15, 2002; June 21, 2002; October 18, 2002, 11:30 a.m. – 1:30 p.m.

PLACE: Brevard County Public School Administration Center, Superintendent’s Conference Room, 2700 Judge Fran Jamieson Way, Viera, FL

For questions contact: Dr. Vermillion, (407)245-0400.

The **Council on Homelessness** announces a series of conference call meetings of it’s Data Collection Committee to which all persons are invited.

DATE AND TIME: Thursday, March 7, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call: (850)921-2548 or Suncom 291-2548

DATE AND TIME: Thursday, April 4, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call: (850)921-2548 or Suncom 291-2548

DATE AND TIME: Thursday, June 6, 2002, 11:00 a.m. – 12:00 Noon

PLACE: Call: (850)921-2548 or Suncom 291-2548

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees’ continued development of policy recommendations to accessing supportive services for homeless persons.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom\_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

The **Council on Homelessness** announces a meeting of the Housing Committee to which all persons are invited.

**DATES AND TIME:** Monday, March 11, 2002, 8:00 a.m. through Friday, March 22, 2002, 5:00 p.m.

**PLACE:** Email Address: [http://groups.yahoo.com/invite/Housing\\_Committee\\_Council\\_Homelessness](http://groups.yahoo.com/invite/Housing_Committee_Council_Homelessness)

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To follow-up, research and provide solutions to additional issues that were identified in the February 11, 2002, Council Meeting. This meeting is to be conducted by Electronic Technology Media per Chapter 28-106, Florida Administrative Code. Committee members and interested members of the public will participate in this meeting over a 10-day period by use of email through the Internet address given above. Personal computers, computers available at public libraries, or other public facilities located throughout the state may be used for access.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

#### FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

**DATE AND TIME:** Tuesday, March 19, 2002, 10:00 a.m. (EST)

**PLACE:** Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Peacock Run Apartments, a 264-unit multifamily residential rental development to be located at the south west corner of East Torino Parkway and Whitecap Road, Port St. Lucie, St. Lucie County, Florida 34986. The prospective owner of the proposed development is Creative Choice Homes XX, Ltd., c/o Creative Choice Homes, Inc., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes, Inc., or an affiliate

thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,690,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

**DATE AND TIME:** Tuesday, March 19, 2002, 10:00 a.m. (EST)

**PLACE:** Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Meadow Pointe Apartments, a 238-unit multifamily residential rental development to be located at the north west corner of Barnes Boulevard and Three Meadows Drive, Rockledge, Brevard County, Florida 32955. The prospective owner of the proposed development is Brisben Florida II Limited Partnership, c/o Real Estate Advisors, Inc., 7800 East Kemper Road, Cincinnati, Ohio 45249, or such successor in interest in

which Real Estate Advisors, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,570,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, March 19, 2002, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Palms of Vero Beach, a 260-unit multifamily residential rental development to be located at the north west corner of Indian River Boulevard and 12th Street, Vero Beach, Indian River County, Florida 32960. The prospective owner of the proposed development is The Palms at Vero Beach LP, c/o Real Estate Advisors, Inc., 7800 East Kemper Road,

Cincinnati, Ohio 45249, or such successor in interest in which Real Estate Advisors, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,371,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Bayside Apartments, a 320-unit multifamily residential rental development to be located on the east and west sides of Veterans Road, east of County Road 393 and south of US 98, Old Town of Santa Rosa Beach, Walton County, Florida 32459. The prospective owner of the proposed development is Bayside at Town Center, Ltd., c/o White Oak Real Estate

Development Corporation, 322 Banyan Boulevard, West Palm Beach, Florida 33401, or such successor in interest in which White Oak Real Estate Development Corporation, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$14,100,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Lindsey Gardens Apartments Phase II, a 72-unit multifamily residential rental development to be located at 4885 38th Circle, Vero Beach, Indian River County, Florida 32967. The prospective owner of the proposed development is Lindsey

Gardens II, Ltd., c/o Roger C. Boos Corporation of Florida and Felner Construction Industries, Inc., Joint Venture, 250 South East 10th Street, Delray Beach, Florida 33483, or such successor in interest in which Roger C. Boos Corporation of Florida and Felner Construction Industries, Inc., Joint Venture, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$2,800,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Grande Court at Boggy Creek Apartments, a 394-unit multifamily residential rental development to be located at the Northwest corner of Boggy Creek Road and the Florida Turnpike, Kissimmee, Osceola County, Florida 34744. The prospective owner of the proposed development is Grande Court Kissimmee Associates, Ltd., c/o Courtelis Development Company, 701 Brickell Avenue, Suite 1400, Miami, Florida 33131, or such successor in interest in which Courtelis Development Company, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$13,535,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Lynwood Park Place Apartments, a 312-unit multifamily residential rental development to be located on the east side of Rouse Road, Orlando, Orange County, Florida 32825. The prospective owner of the proposed development is Lynwood Housing Partners, Ltd., c/o ELCO Housing Partners, LLC, 1006 Beckstrom Drive, Oviedo, Florida 32765, or such successor in interest in which ELCO Housing Partners, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,340,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Chapel Trace Apartments, a 320-unit multifamily residential rental development to be located on the east side of Goldenrod, Orlando, Orange County, Florida 32807. The prospective owner of the proposed development is Chapel Trust Limited, c/o Housing Trust Group of Florida LLC, 3225 Aviation Avenue, Suite 700, Miami, Florida 33131, or such successor in interest in which Housing Trust Group of Florida LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,480,000.

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acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Groves at Sanford Apartments, a 336-unit multifamily residential rental development to be located on the south side of Airport Boulevard, east of Sanford Avenue, Sanford, Seminole County, Florida 32771. The prospective owner of the proposed development is The Groves Housing Partners, Ltd., c/o ELCO Housing Partners, LLC, 1006 Beckstrom Drive, Oviedo, Florida 32765, or such successor in interest in which ELCO Housing Partners, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,400,000.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Bridgewater Club Apartments, a 208-unit multifamily residential rental development to be located on the north west side of US Highway 19, Spring Hill, Hernando County, Florida 34606. The prospective owner of the proposed development is Bridgewater Club Partners, Ltd., c/o Regency Development Associates, Inc., 110 Bry Lynn Drive, West Melbourne, Florida 32904, or such successor in interest in which Regency Development Associates, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,725,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Pineview Villas Apartments, a 200-unit multifamily residential rental development to be located at 2502 Holton Street, Tallahassee, Leon County, Florida 32310. The prospective owner of the proposed rehabilitation development is Pineview Villas LP, c/o JBM Properties, LLC, 1337 Assembly Street, Columbia, South Carolina 29201, or such successor in interest in which JBM Properties, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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Sanctuary Cove Apartments, a 540-unit multifamily residential rental development to be located at the north west quadrant of Progress Boulevard and Highway 301, Unincorporated Hillsborough County, Florida 33569. The prospective owner of the proposed development is Sanctuary Cove Associates, Ltd., c/o SIM Holding Corporation, 2121 Ponce de Leon Boulevard, Penthouse 2, Coral Gables, Florida 33134, or such successor in interest in which SIM Holding Corporation, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$18,790,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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Hampton Point Apartments, a 284-unit multifamily residential rental development to be located at 2511 Luther Road, Port Charlotte, Charlotte County, Florida 33983. The prospective owner of the proposed development is Hampton Point Limited Partnership, c/o Picerne Affordable Development LLC, 247 North Westmonte Drive, Altamonte Springs, Florida 32714, or such successor in interest in which Picerne Affordable Development LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,020,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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Regatta Bay Apartments, a 384-unit multifamily residential rental development to be located on the east side of John Young Parkway, Kissimmee, Osceola County, Florida 32741. The prospective owner of the proposed development is Regatta Bay Partners, Ltd., c/o Sandspur Housing Partners, Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Sandspur Housing Partners, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$14,170,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

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PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Saddlebrook Village Phase II Apartments, a 298-unit multifamily residential rental development to be located north of Davis Boulevard, east of Radio Road along Saddlebrook Drive, Naples, Collier County, Florida 34113. The prospective owner of the proposed development is Creative Choice Homes XIV, Ltd., c/o Creative Choice Homes, Inc., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, March 19, 2002, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Tuscany Lakes Apartments, a 348-unit multifamily residential rental development to be located at the southwest corner of 60th Avenue and Mendoza Road, Ellenton, Manatee County, Florida 33532. The prospective owner of the proposed development is Tuscany Lakes, Ltd., c/o The Carlisle Group, Inc., 2937 Southwest 27th Avenue, #303, Miami, Florida 33133, or such successor in interest in which The Carlisle Group, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$14,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such

purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, March 19, 2002, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Valencia Trace Apartments, a 229 unit multifamily residential rental development to be located on the northwest side of Econolockhatchee Trail, Orlando, Orange County, Florida 32825. The prospective owner of the proposed development is Valencia Trace of Orlando, Ltd., c/o Davis Heritage Ltd., 20725 Southwest 46th Avenue, Newberry, Florida 32669, or such successor in interest in which Davis Heritage Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$8,240,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such

purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, March 19, 2002, 10:00 a.m. (EST)

PLACE: Florida Housing Finance Corporation, Suite 5000, 227 North Bronough Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Villas at Lake Smart Apartments, a 220-unit multifamily residential rental development to be located on State Road 544 between Willowbrook Golf Course and Lake Smart, Winter Haven, Polk County, Florida 33881. The prospective owner of the proposed development is Lakesmart Associates, Ltd., c/o The Carlisle Group, Inc., 2937 Southwest 27th Avenue, #303, Miami, Florida 33133, or such successor in interest in which The Carlisle Group, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,975,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, March 18, 2002, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such

purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission**, Division of Wildlife announces the following public meeting to which all persons are invited:

DATE AND TIME: March 6, 2002, 10:00 a.m.

PLACE: Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, Florida 32614

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss concerns expressed by nuisance-alligator trappers regarding the proposed expansion of the public waters alligator harvest program.

Any questions regarding this meeting should be directed to: Alligator Management Section Leader, Mr. Harry J. Dutton, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling (850)488-3831.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Stone Crab Advisory and Appeals Board to which all interested persons are invited.

DATES AND TIME: March 19-20, 2002, 8:00 a.m. – 5:00 p.m.

PLACE: Springhill Suites by Marriott, Ft. Lauderdale Airport, 151 S. W. 18th Court, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting of the Stone Crab Advisory and Appeals Board is to hear scheduled appeals of initial stone crab trap certificate allocations.

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 Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling, (850)488-9542.

For further information, contact: Juli Dodson, Suite 201, 2590 Executive Center Circle, East, Tallahassee, Florida 32301, (850)922-4340.

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

DATES AND TIME: April 3-5, 2002, 8:30 a.m.

PLACE: The Cabinet Room, The Capitol, Lower Level 03, 400 South Monroe Street, Tallahassee, Florida

To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling, (850)488-9542.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

**FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION**

The **First Florida Governmental Financing Commission** announces the following special public meeting where all interested parties are invited:

DATE AND TIME: Friday, March 8, 2002, 10:00 a.m.

PLACE: Council Chambers, Second Floor, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, Florida

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

**ABLE TRUST**

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting on:

DATE AND TIME: Saturday, March 9, 2002, 9:00 a.m.

PLACE: The Radisson, 415 North Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call: The Able Trust, (850)224-4493 or 1(888)838-2253.

**COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT**

The **Council for Education Policy, Research and Improvement** announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 12, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Hillsborough Community College, Dale Mabry Campus, Rooms 110-112, Student Services Building, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will take action on community college proposals to offer the baccalaureate degree and its study of faculty productivity and will discuss other ongoing assignments.

For further information contact: Dr. William B. Proctor, Executive Director, Council for Education Policy, Research and Improvement, Tallahassee, Florida 32399-1400, (850)488-7894.

**DEPARTMENT OF MILITARY AFFAIRS**

The **Department of Military Affairs**, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, March 16, 2002, 1:00 p.m.

PLACE: St. Francis Barracks, Adjutant General's Conference Room, 82 Marine Street, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Armory Board Meeting. The Armory Board will consider action on contracts, leases, agreements and other business relative to real property and facility management issues under its control.

If a person decides to appeal any decision made by the Armory Board with respect to any matter considered at this meeting, that person 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 to be based.

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105

**CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION**

The Region III, Training Advisory Council of the Florida **Criminal Justice Standards and Training Commission** announces a public meeting to which all interested persons are invited:

DATE AND TIME: March 20, 2002, 9:00 a.m.

PLACE: Pat Thomas Law Enforcement Training Academy, U.S. Highway 90, 14 Miles West, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region III, Training Advisory Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training issues.

A copy of the agenda for the above meeting may be obtained by writing: Director Jim Murdaugh, Pat Thomas Law Enforcement Academy, 85 Academy Drive, Havana, Florida 32333.

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## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

NOTICE IS HEREBY GIVEN THAT on February 11, 2002, the Florida Department of Agriculture and Consumer Services issued a Final Order on the Petition for Declaratory Statement filed by IC GROUP, INC, FDACS Number 2001-0422. The petition sought the agency's opinion as to whether a game promotion in connection with the sale of consumer products and services that offers a large number of prizes (60,353 prizes) but is designed (the mathematical odds of winning a prize is 1 in 84) so as to award only a small percentage of the prizes offered (60,353 prizes/84 = 718.49 prizes) complies with the requirements of Section 849.094(2)(c), Florida Statutes. The Department's Final Order declares that any probability based game promotion, whether or not in a "collect and win game format", and which by design fails to award all the prizes does not meet the requirement of Section 849.094(2)(c), Florida Statutes (2001).

A copy of the Final Order may be obtained by contacting: Agency Clerk, Department of Agriculture and Consumer Services, Mayo Building, Room 509, Tallahassee, Florida 32399-0800.

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#### **DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 12, 2002, from Vak Pak, Inc., with regards to the requirements of the Florida Building Code, 2001, Building Volume, section 424, pertaining to main drains and anti-entrapment devices. It has been assigned the number DCA02-DEC-036.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 13, 2002, from the Miami-Dade Building Department, with regards to whether sectional barriers with each section being removable independently of the others meet the requirements of section 424, Florida Building Code, 2001,

Building Volume, and whether such barriers are required to comply with gate requirements in that section. It has been assigned the number DCA02-DEC-040.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to alarm requirements pursuant to section 424.2.17.1.9 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-046.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to residential swimming barrier requirements pursuant to section 424.2.17 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-047.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to suction inlets per pump pursuant to section 424.2.6.6.4 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-048.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to testing and certification pursuant to section 424.2.6.6.2 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-049.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to pool perimeters pursuant to section 424.2.2 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-050.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 18, 2002, from the Lake County Building Division with regards to standard screen enclosures pursuant to section 424.2.17.1.11 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-051.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an Order dated February 19, 2002, in response to the request for a Declaratory Statement received from Donald C. Hermann, TECO BGA, Inc. on December 6, 2001. The request was assigned the number DCA01-DEC-226 and was dismissed due to insufficiency.

A copy of the Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an Order dated February 19, 2002, in response to the request received from Lauderdale Tennis Club, Inc. on December 17, 2001. The request was assigned the number DCA01-DEC-242 and was dismissed due to insufficiency.

A copy of the Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an Order dated February 19, 2002, in response to the request for a Declaratory Statement received from Carrier Florida on December 13, 2001. The request was assigned that number DCA01-DEC-240 and was dismissed due to insufficiency.

A copy of the Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Amelia South, Inc., Petitioner, on February 1, 2002.

The association of a condominium created in 1975 asks how it is to assess the costs of maintaining, repairing, and replacing the carports, which are reserved for the exclusive use of designated unit owners, under Section 718.113(1), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-014, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Scott Mumford, Unit Owner, Los Prados Condominium No. 1, on January 17, 2002.

The Petitioner requests an interpretation as to whether only those unit owners entitled to use the limited common element parking spaces within the carports should be assessed for the maintenance of the carports in the manner described in the governing documents and Section 718.113, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number CD2002-007, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

James S. Webb, Jr. vs. Department of Corrections; Case No.: 02-0506RX; Rule No.: 33-302.102

Alfred Collins vs. Department of Children and Family Services; Case No.: 020567RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Jon S. Kahlkopf vs. Department of State, Division of Licensing; Case No.: 02-0377RU; Dismissed upon Withdrawal

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR PROPOSAL**

St. Johns County School Readiness Coalition, Inc. announces the following Request for Proposal to which all persons are invited to bid.

- TIME: Proposal available February, 2002
- PLACE: St. Johns County
- PURPOSE: The St. Johns County School Readiness Coalition seeking proposals to contract with an organization or organizations to provide community childcare and school readiness

coordinating services for the 2002-2003 fiscal year. The SJCSRC is soliciting proposals to be funded through federal, state and local allocation received by the State of Florida. These funds are authorized through federal and state legislation, which specifies the required activities for a School Readiness Program.

The initial contract period will be for one year, commencing July 1, 2002, and renewable each year for up to three years total, based upon funding availability and the achievement of predetermined goals. A proposer may provide responses to any single service, or the entire array of services contained in this RFP.

Please contact the: St. Johns County School Readiness Coalition, c/o PWD Solutions, Inc., 140 South Beach St., Suite 202, Daytona Beach, FL 32114, CMiles@pwdinc.org, Fax (386)267-0511 for more information. The proposal will be available for distribution by February 15, 2002, with the successful bidder's contract to begin July 1, 2002.

**INVITATION TO BID**

The Purchasing Office will receive Competitive sealed bids until the time and date shown for the following:

DATE AND TIME: Bid Opening Date: March 12, 2002, 2:00 p.m.

Location of Bid Opening: School District of Desoto County, 530 LaSolona Avenue, Arcadia, Florida 34266

Bid Number: SBDC #0102-2

Bid Title: "BLEACHER – DHS FOOTBALL FIELD"

Bid blanks, conditions and specifications may be obtained from the School District of DeSoto County, Purchasing Office, 530 LaSolona Ave., Arcadia, Florida 34266. You may telephone Margaret Henderson, (863)494-4222, Ext. 122. We reserve the right to reject any or all bids. No facsimile or telegraphic submission will be accepted.

**METROPOLITAN PLANNING ORGANIZATIONS**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Hillsborough County Metropolitan Planning Organization (MPO), in conjunction with the Florida Department of Transportation (FDOT), District VII, anticipates seeking professional consultant services on the projects listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to the law and that have been prequalified to perform these tasks by the FDOT. Any firm not prequalified by the FDOT and desiring consideration for these projects must obtain and submit a complete Request for Qualification Package, to the Procurement Office in Tallahassee, (850)414-4485, by the advertised Letter of Response Deadline Date.

MAJOR TYPE OF WORK: 13.3, 13.4, 13.5, 13.6 and 13.7 Planning

DESCRIPTION: General Transportation Planning Consultants  
 REQUESTED SERVICES: General planning services to include all or part of the following: long range transportation planning, data collection activities, financial planning, major investment and corridor studies, congestion and other management systems planning, air quality planning, bicycle and pedestrian planning, transit services planning, transportation disadvantaged planning, and traffic circulation studies. The services to be rendered by the Consultant(s) shall be for a period of 24 months (extendible by mutual agreement to 36 months) or until a total accumulated fee is reached, whichever occurs first.

**MINORITY BUSINESS ENTERPRISE (MBE) CONSIDERATION:**

Bonus points will be given in technical proposal evaluation to Minority Business Advocacy and Assistance Office, (850)414-4747, certified MBE consultants and non-MBE consultants who propose subcontracting to certified MBE consultants.

**SUBCONSULTANT OPPORTUNITY:** Consultants who are not pre-qualified by the Florida Department of Transportation for lack of independent CPA Certified overhead audit may be utilized to provide services for these projects, providing that compensation to the subconsultant will not exceed \$250,000. Before work may commence, any such consultant utilized must also be technically qualified by the MPO.

**EQUAL OPPORTUNITY STATEMENT:** The MPO in accordance with the provisions of Title VI of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities in any contract for consultant services. Minority business enterprises will be afforded full opportunity to submit proposals in response to advertisements and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

**RESPONSE PROCEDURE:** Qualified consultants who are interested in these projects are required to submit a Letter of Response to the Requesting Unit indicating their desire to be considered for this project. The letter must be brief (no more than two pages) and shall as a minimum, include the following information:

1. Consultant's Name and Address
2. Responsible Office for the Consultant Firm
3. Contact Person for the Project and Telephone Number
4. Statement regarding prequalification of the consultant firm and any proposed subconsultants in the advertised type of work
5. Key Personnel including their Titles and Proposed Role (do not include resumes)
6. Name(s) of subconsultant(s) that may be used and the type of services to be performed

7. Indicate as to whether the prime consultant and/or subconsultant(s) are MBE-Certified

8. Relevant past experience

**THE CONSULTANT MUST BE ABLE TO MEET THE FOLLOWING CONDITION WHICH WILL BE PART OF THE CONTRACT BETWEEN THE MPO AND THE CONSULTANT:**

No member, officer or employee of the (Planning) Commission or of the locality during his tenure or for one year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof. Any firm which has a member, officer or employee that this provision speaks to, must demonstrate in its Letter of Response that this provision can be met by segregating the affected person from the project and from receiving any proceeds from the contract. For the purpose of the contract, an employee of the consultant includes any subconsultant, independent agent contracting with the consultant, or anyone having a service contract with the consultant.

**FEDERAL DEBARMENT:** By submitting a Letter of Response, the consultant certifies that no principal (which includes officers, directors or executives) is presently suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any Federal Department or Agency.

**SHORTLIST SELECTION PROCESS:** The listed projects are covered by the selection process detailed in Rule Chapter 14-75, Florida Administrative Code. Some or all of the responding firms may be requested to provide written or oral technical proposals, or both, for the final ranking process. The selected consultants contract and fees will be negotiated in accordance with Section 287.055, Florida Statutes. The Consultants that are included on the shortlist and those that are ultimately selected will only be advertised on the MPO's Webpage, at [www.hillsboroughmpo.org](http://www.hillsboroughmpo.org).

**REQUESTING UNIT:** Hillsborough County Metropolitan Planning Organization

**LETTER OF RESPONSE ADDRESS:**

- One (1) Copy To:  
 Lucilla L. Ayer, AICP, Executive Director  
 Hillsborough County Metropolitan Planning Organization  
 601 E. Kennedy Blvd., 18th Floor  
 Tampa, Florida 33602-5117  
 Telephone (813)272-5940
- One (1) Copy To:  
 Florida Department of Transportation,  
 District Seven – Tampa  
 Attention: Diane Drake, Contracts Administrator  
 11201 N. Malcolm McKinley Drive, Mail Station 7-700  
 Tampa, Florida 33612  
 Telephone (813)975-6000

LETTERS OF RESPONSE DEADLINE: 5:00 p.m. (EST),  
March 15, 2002

### WATER MANAGEMENT DISTRICTS

#### INVITATION TO BID 01/02-033 RM

##### USHER-GRINER BOAT RAMP SITE IMPROVEMENTS

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: Tennille Trail Head Improvements.

PROJECT NUMBER: RFB 01/02-033 RM

PROJECT SCOPE: The project involves construction of a gravel parking area. Estimated cost is under \$25,000.

PROJECT LOCATION: The project is located in Levy County, approximately 10 miles West of Chiefland.

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Bid by contacting:

Sandra Keiser, Administrative Assistant  
Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060

(386)362-1001 or 1(800)226-1066, Florida only

BID DATE AND TIME: Sealed bids will be received until 4:30 p.m., Friday, March 22, 2002, at the Suwannee River Water Management District office, 9225 County Road 49, Live Oak, Florida 32060. Clearly label all bids, "Usher-Griner Boat Ramp Parking Area Improvements, RFB 01/02-033 RM". Faxed bids will not be accepted.

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications and bid documents. All contractors that are interested in bidding may attend a voluntary pre-bid conference to be held on March 15, 2002, 4:30 p.m., at the Suwannee River Water Management District office. Bidders are encouraged to inspect the work sites prior to the pre-bid conference.

#### INVITATION TO BID 01/02-034 RM

##### TENNILLE TRAIL HEAD IMPROVEMENTS

Sealed bids will be received by the Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060 for:

PROJECT TITLE: Tennille Trail Head Improvements.

PROJECT NUMBER: RFB 01/02-034 RM.

PROJECT SCOPE: The project involves construction of a gravel parking area, concrete walks and fencing, and the installation of a picnic shelter. Estimated cost is under \$50,000.

PROJECT LOCATION: The project is located near Tennille in Taylor County, located on SR 51, approximately 0.2 miles west of US 19/98.

BID DOCUMENTS: Any individual or firm desiring to bid on this project may obtain a copy of the Plans, Specifications and Request for Bid by contacting:

Sandra Keiser, Administrative Assistant  
Suwannee River Water Management District  
9225 County Road 49  
Live Oak, Florida 32060

(386)362-1001 or 1(800)226-1066, Florida only

BID DATE AND TIME: Sealed bids will be received until 4:00 p.m. on Friday, March 22, 2002, Suwannee River Water Management District Office, 9225 County Road 49, Live Oak, Florida 32060. Clearly label all bids, "Tennille Trail Head Improvements, RFB 01/02-034 RM". Faxed bids will not be accepted

BID REQUIREMENTS: Bids must be submitted in full accordance with the requirements of the drawings, specifications and bid documents. All contractors that are interested in bidding may attend a voluntary pre-bid conference to be held on March 15, 2002, 4:00 p.m., at the Suwannee River Water Management District Office. Bidders are encouraged to inspect the work sites prior to the pre-bid conference.

### EXPRESSWAY AUTHORITIES

#### NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the Final Design for widening, resurfacing and safety improvements of S.R. 408 (East-West Expressway) from Crystal Lake Drive to Conway Road. The project also includes design of two 2-lane ramp plazas and demolition of existing ramp toll plazas. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 3.3, Complex Highway Design; Group 4.2, Major Bridge Design; and Group 14, Architect.

ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right of Way Surveying and Mapping.

DESCRIPTION: The project consists of final design, preparation of construction drawings and specifications for roadway and bridge widening from six to eight basic lanes, collector-distributor lanes, and resurfacing of S.R. 408 (East West Expressway) from Crystal Lake Drive to Conway Road, a distance of approximately 0.9 mile. This also includes the modification of the ramps at the Crystal Lake Drive and Conway Road interchanges.

The work will involve widening of bridges at Crystal Lake Drive and Lake Underhill Drive. This work also includes a new ramp bridge over Lake Underhill Drive, new Conway Road ramp bridge over SR 408 and new bridges over Lake Underhill for the collector-distributor lanes. The new bridge on the south collector-distributor will include a pedestrian walkway.

Toll plaza work will include the design and preparation of construction documents for two 2-lane ramp plazas located at Conway Road. Demolition and maintenance of traffic plans will be required for the demolition of the existing ramp plazas at Conway Road.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- A. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve design of limited access highway reconstruction and toll plaza design, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- B. Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway design projects (toll plaza design experience is plus);
- C. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
- D. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- E. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the

Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**LETTER OF RESPONSE DEADLINE:**  
March 22, 2002, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**  
Mr. Joseph A. Berenis, P.E.  
Deputy Executive Director  
Telephone: (407)316-3800

**LETTER OF RESPONSE ADDRESS:**  
Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801  
Re: SR 408 Widening  
Project No. 253B

**ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY**  
Harold W. Worrall, P.E.  
Executive Director

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**NOTICE TO GENERAL CONTRACTORS  
INVITATION TO BID**

Proposals are requested from qualified general contractors by the Department of Children and Family Services, hereinafter referred to as Owner, for the construction of:

**PROJECT NUMBER:** DCF-99241130  
**PROJECT:** REROOFING OF SOUTH FLORIDA EVALUATION AND TREATMENT CENTER  
2200 N. W. 7TH AVENUE  
MIAMI, FLORIDA

**PREQUALIFICATION:** The Owner accepts bids from those contractors who demonstrate current licensed status with the Department of Business and Professional Regulations. The

Instructions to Bidders "Bidder Qualification Requirements and Procedures" are included in the specifications under Article B-2.

**PERFORMANCE BOND AND LABOR AND MATERIAL BOND:** A Performance Bond and Labor and Material Payment Bond are required.

**DATE AND TIME:** Sealed bids will be received at the Center's Conference Room on March 26, 2002, until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

**MANDATORY PRE-BID INSPECTION:** We will conduct a mandatory prebid inspection with the architect at the project site on Tuesday, March 19, 2002, 10:30 a.m., for all interested contractors.

**PROPOSAL:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, and with a copy of the contractor's license. The contract documents may be examined and obtained from the Architect/Engineer:

MR. GABRIEL DE OROZCO  
 MATEU, CARRENO, RIZO, AND PARTNERS  
 232 MINORCA AVENUE  
 CORAL GABLES, FLORIDA 33134  
 TELEPHONE: (305)441-0888

**CONTRACT AWARD:** The bid tabulation and Notice of Award Recommendation will be posted at 2:00 p.m., (Local Time), March 27, 2002, at the architect's office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by Certified United States mail, Return Receipt requested. Any protests of the bid must be made within 72 hours of posting of the results. Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed per Section B-21 of the Instructions to Bidders, Notice and Protest Procedures, the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

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**FLORIDA COMPREHENSIVE HEALTH ASSOCIATION**

RE: Selection of an Administrator (or Administrators) for the Florida Comprehensive Health Association

To all Health Insurers, Third Party Administrators, Preferred Provider Organizations, Health Maintenance Organizations and Case Management Companies Licensed or Authorized to Transact Business in the State of Florida:

The Florida Comprehensive Health Association was created in 1990 by amendment of 627.6488, F.S. This legislation created a legal non-profit entity (the Association) for the purpose of providing health insurance for each eligible Florida resident

applying to the Association for coverage. During periods of open enrollment, a person is considered eligible for Association coverage upon showing that he or she has been rejected by two carriers, for coverage without material underwriting restrictions, at a rate equal to or less than the Association plan rate.

The Association exercises its powers through a three-member Board of Directors, all appointed by the Insurance Commissioner.

As required by the amended statute, the Board of Directors is in the process of selecting a plan Administrator (or Administrators) for a three-year period. The current three-year administrative agreement ends as of December 31, 2002. The current Administrator is:

Cadent Administrators  
 144 1st Avenue, South  
 St. Petersburg, Florida 33701

The Administrator(s) will be selected by the Board in a competitive bidding process using criteria established by the Board. Such criteria will include, but are not limited to:

1. The Administrator's proven ability to administer any or all of the following: health insurance, a preferred provider network, a health maintenance organization, and a cost containment program.
2. The efficiency and flexibility of the Administrator's premium billing and claims paying systems and procedures.
3. The ability to work with managed care networks, cost containment programs and with other administrators of this program.
4. Estimates of the total charges for administration of all or part of the plan's activities.

The Administrator(s) selected by the Board will execute a contract with the Association and provide all necessary services and assistance as specified within the Request for Proposal. The Association may select different Administrators to administer different aspects of the Association plan. Companies responding to the Request for Proposal may bid separately for the various elements of the plan or for the administration of the total plan. F.S. 627.6488 allows the Board of Directors to contract with insurance companies, third party administrators, preferred provider organizations, health maintenance organizations, case management companies, and other cost containment programs to administer the Association plan in the most cost-effective manner possible.

All requests for a copy of the Request for Proposal must be at FCHA offices by the end of the business day on March 8, 2002.

If your company is interested in receiving a copy of the Request for Proposal, you may:

- (1) Send a written request to:  
 Michelle Robleto  
 Executive Director

Florida Comprehensive Health Association  
 1210 East Park Avenue  
 Tallahassee, Florida 32301

(2) Or, you may fax your request to FCHA, (850)309-1222.  
 Other important dates in the procurement schedule for the RFP are:

Event	Deadline
Advertisement of RFP	February 25, 2002
Request for RFP	March 8, 2002
Release of RFP	March 15, 2002
Deadline for written questions regarding RFP	April 15, 2002
Proposal Submission	May 15, 2002
On-site reviews/Oral Presentations	May 16, 2002 – June 30, 2002
Cost Negotiations and proposal evaluations	May 16, 2002 – June 30, 2002
Contract award date	July 1, 2003
Operational date for selected Administrator(s)	January 1, 2003

**JUPITER INLET DISTRICT**

**REQUEST FOR QUALIFICATIONS ENGINEERING CONSULTANT TO PROVIDE PROFESSIONAL SERVICES FOR JUPITER INLET DISTRICT**

Pursuant to Section 287.055, Florida Statutes, notice is hereby given that the Jupiter Inlet District required professional services as follows:

The services requested of the Consultant by the Jupiter Inlet District include but are not limited to preparation of plans and specifications for annual inlet sand trap maintenance; obtaining permitting approval of applicable governmental authorities; construction observation services; and environmental studies, with a primary focus on estuarine resources.

The successful Consultant should have working knowledge of the requirements of Chapter 161, Florida Statutes, as it relates to inlet management plans.

Additional information pertaining to this project can be obtained from the Executive Director, (561)746-2223.

This notice given by the Board of Commissioners of the Jupiter Inlet District in regular session this January 9, 2002.

BOARD OF COMMISSIONERS  
 JUPITER INLET DISTRICT  
 Michael A. Martinez  
 Chairman

**POLK COUNTY WORKFORCE DEVELOPMENT BOARD**

**REQUESTS FOR PROPOSAL**

The Polk County Workforce Development Board, Inc. is soliciting separate proposals for:

1. One-Stop Operator Services
2. Youth Program Services

for the period of July 1, 2002 to June 30, 2003.

The proposal response packages can be obtained by phone, (863)519-0100, Extension "0" or from [www.polkworks.org](http://www.polkworks.org)

Proposers' Conferences have been scheduled for March 6, 2002. Intent to Propose Letters are due by 5:00 p.m. (ET), March 12, 2002. The deadline for submittal of proposals is 4:00 p.m. (ET), March 22, 2002.

Polk County Workforce Development Board is an equal opportunity program and employer.

**DEPARTMENT OF MILITARY AFFAIRS**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-201162 ACCOUNTING CODE:

PROJECT NAME AND LOCATION: CONSTRUCT PHASE II OF BUILDING 4540 (LAND MANAGEMENT COMPLEX) CBTS, STARKE, FLORIDA

PROJECT DESCRIPTION: Facility will be approximately a 3,700 sq. ft. office addition of masonry construction with pre-engineered wood truss/shingle roof system to an existing building. Interior will consist of gypsum board on metal studs, acoustical ceilings, and carpet/VCT flooring. Exterior will include all necessary sitework, concrete sidewalks, asphalt parking and driveways, finish grading and seeding/sodding.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders. Bidders should make good faith effort to contract with certified Minority Business Enterprises for work involved with this project.

QUALIFICATIONS: General Contractors licensed by the State of Florida.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:**

A person or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly read aloud on:

DATE AND TIME: March 27, 2002 until 1:00 p.m. (Local Time)

PLACE: Robert F. Ensslin Armory, 2305 State Road 207, Saint Augustine, Florida

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO ATTN: SGM Kevin McElroy, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0283, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained, as of March 1, 2002, from Pitman, Hartenstein and Associates. Inc. (904)724-3546 for \$75.00 (non-refundable).

All Technical questions shall be directed to the A/E until close of business March 22, 2002.

ARCHITECT-ENGINEER: Pitman, Hartenstein and Associates, Inc., 7820 Arlington Expressway, Suite 640, Jacksonville, Florida 32211

TELEPHONE: (904)724-3546, Mark Norton

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C. by the Owner. AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The Florida Automobile Joint Underwriting Association (FAJUA) is soliciting proposals from firms to provide legal services to the Association.

A copy of the Invitation may be obtained from the Association by writing: Lisa Stoutamire, 1113 E. Tennessee Street, Suite 401, Tallahassee, FL 32308. Requests must be in writing via regular mail, Facsimile (850)681-7802 or e-mail FAJUA@aol.com. Proposals are due by 4:00 p.m., April 12, 2002.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

The Division of Historical Resources announces that it is soliciting applications for Special Category projects. These legislative grants are available for major historic preservation and history museum projects with needs in excess of \$50,000.

Grants may be awarded for major historic building restorations, archaeological excavations, and history museum exhibitions. If projects receive legislative approval, funds will become available July 1, 2003.

The deadline for filing applications is May 31, 2002 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m., on that day or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from the: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or call (850)245-6333.

**DEPARTMENT OF BANKING AND FINANCE**

**NOTICE OF FILINGS**

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Section 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 22, 2002):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Salem Trust Company, 201 East Kennedy Boulevard, 4th Floor, Tampa, Florida 33682  
Proposed Purchaser: National Commerce Financial Corporation, One Commerce Square, Memphis, Tennessee 38111

Received: February 18, 2002

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA02-OR-037

In Re: POLK COUNTY LAND

DEVELOPMENT REGULATIONS

ADOPTED BY POLK COUNTY  
ORDINANCE NOS. 01-92

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving Polk County Ordinance No. 01-92.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On January 22, 2001, the Department received for review Polk County Ordinance No. 01-92 which was adopted by the Polk County Board of County Commissioners ("Ord. 01-92"). Ord. 01-92 replaces the single category of schools in the Polk County Land Development Code with several new school types. It also establishes criteria for these school types and denotes the land use districts where each type of school will be allowed.
3. The Ord. 01-92 is consistent with the County's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat. (2001).
5. Polk County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Fla. Stat. (2001) and Rule Chapter 28-26, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by the Ord. 01-92 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. ("Principles").
8. The Ord. 01-92 is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance No. 01-92 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and are hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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SONNY TIMMERMAN, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Mark Carpanini, Esq.
Polk County Attorney
Drawer AT0, P. O. Box 9005
Bartow, FL 33831
Jim Bell, Director
Community Services Division
Drawer CS06, P. O. Box 9005
Bartow, FL 33831

Bruce Parker, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-0602-006
DATE RECEIVED: February 13, 2002
DEVELOPMENT NAME: WALMART/SAMS CLUB
DEVELOPER/AGENT: Walmart Stores East, Inc./Sams Clubs East, Inc.
DEVELOPMENT TYPE: 28-24.031, F.A.C.
COUNTY LOCATION: Volusia
LOCAL GOVERNMENT: Daytona Beach City

NOTICE OF APPROVAL
FOR PRESERVATION 2000 FUNDS

The Florida Communities Trust ("Trust") reviewed and approved project plans for land acquisition projects submitted under the Trust Preservation 2000 Program, Series P8A funding cycle. The project plan listed below was approved by the Executive Director under authority delegated from the governing body. The Executive Director is authorized to execute the agreements for acquisition of the project sites and all other documents necessary to close the project and that funds be released as follows:

Project: 98-006-P8A/Grassy Point Preserve
Grantee: City of Holmes Beach
Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$847,267.00
Project: 98-033-P8A/Fort Fanning Heritage Park
Grantee: City of Fanning Springs
Amount of Approved Funds: the lesser of 100.00% of the final total project costs or \$1,266,800.00

NOTICE OF ADMINISTRATIVE HEARING RIGHTS

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to

be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any order or hearing officer's recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled "Petition for Administrative Proceedings" within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

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## **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

### **Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, MuZ of North America, Inc., d/b/a Motorrad of North America, intends to allow the establishment of JETSKI, as a dealership for the sale of MZ motorcycles, at 6801 South Orange Ave., Orlando (Orange County), Florida 32809, on or after February 19, 2002.

The name and address of the dealer operator(s) and principal investor(s) of JETSKI are dealer operator(s) and principal investor(s): Betty Simmons, 8611 Cury Ford Road, Orlando, FL 32825.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Campanile, Vice President/GM, MuZ of North America, Inc., d/b/a Motorrad of North America, 771 Fentress Blvd., Unit 22, Daytona Beach, FL 32114.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### **Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Co., Inc., intends to allow the relocation of Don Mealey Imports, Inc. d/b/a Courtesy Acura, as a dealership for the sale of Acura vehicles, from its present location at 2455 S. Highway 17-92, Longwood, FL 32750-6545 to a proposed location at 1100 Rhienhart Road, Sanford (Seminole County), Florida 32271, on or after February 19, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Don Mealey Imports, Inc. d/b/a Courtesy Acura are dealer operator: Daniel Napoleon, 672 Oak Hollow Way, Altamonte Springs, FL; principal investor(s): First Team Automotive, Inc. and Michael Maroone, Executive Manager, 110 S. E. 6th Street, Ft. Lauderdale, FL 33301.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bill Green, Market Planning Manager, American Honda Motor Co., Inc., 1919 Torrance Blvd., Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Focus Inc., d/b/a Independence Motorcycle Co., intends to allow the establishment of Florida Motorsports Group Inc., d/b/a East Coast Choppers, as a dealership for the sale of Hardtail Express, Custom Express and Freedom Express, at 1100 W. Oakland Park Blvd., Ft. Lauderdale (Broward County), Florida 33441, on or after February 28, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Florida Motorsports Group Inc., d/b/a East Coast Choppers are dealer operator(s) and principal investor(s): Julio Montenegro, 1008 S. E. 12 Ave., Deerfield Beach, FL 33441.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Don Medoff, President, Focus Inc., d/b/a Independence Motorcycle Company, P. O. Box 27374, Tucson, AZ 85726-7337.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to the requirements of Section 320.642, Florida Statutes, notice is given that DaimlerChrysler Motors Corp. intends to establish T. T. of Sand Lake, Inc. d/b/a Central Florida Chrysler Jeep as a dealership for the sale of new Chrysler and Jeep motor vehicles in Orange County, Florida. The dealership is to located initially at 7530 South Orange Blossom Trail, Orlando, Orange County, Florida, during the construction of a facility at the new location, and is thereafter to be relocated to the new location at the southwest corner of the intersection of John Young Parkway and Sand Lake Road, Orlando, Orange County, Florida, on property the legal description of which is as follows:

From a 4 inch by 4 inch concrete monument with disc stamped "RLS 1585 and RLS 1819" at the point of intersection of the South boundary of the Northeast 1/4 of Section 32, Township 23 South, Range 29 East with the Westerly boundary of Block A, all as shown on the plat of SOUTH PARK UNIT FOUR, as recorded in Plat Book 20, Page 137, Public Records of Orange County, Florida, run North 06 degrees 09 minutes 56 seconds West 989.49 feet along said Westerly boundary to a 4 inch by 4 inch concrete monument with disc stamped "RLS 1585 RLS 1819" at the beginning of a tangent curve concave Southwesterly and having a radius of 450.04 feet; thence run Northwesterly 321.50 feet along the arc of said curve and said Westerly boundary through a central angle of 40 degrees 55 minutes 52 seconds to a 4 inch by 4 inch concrete monument with disc stamped "LB 1" for the POINT OF BEGINNING; thence continue 246.71 feet along the arc of said curve and Westerly boundary through a central angle of 31 degrees 24 minutes 31 seconds to an X cut in concrete; thence leaving said curve and Westerly boundary run North 11 degrees 30 minutes 00 seconds East 50.00 feet to a 4 inch X 4 inch concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" at the beginning of non tangent curve concave Southwesterly and having a radius of 1000.00 feet; thence from a tangent bearing of North 23 degrees 19 minutes 38 seconds East run 410.34 feet along the arc of said curve through a central angle of 23 degrees 30 minutes 39 seconds to a 4 inch by 4 inch concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run North 78 degrees 57 minutes 53 seconds East 466.65 feet to 4 inch by 4 inch concrete monument with disc stamped "LS 1585 LS 1819 LS 3186" on the Easterly boundary of the aforesaid Block A; thence run South 11 degrees 02 minutes 07 seconds East 513.49 feet along said Easterly boundary to a 4 inch by 4 inch concrete monument

with disc stamped "LS 1585 LS 1819 LS 3186"; thence leaving said Easterly boundary run South 78 degrees 57 minutes 53 seconds West 313.70 feet to a 4 inch by 4 inch concrete monument with disc stamped "LS 1585 LS 1819 LS 3186"; thence run South 55 degrees 30 minutes 12 seconds West 149.76 feet to the Point of Beginning

The name and address of the dealer operator(s) and principal investor(s) of T. T. of Sand Lake, Inc. d/b/a Central Florida Chrysler Jeep are dealer operator(s) and principal investor(s): Mr. Terry Taylor, 515 East Las Olas Blvd., Suite 900, Ft. Lauderdale, FL 33301.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. J. Browne, Zone Manager, Daimler Chrysler Motors Company, LLC, 10300 Boggy Creek Road, Ste. 110, Orlando, FL 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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## LAND AND WATER ADJUDICATORY COMMISSION

### NOTICE OF RECEIPT OF PETITION

On January 10, 2002, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Double Branch Community Development District (the "District"). The Commission will follow the requirements of Rules Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition filed by OakLeaf Plantation, L.L.C., requests that the Commission establish a community development district located in Clay County, Florida. The land area proposed to be served by the District comprises approximately 1,203 acres. The proposed District is generally located south of the Clay County/Duval County Line and east of Branan Chaffee Road.

There are no out parcels located within the external boundaries of the parcels of land to be included within the District. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development designation (Clay County Comprehensive Plan) currently include primarily single-family residential, multi-family residential, recreation, school, library, and commercial. The proposed land uses within the District are subject to the approved Villages of Argyle Forest Development of Regional Impact Development Order. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, currently intends to participate in the construction of certain road and entranceway improvements and to provide certain stormwater and recreation improvements for the lands within the District.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 11 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule of who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and Clay County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), the FLWAC and State of Florida will incur minimal administrative costs. Clay County will also incur one-time administrative costs which are offset by the required filing fee paid to Clay County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off

such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only incidental or a positive impact on a small business and will not have any impact on small counties and cities. Clay County is not a small county as defined. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

DATE AND TIME: Tuesday, March 12, 2002, 1:00 p.m.

PLACE: Holiday Inn

Clay Room, First Floor

105 Park Avenue

Orange Park, Florida 32073

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Cheryl Stuart, (850)222-7500, at least 5 business days in advance to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Cheryl Stuart, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Broward District: 10

ID #: 0100045 Decision: A Issue Date: 2/14/2002

Facility/Project: St. John's Rehabilitation Hospital, Inc.

St. John's Rehabilitation Hospital

Construct a 20-bed replacement comprehensive medical rehabilitation facility on the same site.

**CERTIFICATE OF NEED  
DECISIONS ON BATCHED APPLICATIONS**

The Agency For Health Care Administration made the following decisions on Certificate of Need applications for nursing home cycle with an application due date of November 27, 2001:

County: Palm Beach Service District: 9

CON #: 9525 Decision Date: 2/14/2002 Decision: A

Facility/Project: Avante at Boca Raton

Applicant: Avante at Boca Raton, Inc.

Project Description: Add up to 32 skilled nursing beds at Avante at Boca Raton through delicensure of up to 32 skilled nursing beds at Avante at Lake Worth

Approved Cost: \$2,858,350

A request for an administrative hearing, if any, must be made in writing and must be actually received by the department within 21 days of the first day of publication of this notice in the F.A.W., pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AHCA Purchase Order Number: S5900J00496

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
TREATMENT AND RECLAIMED WATER REUSE  
FACILITIES (EXPANSION OF TREATMENT PLANT AND  
REUSE FACILITIES)**

The Florida Department of Environmental Protection has determined that the projects involving expansion of the Bee Ridge Wastewater Reclamation Facility in Sarasota County will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

For more information regarding the Finding of No Significant Impact, please call Troy M. Mullis, (850)488-8163.

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT**

The Florida Department of Environmental Protection has determined that the proposed City of Cape Coral wastewater facilities will not have a significant adverse affect on the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information regarding the Florida Finding of No Significant Impact, please contact Troy M. Mullis, (850)488-8163.

**NOTICE OF FILING OF APPLICATION FOR  
POWER PLANT CERTIFICATION**

The Department has received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Florida Power & Light Company, Martin Unit 8, Power Plant Siting Application No. 89-27A, OGC Case No. 02-0197.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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#### FLORIDA CATEGORICAL EXCLUSION NOTIFICATION ESCAMBIA COUNTY UTILITIES AUTHORITY

The Florida Department of Environmental Protection has determined that the projects involving wastewater collection system improvements in the Escambia County Utilities Authority's planning area will not adversely affect the environment.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

For more information regarding the Categorical Exclusion Notification, please contact Troy M. Mullis, (850)488-8163.

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#### DEPARTMENT OF HEALTH

On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kimberly Joyce Cody, R.N., D.O. Cody holds licenses numbers RN3419342 and DO 3727. Cody's last known address is 3251 Aurora Road, Melbourne, Florida 32935. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kathey Ann Cairns, L.P.N. Cairns holds license number PN 1133021. Cairns's last known address is 9211 103rd Street, #79, Jacksonville, Florida 32210. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Janice Slayton Turner, R.N. Turner holds license number RN 2737412. Turner's last known address is 701 Masters Row, Apt. B, Glen Allen, Virginia 23059. This Emergency Order was predicated

upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Patricia Anne Burke, R.N. Burke holds license number RN 1609812. Burke's last known address is 21364 N. W. 40th Circle Court, Carol City, Florida 33055. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Cari Ann Cushing, R.N. Cushing holds license number RN 3306892. Cushing's last known address is 235 Bridge Street, Fergus, Ontario, Canada N1M 1T7. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 14, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Michael Gavin R.N. Gavin holds license number RN 3212872. Gavin's last known address is 8828 Highbridge Rd., Midway, Florida 32343. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On February 14, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Jamie Ratliff, L.P.N. Ratliff holds license number PN 5145875. Ratliff's last known address is 8912 Whistler Way, Hudson, Florida 34667. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**VISIT FLORIDA**

**MINORITY CONVENTION GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting applications for the 2002-2003 Minority Convention Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above, attention: Minority Convention Grants Program, by faxing a request to "Minority Convention Grants Program" at (850)224-2938 or by calling Bennie Strange, (850)488-5607, Ext 319 or by e-mailing a request to bstrange@flausa.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is: Friday, April 12, 2002, 5:00 p.m.

All applications received after 5:00 p.m., Friday, April 12, 2002, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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**ADVERTISING MATCHING GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting applications for the 2002-2003 Advertising Matching Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above, attention: Advertising Matching Grants Program, by

faxing a request to "Advertising Matching Grants Program" at (850)224-2938 or by calling Bennie Strange, (850)488-5607, Ext 319 or by e-mailing a request to bstrange@flausa.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is: Friday, April 19, 2002, 5:00 p.m.

All applications received after 5:00 p.m., Friday, April 19, 2002, will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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**NATURE AND HERITAGE TOURISM GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida, 32301, is accepting applications for its 2002-2003 Nature and Heritage Tourism Grants Program. Application packages may be obtained by writing VISIT FLORIDA at the address listed above; attention Nature and Heritage Tourism Grants Program; by faxing a request to "Nature and Heritage Tourism Grants Program", (850)224-2938, by calling Clarissa Otero, (850)488-5607, Ext. 363 or by e-mailing a request to coter@flausa.com. VISIT FLORIDA reserves the right to reject any or all applications.

Application due date and time is: Friday, April 19, 2002, 5:00 p.m. All applications received after 5:00 p.m., Friday, April 19, 2002 will be returned to the applicant.

Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 11, 2002  
 and February 15, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

12A-1.096	2/14/02	3/6/02	27/47	
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**Division of Child Support Enforcement**

12E-1.008	2/14/02	3/6/02	27/47	
12E-1.023	2/14/02	3/6/02	27/47	
12E-1.027	2/14/02	3/6/02	27/47	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF TRANSPORTATION**

14-15.010	2/13/02	2/13/02	28/3	
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**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Division of Workers' Compensation**

38F-6.008	2/13/02	3/5/02	28/2	
38F-6.009	2/13/02	3/5/02	28/2	
38F-6.014	2/13/02	3/5/02	28/2	
38F-6.016	2/13/02	3/5/02	28/2	
38F-56.001	2/13/02	3/5/02	28/2	
38F-56.002	2/13/02	3/5/02	28/2	
38F-56.100	2/13/02	3/5/02	28/2	
38F-56.110	2/13/02	3/5/02	28/2	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**  
**Suwannee River Water Management District**

40B-400.046	2/15/02	3/7/02	28/3	
40B-400.051	2/15/02	3/7/02	28/3	
40B-400.091	2/15/02	3/7/02	28/3	
40B-400.115	2/15/02	3/7/02	28/3	
40B-400.191	2/15/02	3/7/02	28/3	
40B-400.483	2/15/02	3/7/02	28/3	

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Indigo Community Development District**

42U-1.002	2/15/02	3/7/02	27/50	
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**DEPARTMENT OF LOTTERY**

53-16.012	2/15/02	3/7/02	28/1	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**  
**Board of Dentistry**

64B5-12.0175	2/15/02	3/7/02	27/40	27/46
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**Board of Medicine**

64B8-30.003	2/11/02	3/3/02	27/48	
64B8-30.005	2/11/02	3/3/02	27/48	
64B8-30.013	2/11/02	3/3/02	27/48	
64B8-30.014	2/11/02	3/3/02	27/48	
64B8-45.001	2/12/02	3/4/02	27/52	

**Board of Speech-Language Pathology and Audiology**

64B20-7.003	2/14/02	3/6/02	27/46	
64B20-7.005	2/14/02	3/6/02	27/46	
64B20-7.008	2/14/02	3/6/02	27/46	

Section XIV  
List of Rules Affected

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.				3C-560.910	28/3	28/9	
w – Signifies Withdrawal of Proposed Rule(s)				3C-560.911	28/3	28/9	
c – Rule Challenge Filed				3C-560.912	28/3	28/9	
v – Rule Declared Valid				3D-20.0021	27/33	28/8	
x – Rule Declared Invalid					27/41c		
d – Rule Challenge Dismissed				3D-20.0022	27/33	28/8	
dw – Dismissed Upon Withdrawal					27/41c		
Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	3D-20.0026	27/33		
				3D-20.030	27/33	28/8	
				3D-20.030(11)	27/41c		
				3D-20.036	27/33		
				3D-20.040	27/33		
				3D-30.0055	27/49		
				3D-30.041	28/6		28/8w
				3D-30.060	27/50	28/3	
				3D-40.242	27/40	27/50	28/4
STATE				3F-5.0016	28/8		
1A-46.001	28/7			3F-5.002	28/8		
1B-2.011	28/3			3F-5.0022	28/8		
1B-24.002	26/43			3F-5.004	28/8		
1S-1.001	28/9			3F-5.005	28/8		
1S-1.002	28/9			3F-5.006	28/8		
1S-1.003	28/9			3F-5.007	28/8		
1S-2.027	27/40	28/4		3F-5.008	28/8		
1S-2.028	27/45	27/51	28/6	3F-5.009	28/8		
1S-2.029	28/7			INSURANCE			
1S-2.030	28/7			4ER01-1	27/32c		28/7d
1S-2.031	27/40	28/4		4ER01-2	27/32c		28/7d
1S-2.032	27/50			4ER01-3	27/32c		28/7d
1S-2.033	28/9			4ER01-4	27/32c		28/7d
1S-5.001	27/52			4ER01-5	27/32c		28/7d
1U-1	28/8c		28/9dw	4ER01-6	27/32c		28/7d
LEGAL AFFAIRS				4ER01-7	27/32c		28/7d
2-37	27/15			4ER01-8	27/32c		28/7d
BANKING AND FINANCE				4ER01-9	27/32c		28/7d
3-1	26/43c			4ER01-10	27/32c		28/7d
	27/2c			4ER01-11	27/32c		28/7d
	27/49c			4ER01-12	27/32c		28/7d
3C-1.022	21/25			4ER01-13	27/32c		28/7d
3C-100.03852	27/50		28/5	4ER01-14	27/32c		28/7d
3C-110.045	28/4			4ER01-15	27/32c		28/7d
3C-110.053	28/3			4ER01-16	27/32c		28/7d
3C-140.002	28/3			4ER01-17	27/32c		28/7d
3C-560.902	28/3	28/9		4ER01-18	27/32c		28/7d
3C-560.903	27/39		28/3w	4ER01-19	27/32c		28/7d
	28/3	28/9		4ER01-20	27/32c		28/7d
3C-560.906	27/39	27/51	28/7	4ER01-21	27/32c		28/7d
	27/49c		28/7d	4ER01-22	27/32c		28/7d
3C-560.907	28/3	28/9		4-1	26/44c		
3C-560.908	28/3	28/9			27/16c		
3C-560.909	28/3	28/9			27/45c		28/2d
				4-5.074	27/15		
				4-128.015	27/40c		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-128.016	27/40c			4-149.101	23/45	24/31	
4-128.017	27/40c				24/3c		
4-128.018	27/40c				24/3c		
4-128.019	27/40c				24/46	26/22	
4-128.020	27/40c			4-149.102	23/45	24/31	
4-128.021	27/40c					26/12	
4-128.022	27/40c					26/22	
4-128.023	27/40c				24/3c		
4-128.024	27/40c				24/3c		
4-137.003	27/49				24/46	26/22	
4-137.011	27/49			4-149.103	23/45	24/31	
4-141.0016	21/2c					26/12	
4-144.002	27/35	28/7				26/22	
4-144.005	27/35	28/7			24/3c		
4-144.010	27/35	28/7			24/3c		
4-144.055(4)(e)	27/43c				24/46	26/22	
4-149	24/3c			4-149.104	23/45	24/31	
	24/3c					26/12	
4-149.001	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.002	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.003	23/45	26/22		4-149.105	23/45	24/31	
	24/46	26/22				26/12	
	27/49	28/8				26/22	
4-149.004	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.005	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.106	23/45	24/31	
4-149.006	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.007	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.008	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.107	23/45	24/31	
4-149.009	23/45	26/22				26/12	
	24/46	26/22				26/22	
4-149.010	23/45	26/22			24/3c		
	24/46	26/22			24/3c		
4-149.020	23/45	26/22			24/46	26/22	
	24/46	26/22		4-149.108	23/45	24/31	
4-149.021	23/45	26/22				26/12	
	24/46	26/22				26/22	
	27/49				24/3c		
4-149.022	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
	27/49			4-149.109	23/45	24/31	
	27/49					26/12	
4-149.023	23/45	26/22				26/22	
	24/46	26/22			24/3c		
4-149.024	23/45	26/22			24/3c		
	24/46	26/22			24/46	26/22	
4-149.035	23/45	26/22					
	24/46	26/22					

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-149.110	23/45	24/31 26/12 26/22		4-149.127	24/3c		
	24/3c 24/3c			4-149.128	24/3c		
	24/46	26/22		4-149.129	24/3c		
4-149.1105	23/45	24/31		4-149.130	24/3c		
	24/3c				24/3c		
4-149.111	23/45	24/31 26/12 26/22		4-149.131	24/3c		
					24/3c		
				4-149.132	24/3c		
	24/3c				24/3c		
	24/3c			4-149.1325	24/20	24/20	
	24/46	26/22		4-149.133	24/3c		
4-149.112	23/45	24/31 26/12 26/22			24/3c		
				4-149.190	23/45	26/22	
	24/3c				24/3c		
	24/3c				24/3c		
	24/46	26/22		4-149.204	28/6		
4-149.113	24/3c			4-149.205	28/6		
	24/3c			4-149.206	28/6		
	24/46	26/22		4-149.207	28/6		
				4-154	27/3		
4-149.114	24/3c			4-154.520	24/3c		
4-149.115	24/3c			4-156.006	28/4		
4-149.116	24/3c			4-156.007	28/4		
4-149.117	24/3c			4-156.0095	28/4		
4-149.118	24/3c			4-157.001	27/41		28/5w
4-149.119	24/3c			4-157.002	27/41		28/5w
4-149.120	23/45	24/31 26/12 26/22		4-157.003	27/41		28/5w
				4-157.004	27/41		28/5w
				4-157.006	27/41		28/5w
	24/3c			4-157.007	27/41		28/9w
	24/3c			4-157.009	27/41		28/5w
	24/46	26/22		4-157.016	27/41		28/5w
4-149.121	23/45	24/31 26/12 26/22		4-157.017	27/41		28/5w
				4-157.018	27/41		28/5w
	24/3c			4-157.019	27/41		28/5w
	24/3c			4-157.020	27/41		28/5w
	24/46	26/22		4-157.023	27/41		28/5w
4-149.122	23/45	24/31 26/12 26/22		4-157.024	27/41		28/5w
				4-157.025	27/41		28/5w
	24/3c			4-157.026	27/41		28/5w
	24/3c			4-157.027	27/41		28/5w
	24/46	26/22		4-157.028	27/41		28/5w
4-149.123	23/45	24/31 26/12 26/22		4-157.029	27/41		28/5w
				4-157.030	27/41		28/5w
	24/3c			4-157.031	27/41		28/5w
	24/3c			4-167.002	27/14		
	24/46	26/22		4-170.135(5)	27/49c		
4-149.124	24/3c			4-176.013	27/45		28/3
4-149.125	24/3c			4-186.001	27/21		28/4
4-149.126	24/3c			4-186.002	27/21		28/4
				4-186.003	27/21	27/49	28/4
	24/46	26/22		4-186.006	27/21		28/4
				4-186.008	27/21	27/49	28/4
				4-186.012	27/21		28/4
				4-186.014	27/21		28/4

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
4-189.005	27/44		28/6	5C-11.015	28/4		
4-191.037	27/36			5C-13.004	28/4		
	27/45c			5C-24.003	28/4		
4-193.065	26/41			5E-2.028	28/4		
	27/27			5E-9.019	27/51		28/7
4-204.001	27/45			5E-9.021	27/51		28/7
4-204.002	27/45			5E-9.024	27/51		28/7
4-204.004	27/45			5E-9.027	27/51		28/7
4-204.006	27/45			5E-9.028	27/51		28/7
4-204.010	27/45			5E-9.029	27/51		28/7
4-204.012	27/45			5E-9.033	27/51	28/5	
4-204.022	27/45			5E-9.034	27/51		28/7
4-204.025	27/45			5E-14.102	28/7		
4-211.0031	27/11	27/15		5E-14.102(5)	27/37c		
4-211.029	27/44			5E-14.105	28/7		
4-211.030	27/44			5E-14.108	28/7		
4-211.031	27/44			5E-14.113	28/6		
4-211.040	27/44			5E-14.117	28/6		
4-211.041	27/44			5E-14.123	28/6		
4-211.042	27/44			5E-14.132	28/6		
4-228.055	26/35			5E-14.136	28/6		
4-231.010	27/44			5E-14.142	28/6		
4-231.020	27/44			5E-14.1421	28/7		
4-231.030	27/44			5F-1.040	28/1		
4-231.080	27/44			5F-1.050	28/1		
4-231.150	27/44			5F-8.001	27/43	27/49	28/3
4A-3.002	27/12			5F-8.012	27/43	27/49	28/3
4A-62.003	27/6c			5F-11.060	27/35	27/47	28/2
4C-6.003	27/50			5F-11.061	27/35	27/47	28/2
4J-1.001	27/49c			5F-11.062	27/35	27/47	28/2
4K-1.001	27/8			5F-11.063	27/35	27/47	28/2
4K-1.002	27/8			5F-11.064	27/35	27/47	28/2
4K-1.003	27/8	27/12		5F-11.065	27/35	27/47	28/2
4K-1.004	27/8			5L-1.001	27/39	27/51	28/5w
				5L-1.002	27/39	27/51	28/5w
AGRICULTURE AND CONSUMER SERVICES				5L-1.004	27/39	27/51	28/5w
5BER01-1	37/34c		27/43w	5L-1.005	27/39	27/51	28/5w
5B-2.010	27/51			5L-1.006	27/39	27/51	28/5w
5B-36.001	27/42		28/6w	5L-1.007	27/39	27/51	28/5w
	28/9			5L-1.008	27/39	27/51	28/5w
5B-36.002	27/42		28/6w	5L-1.009	27/39	27/51	28/5w
	28/9			5L-1.010	27/39	27/51	28/5w
5B-36.0024	27/42		28/6w	5L-1.011	27/39		28/5w
	28/9			5L-1.012	27/39	27/51	28/5w
5B-36.0028	27/42		28/6w	5L-1.013	27/39		28/5w
	28/9			EDUCATION			
5B-36.005	27/42		28/6w	6-1	26/39c		
	28/9			6A-1.083	27/46		28/3
5B-58.001	27/29			6A-1.09422	27/46		28/3
	27/42	27/49		6A-1.09432	28/8		
5B-58.001(16)	27/50c			6A-1.099	28/8		
5B-60.004	27/51			6A-1.0996	25/27	25/34	
5B-60.010	27/51			6A-1.09981	27/46	27/52	28/6
5B-60.012	27/51			6A-4.0021	27/43	28/6	
5B-61.001	28/4						



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9J-5.0055	18/40			<b>TRANSPORTATION</b>			
9J-8.004	22/39			14-15.003	26/46		
9J-8.006	22/39			14-15.0081	27/49		
9J-41.003	20/47			14-15.010	28/3		28/9
9J-200.146	26/42			14-17.011	27/51		28/7
<b>HEALTH AND REHABILITATIVE SERVICES</b>				14-17.012	27/51		28/7
10-5.011(1)(v)	15/46c			14-17.014	27/51		28/7
10D-6.046(7)(f)2.	20/11c			14-17.015	27/51		28/7
10M-9.001	22/1			14-22.012	26/44c		
10M-9.026	22/1			14-40.003	27/51	28/7	
10M-9.045	22/1			14-40.030		24/1	28/5
<b>LAW ENFORCEMENT</b>						24/13	28/5
11B-27.006	27/17					24/17	28/5
11B-30.014	19/40					24/36	28/5
<b>REVENUE</b>					27/41	27/49	28/5
12-24.001	27/47			14-49.003	27/43		28/2
12-24.002	27/47	27/50		14-80.002	27/52		28/7
12-24.003	27/47			14-84.0011	27/51		28/7
12-24.004	27/47			14-98.001	27/51		
12-24.005	27/47	28/4		14-98.002	27/51		
12-24.006	27/47			14-98.003	27/51	28/9	
12-24.007	27/47	28/4		14-98.004	27/51		
12-24.008	27/47	28/4		14-98.005	27/51	28/9	
12-24.009	27/47	28/4		14-98.006	27/51		
12-24.010	27/47			14-98.007	27/51		
12-24.021	27/47			14-98.008	27/51	28/9	
12-24.022	28/4			14-114.001	28/7		
12-24.023	27/47	28/4		14-114.0011	28/7		
12-24.024	27/47			14-114.002	28/7		
12-24.025	27/47	28/4		14-114.003	28/7		
12-24.026	27/47			14-114.004	28/7		
12-24.027	27/47			14-114.005	28/7		
12-24.028	27/47			14-114.006	28/7		
12-24.029	27/47			14-114.007	28/7		
12-24.030	27/47	28/4		14B-1.001	26/3	26/24	
12A-1.096	27/47		28/9		27/32		
12A-19.010	27/42		28/4	14B-1.002	26/3	26/24	
12A-19.020	27/42	27/49	28/4		27/32		
12A-19.030	27/42		28/4	14B-1.003	26/3	26/24	
12A-19.041	27/42		28/4		27/32		
12A-19.042	27/42		28/4	14B-1.004	26/3	26/24	
12A-19.043	27/42		28/4		27/32		
12A-19.050	27/42		28/4	14B-1.005	26/3	26/24	
12A-19.060	27/42		28/4		27/32		
12B-8	23/8c			14B-1.006	26/3	26/24	
12E-1.008	27/47		28/9		27/32		
12E-1.023	27/47		28/9	14B-1.007	26/3	26/24	
12E-1.027	27/47		28/9		27/32		
12E-1.028	27/47	28/7		<b>ENVIRONMENTAL REGULATION</b>			
				17-503.420	16/15		
				17-503.430	16/15		
				17-503.500	16/15		
				17-660.300	15/50	16/8	

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17-671.100	15/32			<b>PUBLIC SERVICE COMMISSION</b>			
17-671.200	15/32			25-6.065	27/41	27/52	28/6
17-671.300	15/32			25-17.0832	27/38		
17-671.310	15/32			25-30.4705	27/52		28/8
<b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST</b>				<b>EXECUTIVE OFFICE OF THE GOVERNOR</b>			
18-1	27/10c			27E-4.001	20/11		
18-2.018	28/8			27E-4.002	20/11		
18-21.004	25/48	25/50		27E-4.003	20/11		
18-24.005	27/15			27E-4.004	20/11		
<b>STATE BOARD OF ADMINISTRATION</b>				27E-4.005	20/11		
19-7.001	27/49			27E-4.006	20/11		
19-7.010	27/49			27E-4.007	20/11		
19-7.011	27/49	28/6		27E-4.008	20/11		
19-7.012	27/49	28/6		27M-1.001	27/39		28/7
19-7.013	27/49	28/6		27M-1.002	27/39		28/7
19-7.014	27/49	28/6		27M-1.003	27/39		28/7
19-7.015	27/49	28/6		27M-1.004	27/39	27/52	28/7
19-7.016	27/49	28/6		27M-1.005	27/39	27/52	28/7
19-7.017	27/49			27M-1.006	27/39	27/52	28/7
19-8.010	28/6			27M-1.007	27/39	27/52	28/7
19-8.012	28/6			27M-1.008	27/39	27/52	28/7
19-8.029	28/6			27M-1.009	27/39	27/52	28/7
19B-12.001	28/8			27M-1.010	27/39	27/52	28/7
19B-15.001	28/8			27M-1.011	27/39	27/52	28/7
19B-15.002	28/8			27M-1.012	27/39		28/7
19B-15.003	28/8			27M-1.013	27/39	27/52	28/7
19B-15.004	28/8			27M-1.014	27/39	27/52	28/7
19B-15.005	28/8			27M-1.015	27/39	27/52	28/7
19B-15.006	28/8			<b>ADMINISTRATION COMMISSION</b>			
19B-15.007	28/8			28-18	27/52c		
19B-15.008	28/8			28-18.100	27/44		
19B-15.009	28/8			28-18.200	27/44	28/8	
19B-15.010	28/8			28-20	27/52c		
19B-15.011	28/8			28-20.100	27/44	28/8	
<b>CITRUS</b>				<b>REGIONAL PLANNING COUNCILS</b>			
20ER01-1			28/1	29J-2.005	28/8		
20-9.001	27/24			29J-2.006	28/8		
20-13.0011	28/7			<b>CORRECTIONS</b>			
<b>PROFESSIONAL REGULATION</b>				33-2.001	23/25		
21M-49.002	19/6c			33-3.0081	25/35	25/43	
21M-50.002	19/6c			33-3.0082	25/35	25/43	
21M-50.003	19/6c			33-3.0084	25/35	25/43	
21M-50.007	19/6c			33-3.0085	25/35	25/43	
21M-50.009	19/6c			33-3.015	21/43		
<b>FLORIDA PAROLE COMMISSION</b>				33-3.018	17/14		
23-23.006	28/6			33-8.0142	19/43		
				33-22.003	17/12		
				33-22.009	17/12		

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33-22.011	17/12			33-601.730	28/4		
33-25.031	20/11c			33-601.731	28/4		
33-32.021	19/5			33-601.732	28/4		
33-32.022	19/5			33-601.733	28/4		
33-38.001	25/35	25/43		33-601.734	28/4		
33-38.003	25/35	25/43		33-601.736	28/4		
33-38.005	25/35	25/43		33-601.737	28/9		
33-38.006	25/35	25/43		33-601.738	26/48	27/38	
33-38.009	25/35	25/43		33-602.112	27/51	28/4	
33-38.010	25/35	25/43		33-602.210	28/5		
33-38.011	25/35	25/43		33-602.220		26/50	28/5
33-38.012	25/35	25/43				26/51	28/5
33-103.015	28/7				27/39	27/50	28/5
33-204.002	27/51		28/7	33-602.222		26/50	28/5
33-204.003	27/51		28/7		27/39	27/50	28/5
33-204.111	27/29			33-602.230	28/8		
33-208.501	28/5			33-602.401(2)(b)	26/39c		
33-208.504	28/5			33-602.403(2)(a)2.	26/39c		
33-208.505	28/5			33-603.101	28/9		
33-208.506	28/5						
33-208.507	26/16						
33-208.510	28/5						
33-210.102	28/5			38-1	26/43c		
33-210.103	28/5			38E-106.401	24/1		
33-302.101	27/48		28/5	38F-6.008		25/48	28/9
33-302.102	28/9c				28/2		28/9
33-401.201	27/48		28/5	38F-6.009		25/48	28/9
33-401.501	27/48	28/4 28/8			28/2		28/9
				38F-6.014	28/2		28/9
33-601.105	28/8			38F-6.016	28/2		28/9
33-601.202	27/45		28/5	38F-8.055	22/4		
33-601.226	28/6			38F-56.001	28/2		28/9
33-601.233	27/45		28/2	38F-56.002	28/2		28/9
33-601.234	27/45		28/2	38F-56.100	28/2		28/9
33-601.236	27/45		28/2	38F-56.110	28/2		28/9
33-601.237	27/45		28/2	38I-60.200	20/7		
33-601.238	27/45		28/2	38K-1.0045	23/27		
33-601.239	27/45		28/2				
33-601.241	27/45		28/2				
33-601.242	27/45		28/2				
33-601.243	27/45		28/2				
33-601.314	28/3	28/9		40-1	27/45c		
33-601.606	28/3			40B-4.1020(12),(30)	28/2c		
33-601.711	28/2	28/9		40B-4.1030	28/2c		
33-601.712	27/52		28/8	40B-4.1040(1)(b),(c)	28/2c		
33-601.713	28/4			40B-4.3010	28/2c		
33-601.714	28/4			40B-4.3020	28/2c		
33-601.715	28/4			40B-4.3030	28/2c		
33-601.717	28/4			40B-4.3040	28/2c		
33-601.719	28/4			40B-400.046		21/33	28/9
33-601.721	28/4				28/3		28/9
33-601.723	28/4			40B-400.051		21/33	28/9
33-601.725	28/4	28/9			28/3		28/9
33-601.726	28/4			40B-400.091		21/33	28/9
33-601.727	28/4				28/3		28/9
33-601.729	28/4			40B-400.115		21/33	28/9
					28/3		28/9

LABOR AND EMPLOYMENT SECURITY

WATER MANAGEMENT DISTRICTS

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40B-400.191		21/33	28/9	40E-1.607	19/43		
	28/3		28/9		28/5		
40B-400.483		21/33	28/9	40E-1.612	20/18	21/36	
	28/3		28/9	40E-1.614	20/18	21/36	
40C-1.1008	27/52			40E-1.659	19/4c		
40C-1.101	27/52				25/18		
40C-1.181	20/18				28/5		
40C-1.603	27/52			40E-2	26/38c		
40C-2.101	27/52			40E-2.011	28/5		
40C-4.051(12)(b)	25/12c			40E-2.041	27/26	27/31	
40C-4.091	25/12c			40E-2.091	28/5		
	27/52			40E-2.101	28/5		
40C-8.021	27/52			40E-2.301	28/5		
40C-8.031	27/52			40E-2.331	28/5		
40C-42.091	27/52			40E-2.381	28/5		
40C-44.091	27/52			40E-3.011	28/5		
40C-400.201	21/48	21/48		40E-3.021	28/5		
40D-0.201	20/3			40E-3.031	28/5		
40D-1.202	19/36	19/42		40E-3.032	28/5		
40D-2.031	20/48			40E-3.035	28/5		
40D-2.041	20/48			40E-3.037	28/5		
40D-2.091	20/48	20/52		40E-3.038	28/5		
		28/5		40E-3.039	28/5		
	22/48			40E-3.0391	28/5		
	28/6			40E-3.040	28/5		
40D-2.101	20/48			40E-3.041	28/5		
40D-2.301	22/48			40E-3.051	28/5		
	28/6			40E-3.0511	28/5		
40D-2.321	20/48			40E-3.101	28/5		
40D-2.331	20/48			40E-3.301	28/5		
40D-2.381	20/48			40E-3.321	28/5		
	28/6			40E-3.341	28/5		
40D-2.501	20/48		28/5w	40E-3.411	28/5		
40D-2.601	20/48			40E-3.451	28/5		
40D-2.621	20/48			40E-3.461	28/5		
40D-2.801	20/48	21/44		40E-3.500	28/5		
		24/7		40E-3.501	28/5		
		28/5		40E-3.502	28/5		
40D-3.600	28/6			40E-3.504	28/5		
40D-4.021	27/47		28/8	40E-3.507	28/5		
40D-4.051	27/47	28/7		40E-3.512	28/5		
40D-4.091	22/48			40E-3.517	28/5		
	25/3			40E-3.521	28/5		
	27/47		28/8	40E-3.525	28/5		
40D-4.091(1)	26/43c			40E-3.529	28/5		
40D-4.201	21/22			40E-3.531	28/5		
40D-6.521	24/50			40E-4.091	25/18		
40D-8.624	23/38	24/48		40E-6	20/26c		
40D-8.6240	23/38	24/48		40E-7.639	22/23	22/37	
40D-45.341	19/42	20/3		40E-20.010	28/5		
40D-400.491	27/47		28/3	40E-20.011	28/5		
40D-400.492	27/47		28/3	40E-20.031	28/5		
40E-1.510	20/18	21/36		40E-20.042	28/5		
40E-1.603	19/4c			40E-20.061	28/5		
40E-1.606	19/4c			40E-20.091	28/5		

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40E-20.101	28/5			46-37.005	20/18		
40E-20.112	28/5			46-37.006	20/18	20/25	
40E-20.141	28/5			46-42.003	20/35		
40E-20.301	28/5			46-47.007	22/27		
40E-20.302	28/5						
40E-20.321	28/5						
40E-20.331	28/5						
40E-20.341	28/5			53ER01-65			27/45
40E-20.351	28/5			53ER01-71			27/45
40E-20.381	28/5			53ER01-72			27/45
40E-20.391	28/5						27/48
40E-63.223	27/2	27/9		53ER01-73			27/50
40E-63.400	27/23	27/50	28/3	53ER01-74			27/48
40E-63.401	27/23	27/50	28/3	53ER01-75			27/45
40E-63.402	27/23	27/50	28/3	53ER01-76			27/52
40E-63.404	27/23	27/50	28/3	53ER01-77			27/51
40E-63.406	27/23	27/50	28/3	53ER01-78			28/2
40E-63.410	27/23		28/3	53ER01-79			28/2
40E-63.415	27/23	27/50	28/3	53ER01-80			28/1
40E-63.420	27/23	27/50	28/3	53ER01-81			27/52
40E-63.430	27/23		28/3	53ER01-82			27/52
40E-63.432	27/23		28/3	53ER01-83			28/1
40E-63.434	27/23	27/50	28/3	53ER01-84			28/1
40E-63.436	27/23		28/3	53ER02-1			28/4
40E-63.440	27/23	27/50	28/3	53ER02-2			28/4
40E-63.442	27/23	27/50	28/3	53ER02-3			28/5
40E-63.444	27/23	27/50	28/3	53ER02-4			28/5
40E-63.450	27/23	27/50	28/3	53ER02-5			28/6
40E-63.452	27/23		28/3	53ER02-6			28/7
40E-63.454	27/23		28/3	53ER02-7			28/7
40E-63.456	27/23	27/50	28/3	53ER02-8			28/9
40E-63.458	27/23	27/50	28/3	53ER02-9			28/9
40E-63.460	27/23	27/50	28/3	53-14.009	28/5		
40E-63.470	27/23	27/50	28/3	53-16.007	28/5		
40E-601.314	26/9			53-16.009	28/5		
	26/9			53-16.012	28/1		28/9
	26/9			53-19.0035	25/43		
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION				ELDER AFFAIRS			
42-196.010	26/42			58A-4.001	27/42	27/50	28/5
42U-1.002	27/50		28/9	58A-4.002	27/42	27/50	28/5
EXPRESSWAY AUTHORITIES				AGENCY FOR HEALTH CARE ADMINISTRATION			
45A-2.001	21/49			59A-2.024	20/1		
MARINE FISHERIES COMMISSION				59A-3.170	21/20		
46-15.002	21/35			59A-3.180	21/3		
46-21.007(1)	18/2			59A-3.202	27/44		
46-24.003	21/27			59A-3.203	27/44		
46-37.001	20/18			59A-3.204	27/44		
46-37.002	20/18	20/25		59A-3.2055	22/52	23/10	
46-37.003	20/18			59A-4.103	27/44	28/7	
46-37.004	20/18	20/25		59A-4.106	27/44	28/7	
				59A-4.123	27/44		
				59A-4.128	27/44		
				59A-4.166	27/10c		

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59A-4.203	28/9			59E-1.004	20/27		
59A-5.022	26/39	27/10		59E-1.005	20/27		
59A-7.020	20/25			59E-1.006	20/27		
59A-12.020	26/32 26/38c	26/36		59E-1.007	20/27		
59A-18.003	26/25			59F-1.002	20/33		
59A-23.002	27/44		28/3	59G-4.055	21/39	21/45	
59A-23.004	27/44		28/3	59G-4.070	27/6	27/18	
59A-23.005	27/44		28/3	59G-4.190	27/45		28/6
59A-23.006	27/44		28/3	59G-4.200	27/40c		28/7d
59AA-17.004	21/46			59G-4.240		21/51	28/6
59B-7.020	19/30				27/45		28/6
59B-7.021	19/30			59G-4.250	28/8		
59B-7.022	19/30			59G-4.340	27/40		28/3
59B-7.023	19/30			59G-6.010	27/44		28/7
59B-7.024	19/30			59G-6.020	27/51		
59B-7.025	19/30			59G-208.101	27/4	27/16	
59B-7.026	19/30			59H-1.00352	26/3	26/17	
59B-7.027	19/30			59M-3.005	21/25		
59B-7.028	19/30			59O-2.002	22/34	24/49	
59B-7.029	19/30			59O-2.003	22/34	24/49	
59B-9.010	27/43		28/8	59O-3.002	22/34	24/49	
59B-9.011	27/43		28/8	59O-9.003	22/34	24/48	
59B-9.013	27/43		28/8	59Q-9.002	20/39		
59B-9.015	27/43	27/52	28/8	59R-62.010	21/5		
59B-9.018	27/43		28/8	59R-62.040	21/5		
59B-9.019	27/43		28/8	59T-11.013	23/22	23/35	
59B-9.020	27/43		28/8	59T-14.004	23/22	23/35	
59C-1.002(41)	27/7c		28/2d	59T-15.002	23/22	23/35	
	27/7c		28/7d	59T-16.001	23/22	23/35	
	27/7c		28/7d	59T-16.002	23/22	23/35	
	27/7c		28/7d	59U-11.019	20/51	21/7	
	27/10c		28/2d	59U-14.002	23/24	23/35	
	27/10c		28/2d	59V-3.007	20/34	20/48	
59C-1.003	26/30c			59Y-5.001	23/11		
59C-1.033	26/51	27/18 27/24	28/3 28/7d	MANAGEMENT SERVICES			
	27/7c		28/2d	60-1	27/43c		28/7d
	27/7c		28/7d	60A-1.001(2)	26/39c		
	27/7c		28/7d	60BB-1.001	28/4		
	27/7c			60BB-1.002	28/4		
	27/10c		28/2d	60BB-1.003	28/4		
	27/10c		28/2d	60BB-1.004	28/4		
59C-1.033(7)	27/25c		28/7d	60BB-1.005	28/4		
59C-1.033(7)(b),(c)	27/21c		28/2d	60BB-1.006	28/4		
	27/23c		28/2d	60BB-1.007	28/4		
	27/23c		28/2d	60BB-1.008	28/4		
	27/23c		28/2d	60BB-1.009	28/4		
	27/23c		28/7d	60BB-1.010	28/4		
59C-1.0355(4)(d)	27/49c			60BB-1.011	28/4		
59C-1.036	28/3			60BB-1.012	28/4		
59C-1.0365	28/3			60BB-1.013	28/4		
59E-1.001	20/27			60BB-1.014	28/4		
59E-1.002	20/27			60BB-1.015	28/4		
59E-1.003	20/27			60BB-1.016	28/4		
				60BB-1.017	28/4		

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60BB-1.018	28/4			60P-2.002	27/49		28/4
60BB-2.022	28/7			60P-2.003	27/49		28/4
60BB-2.023	28/7			60P-2.0035	27/49		28/4
60BB-2.024	28/7			60P-2.0036	27/49		28/4
60BB-2.025	28/7			60P-2.004	27/49		28/4
60BB-2.026	28/7			60P-2.005	27/49		28/4
60BB-2.027	28/7			60P-2.006	27/49		28/4
60BB-2.028	28/7			60P-2.007	27/49		28/4
60BB-2.031	28/7			60P-2.008	27/49		28/4
60BB-2.032	28/7			60P-2.009	27/49		28/4
60BB-2.035	28/7			60P-2.010	27/49		28/4
60BB-2.037	28/7			60P-2.011	27/49		28/4
60G8-24.001	27/50			60P-2.012	27/49		28/4
60G8-24.002	27/50			60P-2.013	27/49		28/4
60G8-24.0425	27/50			60P-2.014	27/49		28/4
60K-5.030(5)	28/7c			60P-2.015	27/49		28/4
60L-29.002	27/45	27/49	28/3	60P-2.016	27/49		28/4
60L-30.003	27/45	27/46	28/3	60P-2.017	27/49		28/4
		27/49	28/3	60P-2.019	27/49		28/4
		27/52	28/3	60P-2.020	27/49		28/4
60L-30.007	27/45			60P-3.004	27/49		28/4
60L-31.004	27/45	27/47	28/3	60P-3.005	27/49		28/4
		27/49	28/3	60P-3.006	27/49		28/5
		27/52	28/3	60P-3.007	27/49		28/4
60L-31.005	27/45	27/47		60P-3.008	27/49		28/4
60L-32.0012	27/45	27/47	28/3	60P-3.009	27/49		28/4
		27/49	28/3	60P-3.010	27/49		28/4
		27/52	28/3	60P-3.011	27/49		28/4
60L-32.0013	27/45	27/49	28/3	60P-3.012	27/49		28/4
		27/52	28/3	60P-3.013	27/49		28/4
60L-32.0032	27/45	27/47		60P-3.014	27/49		28/4
		27/49		60P-3.015	27/49		28/4
60L-32.0033	27/45	27/49		60P-3.016	27/49		28/4
60L-32.008	27/45	27/47		60P-3.017	27/49		28/4
60L-33.002	27/45	27/47	28/3	60P-3.018	27/49		28/4
		27/49	28/3	60P-6.006	27/49		
60L-33.003	27/45	27/47	28/3	60P-6.0063	27/49		
		27/49	28/3	60P-6.0065	27/49		
60L-34.002	27/45	27/49	28/3	60P-6.0068	27/49		
60L-34.0031	27/45	27/49	28/3	60P-6.007	27/49		
60L-34.0032	27/45	27/49	28/3	60P-6.0075	27/49	28/9	
60L-34.004	27/45	27/49	28/3	60P-6.0079	27/49		
60L-34.0041	27/45	27/49	28/3	60P-6.0081	27/49		
60L-34.0061	27/45	27/47	28/3	60P-6.009	27/49		
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64E-6.027	28/3			66B-1.010	27/52		
64E-6.030	28/3			66B-1.011	27/52		
64E-17.006	27/50			66B-1.012	27/52		
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