

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

STATE BOARD OF ADMINISTRATION

RULE TITLE: Investment Policy Statement
RULE NO.: 19-9.001

PURPOSE AND EFFECT: To discuss proposed amendments to the Investment Policy Statement for the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Investment products; non-investment products; investment product providers and managers; manager selection and monitoring guidelines; and performance measurement criteria for the Investment Policy Statement required by Section 121.4501(14), Florida Statutes.

SPECIFIC AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(8)-(15) 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. – 4:30 p.m., Tuesday, March 12, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed amended rule may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1492.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON FEBRUARY 18, 2002.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Asset Transfer Procedures: Initial Transfers
RULE NO.: 19-10.001
 Occurring between 7/1/02 and 3/31/03

PURPOSE AND EFFECT: To discuss amendments to the initial asset transfer procedures and the enrollment form required to implement the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: The enrollment form and the transfer procedures and the roles of the third party administrator; the employers; the investment product providers and managers; the Division of Retirement; and the State Board of Administration.

SPECIFIC AUTHORITY: 121.4501(3)(c)4.,(8)(a) FS.

LAW IMPLEMENTED: 121.4501(2)-(8),(15), 121.571(1),(2), 215.44(8)(b) 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: 9:00 a.m. – 11:30 a.m., Tuesday, March 12, 2002

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the proposed amended rule may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1492.

THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON FEBRUARY 18, 2002.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Telephone Use
RULE NO.: 33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise current telephone procedures in order to provide for the use of a proposed new telephone system, to provide correct titles for staff with responsibilities related to inmate telephones, and to clarify terms used in conjunction with provision of inmate telephone services.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. ~~If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is 2-7-00.

(c) An inmate shall be allowed to change his or her telephone list once every six months. Changes can be made more frequently for the following reasons only:

1. No change.

2. The inmate has married and wishes to add the name and telephone number of the spouse. The inmate shall be responsible for providing documentation of the marriage before the list will be amended.

3. An inmate shall be allowed to update his or her telephone list when there is a change in telephone providers, an installation of updated equipment or software, or a repair to the equipment, if the department determines that an update of the telephone list would be more efficient in completing the change, installation, or repair.

(d) No change.

(e) Except for calls to attorneys as provided in (3)(a), or calls during family crisis as provided in (4), calls shall be limited to 15 ~~40~~ minutes. Calls to attorneys as provided in (3)(a) and calls in time of family crisis as provided in (4) shall be limited to the amount of time reasonably necessary to accomplish the purpose of the call.

(f) No change.

(g) All calls from the monitored telephones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. No change.

2. The prompt shall clearly identify the caller on a prerecorded message ~~one~~ which is input at the time of the inmate's first call.

3. No change.

4. The system will detect conference calls or three-way calling activity and terminate the call when such activity is detected.

(h) through (i) No change.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings ~~recorded tapes~~ of monitored calls.

(k) Records and ~~Tape~~ recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings ~~tapes~~ of monitored calls shall be retained for a minimum of one year. Access to ~~tapes and~~ records and recordings shall be limited to the following persons:

1. No change.

2. Director of Institutions ~~Assistant Secretary for the Office of Security and Institutional Operations~~ or her or his designee;

3. through 6. No change.

(l) The department's contract manager for operations and ~~W~~Wardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 ~~40~~ minutes. If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate

Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) No change.

(5) Telephone privileges for inmates in Administrative or Disciplinary Confinement shall be in accordance with Rules 33-602.220 (Administrative Confinement) and 33-602.222 (Disciplinary Confinement) are not allowed telephone privileges except in cases of emergency or when necessary to insure the inmate's access to attorneys or courts, provided that in Disciplinary Confinement privileges will only be allowed when alternative means of access are not feasible.

(6) No change.

(7) All long distance calls shall be "collect" calls except:

(a) No change.

(b) Calls to courts when the inmate is required to participate in a telephone conference hearing. Institutional staff shall place a direct call to the court, using the most efficient and economical means available. If the department is involved as a party, the inmate's account shall not be charged for the cost of such call, unless it can be demonstrated that the hearing was scheduled at the inmate's request. In all other circumstances, the inmate's account shall be charged in full for such cost. The charge shall be based on the current SUNCOM telephone rate for State telephone calls.

(c) No change.

(8) through (13) No change.

(14) Prison Tips Hotline.

(a) A toll-free number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips hotline.

(c) Calls to the prison tips hotline will be limited to two minutes and will be recorded and retained for 30 days.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Florida Principles and Practices
 RULE NO.: 61G19-6.0085
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the Florida laws and rules examination.
 SUBJECT AREA TO BE ADDRESSED: Laws and rules examination.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 120.60, 468.609(8) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 12:00 Noon or as soon thereafter as can be heard, March 8, 2002

PLACE: Signature Grand Hotel, 6900 State Road 84, Davie, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 61G19-9.001
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the Florida laws and rules for the purpose of continuing education.
 SUBJECT AREA TO BE ADDRESSED: Laws and rules for continuing education.

SPECIFIC AUTHORITY: 455.2124, 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 468.627 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 12:00 Noon or as soon thereafter as can be heard, March 8, 2002

PLACE: Signature Grand Hotel, 6900 State Road 84, Davie, Florida 33317

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for Dispensing
 Controlled Substances
 RULE NO.: 64B16-27.831
 PURPOSE AND EFFECT: The Board proposes to promulgate a rule to address the standards of practice for dispensing controlled substances.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for dispensing controlled substances.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.0276, 465.035, 465.186, 465.016 FS.

LAW IMPLEMENTED: 465.0155, 465.016 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, IF AVAILABLE, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Minor Violations

RULE NO.: 64B16-30.002

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Minor violations.

SPECIFIC AUTHORITY: 456.073(3), 465.005 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 A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Citations

RULE NO.: 64B16-30.003

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 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.

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (g) No change.

(h) Using in the compounding of a prescription, or furnishing upon prescription, an ingredient or article different in any manner from the ingredient or article prescribed, except as authorized in §465.019(6) or §465.025; or dispensing a medication with dosage instructions different in any way than prescribed, provided that:

1. The patient did not ingest the article or ingredient, or in the event that the article or ingredient was ingested, no allegation of harm or ill effects is present;

2. The licensee has no prior disciplinary history; and

3. The event did not result in or pose a significant threat to the health and safety of the patient or the public.

The penalty shall be a fine of \$500 and completion of an approved continuing education course in the prevention of medication dispensing errors.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History--New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, 1-2-02,_____.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Process

RULE NO.: 67-21.0035

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to Rule 67-21.0035, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.507, 420.508, 420.5087, 420.5089, 420.5099 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 8, 2002

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Harrison or Rachael Harris, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLE: Applicant Administrative Appeal Procedures
 RULE NO.: 67-48.005

PURPOSE AND EFFECT: The purpose of this Rule is to outline the procedures by which the Corporation handles appeals from applicants regarding the scoring of applications.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to Rule 67-48.005, F.A.C.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.502, 420.507, 420.508, 420.5087, 420.5089, 420.5099 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 8, 2002

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Harrison or Rachael Harris, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE Homeownership Construction
 RULE CHAPTER NO.: 67-50

Loan Program
 RULE TITLES: PART I ADMINISTRATION
 RULE NOS.:

Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (“NOFA”)	67-50.020
General Program Restrictions	67-50.030
Application and Selection Procedures for Developments	67-50.040
Administrative Appeal Procedures	67-50.050
Credit Underwriting Procedures and Loan Origination	67-50.060
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.070
Compliance and Monitoring	67-50.080

PART II HOMEOWNERSHIP ASSISTANCE PROGRAM

HAP Program Restrictions 67-50.090

PART III HOME INVESTMENT PARTNERSHIP PROGRAM

HOME Program Restrictions 67-50.100

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, and make and service mortgage loans for new construction of housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and
- (2) Administer the Application process, determine loan amounts, and make and service mortgage loans for new construction of housing under the HOME Investment Partnerships (HOME) Homeownership Construction Loan Program, authorized by Section 420.5089, F.S.

The adoption of this rule chapter will increase the efficiency and effectiveness of Program service and will provide greater clarification of the Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-50, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507, 420.5088, 420.5089 FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Wednesday, March 6, 2002

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget E. Warring, HAP Construction Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Stone Crab Trap Limitation Program

68B-13.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to make clarifying and technical changes to the ongoing program 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.

SUBJECT AREA TO BE ADDRESSED: Stone crabs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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 at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 paragraph (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, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook

RULE TITLES:

Definitions

RULE NOS.:

68B-21.0015

Prohibition of Sale of Snook

68B-21.003

Snook Culture and Sale for Use in Private

Ponds or Aquariums

68B-21.008

PURPOSE AND EFFECT: The purpose of this rule development effort 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 effort will be to regulate the aquaculture of snook consistent with the stringent management plan for the species currently effective in the state.

SUBJECT AREA TO BE ADDRESSED: Snook Aquaculture and Sale.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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 at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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)(+) "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)(-) "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)(-) "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, F.A.C.

(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 597.04, 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 (DMF Form – DMF SSAL 03) 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 a 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), F.A.C.

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), F.A.C.

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

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 development effort is to allow for the properly controlled importation of spiny lobster from foreign countries and sale, during the closed season, for the species in 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 effort should be to encourage commerce in this economically valuable commodity, while still protecting Florida’s lucrative spiny lobster resource.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Importation During the Closed Season.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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 at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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), F.A.C., 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), F.A.C., 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), F.A.C., and the prohibitions relating to eggbearing spiny lobster specified in subsection 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

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 development effort, 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 this effort will be to assist in the artificial cultivation of snook and other species for lawful purposes.

SUBJECT AREA TO BE ADDRESSED: Permits for collection of broodstock for aquaculture purposes.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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 at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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, F.A.C.

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.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Archaeological and Historical Report

RULE CHAPTER NO.:

Standards and Guidelines

1A-46

RULE TITLE:

RULE NO.:

Standards and Guidelines for Reports

1A-46.001

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend the criteria by which the Division of Historical Resources will review reports of cultural resources identification and evaluation on projects which the Division has review authority.

SUMMARY: The proposed amendment provides expanded standardized definitions for cultural resource management activities and amends investigation and reporting standards for archaeological and historical evaluations.

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

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

SPECIFIC AUTHORITY: 267.031(1), 267.061(5)(k) FS.

LAW IMPLEMENTED: 267.061 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 11, 2002

PLACE: R. A. Gray Building, 500 S. Bronough Street, Third Floor Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brian Yates, Office Automation Analyst, Office of the Director, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6372, e-mail byates@mail.dos.state.fl.us.