

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/ (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

Florida Administrative Weekly (FAW) 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 or 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
PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

RULE NO.: 64B17-2.002

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

RULE NO.: 64B17-3.002

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 ability to reapply upon 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> (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. <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> (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. Impaired practitioners working in this state may be ordered into the PRN.</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> (c) From a minimum of six months probation with conditions to revocation or denial of the to 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.</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) Filing a false report or <u>Willfully</u> failing to file a report as required. (468.365(1)(d), 456.072(1)(d), F.S.)	<p><u>First Offense</u> (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.</p> <p><u>Second Offense</u> <u>From one year probation with conditions to six months 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> <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> (e) From reprimand to one (h) year suspension or denial, and an administrative fine from \$250.00 to \$1,000.00.</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> (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.</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>	(g) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$250.00 to \$1,000.00 to <u>\$5,000</u> . Any Board ordered probation shall be for no less time than Court ordered sanctions.	(m)(m) Practicing beyond competence level. (468.365(1)(m)(m), 456.072(1)(o), F.S.)	<u>Third Offense</u>	From <u>one year suspension to revocation with no ability to reapply</u> and a fine from <u>\$3,000 to \$10,000</u> .
	<u>Second Offense</u>	From <u>one year suspension to revocation and a fine from \$5,000 to \$10,000</u> .		<u>First Offense</u>	From <u>reprimand to one year suspension followed by two years probation to revocation or denial</u> , and an administrative fine from <u>\$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>	(h) From a letter of concern <u>reprimand to a minimum of six months probation with conditions or denial</u> , and an administrative fine from <u>\$300 \$100.00 to \$1,000.00</u> .		<u>Second Offense</u>	From <u>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>	From <u>six months probation with conditions to one year suspension and a fine from \$500 to \$3,000</u> .		<u>Third Offense</u>	From <u>one year suspension followed by two years probation to revocation with no ability to reapply</u> and a fine from <u>\$3,000 to \$10,000</u> .
	<u>Third Offense</u>	From <u>one year suspension to revocation and a fine from \$3,000 to \$10,000</u> .	(n)(n) Delegation of professional responsibilities to unqualified person. (468.365(1)(n)(n), 456.072(1)(p), F.S.)	<u>First Offense</u>	From <u>one year probation with conditions to denial or revocation</u> , and an administrative fine from <u>\$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>	(i) From a reprimand to <u>six months suspension or denial</u> , and an administrative fine from <u>\$300 \$100.00 to \$1,000.00</u> . For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.		<u>Second Offense</u>	From <u>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>	From <u>one year suspension to revocation and a fine from \$2,000 to \$10,000</u> .	(o)(o) Malpractice. (468.365(1)(o)(o), F.S.)	<u>Third Offense</u>	From <u>one year suspension followed by two years probation to revocation with no ability to reapply</u> and a fine from <u>\$3,000 to \$10,000</u> .
(j) Violation of rule. (468.365(1)(j), F.S.)		(j) From a reprimand to <u>revocation or denial</u> , and an administrative fine from <u>\$100.00 to \$1,000.00</u> . For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.		<u>First Offense</u>	From <u>one year probation with conditions to revocation or denial</u> , and an administrative fine from <u>\$500 \$150.00 to \$2,000 \$1,000.00</u> .
		(k) A reprimand to <u>six months suspension followed by one year probation with conditions to revocation or denial</u> , and an administrative fine from <u>\$500 \$100.00 plus \$10 per day for each day over ten worked to \$1,000.00</u> .		<u>Second Offense</u>	From <u>two years probation with conditions to revocation and a fine from \$2,000 to \$10,000</u> .
(j)(k) Unlicensed practice. (468.365(1)(j) (k), F.S.)	<u>First Offense</u>	(k) A reprimand to <u>six months suspension followed by one year probation with conditions to revocation or denial</u> , and an administrative fine from <u>\$500 \$100.00 plus \$10 per day for each day over ten worked to \$1,000.00</u> .	(p)(p) Kickbacks or split fee arrangements. (468.365(1)(p)(p), F.S.)	<u>Third Offense</u>	From <u>one year suspension followed by two years probation to revocation with no ability to reapply</u> and a fine from <u>\$3,000 to \$10,000</u> .
	<u>Second Offense</u>	From <u>six months suspension to revocation and a fine from \$2,000 to \$10,000</u> .		<u>First Offense</u>	From <u>refund of fees billed and six months suspension followed by at least one year probation with conditions to revocation or denial</u> , and administrative fine from <u>\$300 \$250.00 to \$3,000 \$1,000.00</u> .
	<u>Third Offense</u>	Revocation with no ability to reapply and a fine from <u>\$5,000 to \$10,000</u> .		<u>Second Offense</u>	From <u>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> .
(k)(k) Aiding unlicensed practice. (468.365(1)(k)(k), 456.072(1)(j), F.S.)	<u>First Offense</u>	(k) From a minimum of one year probation with conditions to <u>six months suspension followed by one year of probation with conditions to revocation or denial</u> , and an administrative fine from <u>\$500 \$250.00 to \$3,000 \$1,000.00</u> .	(q)(q) Exercising influence or engage patient in sex. (468.365(1)(q) (q), 456.072(1)(u), F.S.)	<u>First Offense</u>	From <u>one year suspension followed by at least one year probation with conditions and possible referral to the PRN to revocation or denial</u> , and an administrative fine from <u>\$500.00 to \$2,000 \$1,000.00</u> .
	<u>Second Offense</u>	From <u>six months suspension followed by one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000</u> .		<u>Second Offense</u>	From <u>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>Third Offense</u>	From <u>one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$6,000 to \$10,000</u> .		<u>First Offense</u>	From <u>a minimum of one year probation with conditions to revocation or denial</u> , and an administrative fine of <u>\$10,000 per count or offense from \$250.00 to \$1,000.00</u> .
(l)(m) Failure to perform legal obligation. (468.365(1)(l)(m), 456.072(1)(k), F.S.)	<u>First Offense</u>	(m) From a reprimand to <u>revocation or denial</u> , and an administrative fine from <u>\$300 \$100.00 to \$1,000.00</u> .	(r)(s) Deceptive, untrue, or fraudulent representations in the practice of respiratory care. (468.365(1)(r)(s), 456.072(1)(a) and (m), F.S.)	<u>Second Offense</u>	From <u>two years of probation with conditions to revocation with no ability to reapply and a fine of \$10,000 per count or offense</u> .
	<u>Second Offense</u>	From <u>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 or denial, and an administrative fine from \$300 to \$250.00 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 \$250.00 to \$1,000.00.</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>(t)(u) Failure to keep written medical records. (468.365(1)(u) (u), 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 \$300 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)(v) Exercising influence on patient for financial gain. (468.365(1)(v) (v), 456.072(1)(m), F.S.)</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>(v) 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 \$500 to \$250.00 to \$3,000 to \$1,000.00.</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)(w) (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 \$300 to \$100.00 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>(4) through (6) No change.</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 \$100.00 to \$1,000.00.</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>(w)(x) Inability to practice respiratory care with skill and safety. (468.365(1)(x) (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 \$100.00 to \$1,000.00.</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>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 _____.</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p>	<p>NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care</p> <p>NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care</p> <p>DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001</p> <p>DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001</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>	<p>DEPARTMENT OF CHILDREN AND FAMILY SERVICES</p> <p>Economic Self-Sufficiency Program</p>	<p><u>First Offense</u></p> <p><u>Second Offense</u></p> <p><u>Third Offense</u></p>	<p>RULE TITLE: Medicaid Ticket to Work</p> <p>RULE NO.: 65A-1.721</p> <p>PURPOSE AND EFFECT: This proposed rule amendment implements income and resource eligibility criteria for the Ticket to Work program.</p> <p>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),</p>

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

Permits – Application; Selection; Issuance

RULE NO.:

68A-5.005

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.~~ 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: General Regulations Relating to Type I Wildlife Management Areas RULE NO.: 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 gGeneral 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 seines, 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 ~~a~~Area.

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 1-6 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.

Moores 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 40-24~~, ~~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 40-24~~, ~~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~~ ³ 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~~ ¹³ through November ~~17~~ ¹⁴.

~~3.2.~~ Muzzleloading gun – November ~~22-24~~ ¹⁶⁻¹⁸.

~~4.3.~~ General gun – November ~~28~~ through December ~~1~~ ²²⁻²⁵ and December ~~14~~ ⁸ through ~~February 5~~ ^{January 30}.

~~5.4.~~ Archery and muzzleloading gun – February ~~15-16~~ ^{9-10, 21-23} ~~15-17~~ and February ~~28~~ through ~~March 2~~ ²²⁻²⁴.

~~6.5.~~ Spring turkey – March ~~15~~ ¹⁶ through April ~~20~~ ²¹.

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~~ ²³⁻²⁵ and December ~~14~~ ⁸ through ~~January 5~~ ^{December 30} (Fridays, Saturdays and Sundays only).

2. Small game – January ~~10~~ ⁴ through March ~~2~~ ³ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~19~~ ¹³ through November ~~17~~ ¹⁴ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~15~~ ¹⁶ through April ~~20~~ ²¹ (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 ~~January 4~~ ^{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~~ ^{December 29} and check all game taken.

5. No change.

(14) No change.

(a) No change.

1. Archery and muzzleloading gun – November ~~29~~ through December ~~1~~ ²³⁻²⁵ and December ~~14~~ ⁸ through ~~January 5~~ ^{December 30} (Fridays, Saturdays and Sundays only).

2. Small game – January ~~10~~ ⁴ through March ~~2~~ ³ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~19~~ ¹³ through November ~~17~~ ¹⁴ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~15~~ ¹⁶ through April ~~20~~ ²¹ (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~~ 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. Archery – October ~~19~~ ¹³ through November ~~17~~ ¹⁴.

4. Muzzleloading gun – November ~~22-24~~ ¹⁶⁻¹⁸.

5. Muzzleloading gun and archery – February ~~20~~ through ~~March 2~~ ¹⁴⁻²⁴.

6. through 8. No change.

9. Spring turkey – March ~~15~~ ¹⁶ through April ~~20~~ ²¹.

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~~ ²⁷ through November ~~14~~ ¹⁵.

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~~ ¹⁰ through ~~February 5~~ ^{January 30}.

~~4.2.~~ General gun still – November ~~28~~ through December ~~1~~ ²²⁻²⁵ and December ~~14-22~~ ⁸⁻¹⁶.

3. through 4. renumbered 5. through 6. No change.

~~7.5.~~ Spring turkey – ~~March 15-18, 27-30~~ and ~~April 3-6~~ ^{March 16-17, 23-24, 30-31} and ~~April 6-7~~.

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: Specific Regulations for Type I Wildlife Management Areas – South Region
RULE NO.: 68A-15.064
PURPOSE AND EFFECT: The purposes of the proposed rule changes are to adjust hunting season dates on all 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 ~~23~~ through Sunday December ~~29~~ ~~30~~.

2. Small game – December ~~30~~ ~~31~~ through February ~~9~~ ~~10~~.

3. Spring turkey – March ~~1~~ ~~2~~ through April ~~6~~ ~~7~~ (Saturdays and Sundays only).

4. Archery – August ~~24~~ ~~25~~ through September ~~15~~ ~~16~~.

5. Muzzleloading gun – September ~~28~~ ~~29~~ through October ~~13~~ ~~14~~.

6. Raccoon season – December ~~30~~ ~~31~~ through February ~~9~~ ~~10~~.

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 ~~2 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~~ ⁹ through January ~~5~~ ⁶.

2. Small game – January ~~6~~ ⁷ through March ~~3~~ ³.

3. Spring turkey – March ~~15~~ ¹⁵ through April ~~20~~ ²⁴.

4. Archery – September ~~21~~ ²¹ through October ~~20~~ ²⁴. A special quota permit will be required for the September ~~21-22~~ ²²⁻²³ hunt.

5. Muzzleloading gun – October ~~25-27~~ ²⁶⁻²⁸.

~~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~~ ⁹ through January ~~5~~ ⁶.

2. Small game – January ~~6-26~~ ⁷⁻²⁷.

3. Archery – September ~~21~~ ²¹ through October ~~20~~ ²⁴.

4. Muzzleloading gun – October ~~25-27~~ ²⁶⁻²⁸.

5. Spring turkey – March ~~15~~ ¹⁵ through April ~~20~~ ²⁴.

6. No change.

(b) through (d) No change.

(3) No change.

(a) No change.

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

2. Small game – January ~~6~~ ⁷ through March ~~3~~ ³.

3. Spring turkey – March ~~15~~ ¹⁵ through April ~~20~~ ²⁴.

4. Archery – September ~~21~~ ²¹ through October ~~20~~ ²⁴.

5. No change.

(b) through (d) No change.

(4) No change.

(a) No change.

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

2. Small game – January ~~6~~ ⁷ through March ~~3~~ ³.

3. Archery – September ~~21~~ ²¹ through October ~~20~~ ²⁴.

4. Muzzleloading gun – October ~~25-27~~ ²⁶⁻²⁸, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~9~~ ⁹ through April ~~13~~ ¹⁴.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Spring turkey – March ~~20-23~~ ²¹⁻²⁴, ~~27-30~~ ²⁸⁻³¹, April ~~3-6~~ ⁴⁻⁷ and ~~10-13~~ ¹¹⁻¹⁴, 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,~~ Horses 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, ~~motoreycles~~ 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~~ ~~1-4~~ 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 1/2~~ 2 1/2 hours before sunrise to ~~2 1/2~~ 2 1/2 hours after sunset except during May 1 through September 30 when it is permitted from ~~2 1/2~~ 2 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~~ 16-18.

e. Archery – ~~October 19~~ 13 through ~~November 17~~ 11.

f. Archery and muzzleloading gun – ~~February 14-24~~ except on Parker and Morgan Islands (January 1-31 and February 20 through March 2 14-24).

g. Spring turkey – ~~March 15~~ 16 through ~~April 20~~ 21.

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~~ 10-21, ~~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~~ 13 through ~~17~~ 21 daily and ~~October 28~~ 22 through ~~November 27~~ 11 on Wednesdays, Saturdays, Sundays, and federal holidays only.

b. No change.

2. No change.

a. Hunting – ~~November 23-24~~ 16-18 in designated areas.

b. No change.

3. No change.

a. General gun – ~~December 21-22~~ 15-16, ~~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~~ 13 on Saturdays, Sundays, Wednesdays, federal holidays from ~~November 28~~ 22 through ~~February 19~~ 13, and daily from ~~December 21~~ 15 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~~ 17-18, ~~December 7-8~~ 11-12 and ~~21-22~~ 15-16.

b. No change.

6. No change.

7. No change.

a. Hunting – ~~March 15-16~~ 16-17, ~~22-23~~ 23-24, ~~29-30~~ 30-31, ~~April 5-6~~ 6-7, ~~12-13~~ 13-14, and ~~19-20~~ 20-21.

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~~ 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 ~~January 2~~ through ~~March 2~~ 3.

e. Archery and muzzleloading gun – ~~February 22-23~~ 16-17 and ~~March 1-2~~ 23-24.

f. Spring turkey – ~~March 15~~ 16 through ~~April 20~~ 21.

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~~ 13.

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.

f. Spring turkey – ~~March 15~~ 16 through ~~April 20~~ 21.

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: RULE NO.:

Specific Regulations for Wildlife and 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~~ ~~21~~.

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~~ ~~21~~.

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 ~~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 1/2 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 1/2 inches. No person shall take in any one day more than 10 5/8 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 alligator 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

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~~ degrees, 26.016 ~~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)(+) “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