

rigged for fishing aboard any vessel, which trawl does not have a bycatch reduction device (BRD) installed therein meeting the requirements of Rule 68B-31.0045, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 8-17-98, 6-1-99, Formerly 46-31.010, Amended 5-2-01.

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: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

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| RULE NO.: | RULE TITLE: |
| 4-128.025 | Confidentiality of Consumer Personal Financial and Health Information Pursuant to Section 627.3111, F.S. |

NOTICE OF CHANGE

Notice is hereby given of a technical change to Rule 4-128.024, published in Vol. 28, No. 34, on August 23, 2002, and filed for adoption on October 1, 2002. The number of the rule has been changed to Rule 4-128.025, F.A.C. The remainder of the rule remains unchanged.

DEPARTMENT OF INSURANCE

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| RULE NO.: | RULE TITLE: |
| 4-211.042 | Effect of Law Enforcement Records on Applications for Licensure |

NOTICE OF CORRECTION

The Notice of Rule Development for the referenced rule published in Vol. 28, No. 40, October 4, 2002, included an incorrect date for the rule development workshop. The date of the workshop has been changed to 9:30 a.m., November 6, 2002.

STATE BOARD OF ADMINISTRATION

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| RULE NO.: | RULE TITLE: |
| 19-10.003 | Asset Transfer Procedures: For employees who become eligible to participate in PEORP by |

reason of employment in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) In Rule 19-10.003(6), the first sentence will now read: "The amount transferred to each investment product shall be based on the percentage of total investment allocated to each fund by the participant on his or her election form as described in subsection (3)(b), above."

STATE BOARD OF ADMINISTRATION

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| RULE NO.: | RULE TITLE: |
| 19-11.001 | Procedures regarding Employer Contributions |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) In subsection (2), paragraph (d) is deleted and subsequent paragraphs renumbered.

2) In subsection (4)(a), the second sentence is amended to read: "The TPA will perform the market value calculation using a period certain which begins on the first day of the month immediately following the calendar month in which the contributions are due, or the next succeeding business day if the first day of the month immediately following the calendar month in which the contributions are due falls on a weekend or a legal holiday, in which contributions would have been processed, and ending on the date used by the TPA to provide "as of" pricing for covered payroll."

STATE BOARD OF ADMINISTRATION

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| RULE NOS.: | RULE TITLES: |
| 19-12.001 | Definitions |
| 19-12.007 | Acceptance of Rollovers |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 34, which is the August 23, 2002, issue of the Florida Administrative Weekly.

1) Rule 19-12.001(3) will now read: "Code" means the U.S. Internal Revenue Code, as amended. The Code is available free on the Internet at the following two web sites: www4.law.cornell.edu and uscode.house.gov. The Code is also available at all law school libraries and at many public libraries. The Code can be researched at the offices of the Florida State Board of Administration, 1801 Hermitage Boulevard, Tallahassee, Florida, Office of the General Counsel, (telephone: (850)488-4406)) during normal business hours.

2) In Rule 19-12.007(4), the first sentence will be deleted. The second sentence will now read: "Payment to the Plan must be in cash in the form of a check."

DEPARTMENT OF PROFESSIONAL REGULATION**Board of Pilot Commissioners**

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| RULE NO.: | RULE TITLE: |
| 21SS-6.003 | Range of Penalties; Aggravating & Mitigating Circumstances |

NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 38, September 20, 2002, issue of the Florida Administrative Weekly.

The changes are as follows:

1. The Rule to be Repealed should be 21SS-6.003, not 61SS-6.003, which is how the rule was listed on the title page of its Proposed Rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

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|-------------------|------------------------|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 40E-1 | General and Procedural |
| RULE NO.: | RULE TITLE: |
| 40E-1.659 | Forms and Instructions |

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(e)5., Florida Statutes, notice is hereby given that the above proposed rule amendment, as noticed in Vol. 25, No. 18, March 7, 1999, issue of the Florida Administrative Weekly, has been withdrawn in response to the

Joint Administrative Procedures Committee's notification that the time for filing this rule with the Department of State has expired.

WATER MANAGEMENT DISTRICTS**South Florida Water Management District**

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 40E-4 | Environmental Resource Permits |
| RULE NO.: | RULE TITLE: |
| 40E-4.091 | Publications Incorporated by Reference |

(Proposed amendments to section 4.4 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – November 1996" incorporated by reference in Rule 40E-4.091, F.A.C.)

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(e)5., F.S., notice is hereby given that the above proposed rule amendment, as noticed in Vol. 25, No. 18, March 7, 1999, issue of the Florida Administrative Weekly, has been withdrawn in response to the Joint Administrative Procedures Committee's notification that the time for filing this rule with the Department of State has expired.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

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| RULE NO.: | RULE TITLE: |
| 59G-6.010 | Payment Methodology for Nursing Home Services |

NOTICE OF HEARING

The Agency for Health Care Administration announces a public hearing to which all persons are invited.

DATE AND TIME: 11:00 a.m., November 14, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

PURPOSE: To review comments received from the Centers for Medicare and Medicaid Services (CMS) regarding Florida Title XIX Long-Term Care Reimbursement Plan, Version XXIII.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

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| RULE NO.: | RULE TITLE: |
| 59G-6.020 | Payment Methodology for Inpatient Hospital Services |

NOTICE OF HEARING

The Agency for Health Care Administration announces a public hearing to which all persons are invited.

DATE AND TIME: 10:00 a.m., November 14, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

PURPOSE: To review comments received from the Centers for Medicare and Medicaid Services (CMS) regarding Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXI.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.007
 RULE TITLE: Re-examination

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 30, July 26, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

1. Subsection (1) shall be deleted.
2. The remaining subsection (2) shall read as follows:

If an applicant fails five times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a),(b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upperlevel or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineering, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE NO.: 61G19-9.004
 RULE TITLE: Approval of Courses

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 30, July 26, 2002 issue of the Florida Administrative Weekly. The Board, at its meeting on September 20, 2002 in Tampa, Florida, voted to make changes to the rule based upon comments received at a public hearing.

1. Subsection (9) shall now read as follows:

Of the required fourteen (14) continuing education hours, up to three (3) hours credit may be earned by attending a meeting of the Board. Licensees shall give at least seven (7) days advance notice to the Board of their intention to attend the meeting for continuing education credit. Licensees shall check in with the Clerk of the Board prior to the meeting and must sign in and out for breaks and lunch periods. Continuing education credit will be awarded on an hour-for-hour basis. A maximum of three (3) hours of continuing education credit per biennium may be earned in this manner. Licensees shall not be credited for attending any meeting in which the licensee is a party in a disciplinary matter. At the conclusion of the meeting, the clerk will provide a certificate of attendance which licensees will maintain for three (3) years.

2. Rule 61G19-9.004, Subsection (11) shall now read as follows:

The Board approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 N. Monroe Street, Tallahassee, Florida 32399

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R

RULE CHAPTER NO.: 62-210
 RULE CHAPTER TITLE: Stationary Sources – General Requirements

RULE NO.: 62-210.900
 RULE TITLE: Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed pursuant to Sec. 120.551, F.S., at the Department's official notice Internet site at www.dep.state.fl.us under the link titled "Official Notices," and for which a summary of the notice was published in Vol. 28, No. 32 (August 9, 2002), of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-28.009
 RULE TITLE: Continuing Education

AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly and a Notice of Change published in Vol. 28, No. 40, October 4, 2002 issue of the Florida Administrative Weekly. The change is in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3)(b) of the rule shall now read as follows:

(3)(b) Except as provided in section 64B7-28.009(1), F.A.C., two hours must cover instruction in professional ethics, two hours must be in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapters 480 and 456, Florida Statutes, and Rule Chapter 64B7, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Massage Therapy

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| RULE NO.: | RULE TITLE: |
| 64B7-30.008 | Probationary Conditions and Definitions. |

AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly and a Notice of Change published in Vol. 28, No. 40, October 4, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3)(d) of the rule shall now read as follows:

(3)(d) The supervisor/monitor must be a licensee under Chapter 480, Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board shall reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board will also reject any proposed supervisor/monitor whom the Board finds has violated the Board's Rules or Chapters 456 or 480, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Pharmacy

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| RULE NO.: | RULE TITLE: |
| 64B16-27.832 | Standards of Practice for Filling Prescriptions Generated Through the Internet |

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 27, July 5, 2002, issue of the Florida Administrative Weekly.

The entire paragraph has been re-written to now read as:

1. It has come to the attention of the Board that Florida licensed pharmacies and pharmacists are dispensing prescription medications which have been authorized by prescribers licensed in Florida and elsewhere based solely upon the answers to an electronic medical questionnaire. For the purpose of dispensing by a Florida licensed pharmacist or pharmacy, a prescription issued by a practitioner to a patient with whom the practitioner has not established a valid physician-patient relationship is not a valid prescription. A pharmacy or pharmacist that dispenses a prescription that the pharmacist or pharmacy knows or reasonably should know has been issued in a manner that is not in compliance with applicable State and Federal regulations governing the prescriber's authority and standard of practice is dispensing outside the course of the professional practice of pharmacy.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON DECEMBER 3, 2002 IN MIAMI, FLORIDA.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

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|------------|---------------------------|
| RULE NO.: | RULE TITLE: |
| 68C-22.007 | Indian River County Zones |

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.007, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 26) on June 28, 2002. Public hearings were held on July 15 (in Vero Beach) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule amendments with two changes: [1] the proposed year-round zones for the Jungle Trail Narrows were revised to allow speeds up to 30 MPH in the Intracoastal Waterway (ICW)

channel throughout the length of the waterway instead of only north of marker "95" – the Slow Speed zones outside of the ICW were approved as proposed – and [2] language was added at the end of the rule regarding when the rule amendments take effect. The rule text for the revised paragraphs as changed is shown below, followed by a map showing the final zones for the Jungle Trail Narrows area. For additional information, or for a copy of the final amendments in their entirety, contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.007 Indian River County Zones.

(1) For the purpose of protecting manatees and manatee habitat in regulating the speed and operation of motorboats within Indian River County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

- (a) No change from original proposal
- (b) SLOW SPEED ZONE (Year-round)
- 1. through 6. No change.

7. Jungle Trail Narrows to Hole-in-the-Wall Island Area: All waters of the Indian River, Jungle Trails Narrows, and associated waters, south of a line bearing 40° from a point (approximate latitude 27° 45' 20.6" North, approximate longitude 80° 24' 37.6" West) on the northeastern shoreline of Pine Island, north of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27° 43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island, west of the eastern shoreline of Jungle Trail Narrows and a line bearing 194° from a point (approximate latitude 27° 43' 29.8" North, approximate longitude 80° 23' 36.6" West) on the eastern shoreline to a point (approximate latitude 27° 43' 19.8" North, approximate longitude 80° 23' 39.5" West) on the northern shoreline of Barker Island, and east of a line that begins at a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island and runs northerly along the shoreline

of Hole-in-the-Wall Island for a distance of 1290 feet to another point (approximate latitude 27° 43' 21.8" North, approximate longitude 80° 24' 05.3" West) on the eastern shoreline of Hole-in-the-Wall Island, then bears 19° to a point (approximate latitude 27° 43' 32.3" North, approximate longitude 80° 24' 01.1" West) on the southwestern shoreline of Pine Island, and then runs southeasterly then northerly along the southwestern and then eastern shorelines of Pine Island to the line's terminus at a point (approximate latitude 27° 45' 20.6" North, approximate longitude 80° 24' 37.6" West) on the northeastern shoreline of Pine Island, excepting those waters of the Atlantic Intracoastal Waterway channel and associated waters otherwise designated under (1)(d)1.b.

8.7. No change.

9.8. No change.

(c) No change.

(d) No change.

(d)(e) MAXIMUM 30 MPH ZONE (Year-round)

1. Atlantic Intracoastal Waterway Areas: Those portions of the main marked channel of the Atlantic Intracoastal Waterway, including those waters within 100 feet of its eastern and western boundaries, described as follows:

a. No change.

b. South Southerly of Red Intracoastal Waterway Channel Marker "78" (approximate latitude 27° 45' 53.7" North, approximate longitude 80° 25' 17.3" West), and north of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27° 43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island northerly of a line which bears North 40°00'00" East (True) running through the northernmost tip of an unnamed island (approximate latitude 27°45'27" North, approximate longitude 80°24'31" West);

c. No change.

d. through e. No change.

2. No change.

(e) through (f) No change.

(2) through (3) No change.

(4) The amendments to Rule 68C-22.007, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP
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**FISH AND WILDLIFE CONSERVATION
COMMISSION****Manatees**

RULE NO.:

68C-22.013

RULE TITLE:

Hillsborough County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.013, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 8 (in Gibsonton) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the rule amendments as proposed except that language was added at the end of the rule regarding when the amended zones take effect. The rule text that was added is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.013 Hillsborough County Zones.

(1) through (3) No change.

(4) The amendments to Rule 68C-22.013, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Manatees**

RULE NO.:

68C-22.014

RULE TITLE:

Manatee County Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed Rule 68C-22.014, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 9 (in Bradenton) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule with four changes: [1] the western boundary of the 500-foot Slow Speed shoreline buffer on the south side of Rattlesnake Key was moved approximately 500 feet to the northeast, [2] the bearing of the southwestern boundary line of the 500-foot Slow Speed shoreline buffer east of Flounder Pass was revised and the area between this buffer and the buffer around Bird Key was included in the 25 MPH zone, [3] language was added to explicitly include Flounder Pass in the 25 MPH zone, and [4] language was added at the end of the rule regarding when the rule takes effect. The rule text for the revised paragraphs as changed is shown below, followed by a map showing the final zones. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.014 Manatee County Zones.

(1) No change.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) No change.

(b) SLOW SPEED (All Year).

1. Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: North and east of a line bearing 110° from a point (approximate latitude 27° 32' 54.8" North, approximate longitude 82° 37' 46.9" West) on the eastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27° 33' 19.4" North, approximate longitude 82° 36' 13.9" West) of Rattlesnake Key at Flounder Pass.

b. No change.

2. Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of Flounder Pass and north of a line bearing 90° from the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

b. No change.

3. No change.

(c) 25 MPH (All Year) Western Terra Ceia Bay / Flounder Pass Area: All waters of Flounder Pass south of a line bearing 106° from a point (approximate latitude 27° 33' 38.1" North, approximate longitude 82° 36' 24.7" West) on the northeastern shoreline of Rattlesnake Key; All waters of Terra Ceia Bay east of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27° 32' 33.3" North, approximate longitude 82° 36' 22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 44° to a point (approximate latitude 27° 33' 05.0" North, approximate longitude 82° 35' 48.9" West) in Terra Ceia Bay east of Bird Key, and then bearing 360° to the line's terminus at a point (approximate latitude 27° 33' 31.8" North, approximate longitude 82° 35' 48.9" West) on the northern shoreline of Terra Ceia Bay, except as otherwise designated under (2)(b)1. and (2)(b)2.a.

(3) No change.

(4) Rule 68C-22.014, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP
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FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.:
68C-22.015

RULE TITLE:
Charlotte County (and Part of
DeSoto County) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed Rule 68C-22.015, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 11 (in Punta Gorda) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule with four changes: [1] provisions were added to the rule to allow speeds up to 25 MPH in two additional marked channels in the Placida Harbor section of southern Lemon Bay if the channels are marked with permitted aids to navigation, [2] a 25 MPH corridor was added to the Harbor Heights section of the Peace River running northwest of Long Island and east of Bird Key, [3] the section of Hunter Creek south of Jim Long Lake was changed to a 25 MPH zone instead of Slow Speed, and [4] language was added at the end of the rule regarding when the rule takes effect. All references to Channel Marker "23" have also been changed to "24" to account for the fact that the channel marker was recently renumbered. The rule text for the revised paragraphs as changed is shown below, followed by maps showing the final zones in the Lemon Bay and Peace River areas. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.015 Charlotte County (and Part of DeSoto County) Zones.

(1) No change.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) No change.

(b) SLOW SPEED (All Year)

1. Lemon Bay Area: All waters of Lemon Bay south of the Sarasota/Charlotte County line, north of the Boca Grande Causeway, and west of State Road (SR) 775 (south of SR 776 on Gottfried Creek), excluding the ICW channel and the marked channel through Stump Pass as designated under (2)(c)1. and the marked channels in Placida Harbor as designated under (2)(c)2. Also excluded from this zone are the portion of the waterway known as "Ski Alley" south of a line

bearing 258° from the northernmost point (approximate latitude 26° 54' 47.3" North, approximate longitude 82° 21' 03.7" West) of Peterson Island, and the areas described below:

a. through b. No change.

2. No change.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters east of the centerline of the southbound I-75 Bridge, south and southwest of a line bearing 310° through Channel Marker "24," and west of Shell Creek, excluding the main marked channel of the Peace River and the corridor north of Long Island and east of Bird Key as designated under (2)(c)4., and the waters east of a line beginning at a point (approximate latitude 26° 58' 01.0" North, approximate longitude 81° 59' 24.3" West) on the southern shoreline of the Peace River (northeast of Harbor Avenue) and bearing 345° for a distance of approximately 1216 feet to the southernmost point (approximate latitude 26° 58' 12.8" North, approximate longitude 81° 59' 27.8" West) of the peninsula to the north.

4. Shell Creek: All waters of Shell Creek east of the Peace River and west of the dam located approximately two miles upstream (east) of the US 17 Bridge over Shell Creek, including the cut that connects Shell Creek to the Peace River north of Channel Marker "24" but excluding that portion of Shell Creek otherwise designated under (2)(c)6.

5. Hunter Creek: All waters of Hunter Creek, Jim Long Lake, and associated waterways north of a line bearing 143° from a point (approximate latitude 27° 00' 57.2" North, approximate longitude 81° 58' 36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

6. No change.

(c) 25 MPH (All Year)

1. No change.

2. Placida Harbor Area: All waters in the marked channel that runs from the ICW to Gasparilla Pass on the northwest side of the Boca Grande Causeway, and; All waters in the marked channel that runs in a general east-west direction from the marina and boat ramp basin on the northwest side of Boca Grande Causeway, across the ICW, to Little Gasparilla Island. This designation only applies if the channels are marked in accordance with permits issued by all applicable state and federal authorities and if the channel locations and marking schemes are approved in advance by the Commission. In the absence of properly permitted and approved channels, these areas are as designated under (2)(b)1.

~~3.~~ 2. No change.

4. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters in the main marked channel of the Peace River east of the centerline of the southbound I-75 Bridge, and southwest of Channel Marker "24", and all waters within 150 feet of a line beginning at a point (approximate

latitude 26° 57' 35.6" North, approximate longitude 82° 00' 58.2" West) in the main marked channel of the Peace River south of Bird Key and bearing 32° to a point (approximate latitude 26° 57' 49.4" North, approximate longitude 82° 00' 48.6" West) east of Bird Key, then bearing 22° to a point (approximate latitude 26° 58' 11.2" North, approximate longitude 82° 00' 39.2" West) northeast of Bird Key and northwest of Long Island, then bearing 48° to a point (approximate latitude 26° 58' 28.4" North, approximate longitude 82° 00' 18.2" West) west of the southern end of the unnamed island north of Long Island, then bearing 27° to a point (approximate latitude 26° 58' 44.7" North, approximate longitude 82° 00' 09.1" West) west of the northern end of said unnamed island north of Long Island, and then bearing 63° to the line's terminus at a point (approximate latitude 26° 58' 53.8" North, approximate longitude 81° 59' 49.9" West) in the Peace River northwest of Channel Marker 24."

5. Peace River, North of Harbor Heights Area: All waters of the Peace River and associated waterways, northeast of a line bearing 310° through Channel Marker "24" and south of the SR 761 Bridge in DeSoto County, except as otherwise designated under (2)(b)5. and (2)(b)6., and excluding those

waters of Whidden Bay and the waterways associated with the bay west and northwest of the general contour of the western shoreline of the Peace River.

6. Shell Creek: All waters of Shell Creek west of the Railroad Trestle and east of a line bearing 172° from the southernmost point (approximate latitude 26° 58' 43.3" North, approximate longitude 81° 59' 28.6" West) of the peninsula on the eastern side of the cut that connects Shell Creek to the Peace River north of Channel Marker "24," excluding the embayments and associated waterways immediately north of Shell Creek.

7. Lower Hunter Creek: All waters of Hunter Creek south of a line bearing 143° from a point (approximate latitude 27° 00' 57.2" North, approximate longitude 81° 58' 36.1" West) on the western shoreline of Hunter Creek (south of Jim Long Lake), and east of the general contour of the eastern shoreline of the Peace River.

(3) No change.

(4) Rule 68C-22.015, as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

INSERT MAP

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INSERT MAP

PAGE 2 OF 2

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.:
68C-22.026

RULE TITLE:
Sarasota and Associated County
(Parts of Manatee and Charlotte)
Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.026, F.A.C., in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 28, No. 25) on June 21, 2002. Public hearings were held on July 10 (in Sarasota) and on September 12, 2002 (in Kissimmee).

On September 12, the Commission approved the proposed rule amendments with two changes: [1] the ending date of the seasonal No Entry zone on Warm Mineral Springs/Salt Creek was changed to March 15 instead of March 31, and [2] language was added at the end of the rule regarding when the amended zones take effect. The rule text for the revised paragraphs as changed is shown below. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.026 Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.

(1) through (2) No change.

(3) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the Myakka River-Big Slough area of Sarasota County and associated waters of Charlotte County, the following year-round and seasonal ~~slow speed~~ zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) No change.

(b) NO ENTRY ZONE (November 15 – March 15) – Warm Mineral Springs/Salt Creek Area: Those waters of Salt Creek and Warm Mineral Springs north of U.S. Highway 41, south of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs, and west of a line bearing 7° from a point (approximate latitude 27° 02' 56.3" North, approximate longitude 82° 15' 42.9" West) on the southern shoreline of Salt Creek approximately 2600 feet east of the confluence with the Warm Mineral Springs run.

(4) through (6) No change.

(7) The amendments to Rule 68C-22.026, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on September 30, 2002, the Florida Department of Education (FDOE) received a petition for waiver from Jim and Elyse Linn pursuant to Section 120.542, Florida Statutes. The petition seeks permanent relief from the Rule 6A-1.09441, Fla. Admin. Code, as it pertains to the honors credit for Latin I and Latin II.

A copy of the petition may be obtained from: Mary Klein, (850)488-7707.

The FDOE will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the Department of Education, Office of the General Counsel, 325 W. Gaines Street, Suite 1244, Tallahassee, FL 32399-0400.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (hereafter the "Department") has received a Petition for Variance from Rule 14-94, Florida Administrative Code, from St. Johns County, Florida, on October 1, 2002, seeking a variance from the level of service standards of Rule 14-94.003, Florida Administrative Code. Rule 14-93.003, Florida Administrative Code, contains criteria for setting levels of service on the State Highway System based upon population of the surrounding area. Currently, rural portions of Interstate 95 within St. Johns County are designated level of service B based upon the rural population status. St. Johns County seeks to immediately reduce the level of service to C for those rural portions of Interstate 95 within the County, and to reduce the level of service to D for the portion of Interstate 95 between State Road 16 and the Duval County line after December 31, 2004, provided certain conditions are met by St. Johns County. In addition, St. Johns County seeks to reduce the level of service to D for the portion of Interstate 95 between State Road 207 and State Road with the construction of a roadway by St.