

Monitoring and Enforcement 9J-2.027
 Downtown Development of Regional Impact
 Alternative Review Procedure 9J-2.029
 PART III DEVELOPMENT OF REGIONAL
 IMPACT UNIFORM STANDARD RULES
 Listed Plant and Wildlife Resources
 Uniform Standard Rule 9J-2.041
 Archaeological and Historical Resources
 Uniform Standard Rule 9J-2.043
 Hazardous Material Usage, Potable Water,
 Wastewater, and Solid Waste Facilities
 Uniform Standard Rule 9J-2.044
 Transportation Uniform Standard Rule 9J-2.045
 Air Quality Uniform Standard Rule 9J-2.046
 Adequate Housing Uniform Standard Rule 9J-2.048

PURPOSE, EFFECT AND SUMMARY: To revise Rule Chapter 9J-2, Fla. Admin. Code, to address statutory changes; provide for the submission of biennial rather than annual reports; remove 80% DRI threshold.

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: 380.032(2), 380.032(2)(a), 380.06(15)(c)4., (19)(f)1., (23)(a)-(c)1.,2.,(26), 380.0651(4)(f) FS.

LAW IMPLEMENTED: 120.569, 380.021, 380.031, 380.031(13), 380.032, 380.032(2), 380.032(3), 380.06, 380.06, 380.06(1),(2),(c),(d),(e), (4)(i),(5)(a)1., (8),(12),(15),(c)4., (17),(18),(19),(20),(23)(c)2.,(26), 380.065, 380.0651, 380.0651(4), 380.07, 380.11 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, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., March 18, 2003

PLACE: Department of Community Affairs, Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability of physical impairment should contact Brenda Winningham, Principal Planner, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)922-1800, Suncom 292-1800 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Brenda Winningham, Principal Planner, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)922-1800

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-2.010 Forms.

(1) The following forms are prescribed for use with these rules and are incorporated by reference:

(a) through (g) No change.

(h) Form Number RPM-BSP-~~BIENNIAL-ANNUAL~~ REPORT-1, Biennial Annual Status Report, effective 11-20-90;

(i) through (k) No change.

(2) No change.

Specific Authority 380.032(2)(a), 380.06(15)(c)4.,(19)(f)1.,(23)(a),(c)2.,(26) FS. Law Implemented 380.031(13), 380.06(4)-(10),(15)(c)4.,(18),(19),(23)(c)2.,(26) FS. History-New 4-12-81, Amended 5-4-83, Formerly 27F-1.31, 9B-16.17, 9J-2.017, Amended 11-20-90, 3-23-94, 2-21-01,

9J-2.015 Clearance Letters.

(1) At the request of a developer, the Division may issue an informal determination in the form of a clearance letter as to whether development may be required to undergo DRI review. The Division will issue clearance letters in order to respond to inquiries when the answer is clear. For example, the Division has issued clearance letters in the following circumstances:

(a) When a developer is in doubt as to whether two or more developments are subject to aggregation pursuant to Subsection 380.0651(4), Florida Statutes, and Rule 9J-2.0275, Florida Administrative Code; or

(b) When a development is ~~at or~~ below 100 ~~80~~ percent of all applicable thresholds contained in Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code; ~~or~~

~~(c) When a development is between 80 and 100 percent of all applicable thresholds contained in Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code, and the developer is seeking a determination as to whether the Department will require the developer to obtain a binding letter pursuant to the requirements of Subparagraph 380.06(4)(b)2., Florida Statutes.~~

(2) through (3) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), 380.0651(4)(f) FS. Law Implemented 380.032(2), 380.06(4)(i), 380.0651(4) FS. History-New 11-20-90, Amended _____.

9J-2.016 Binding Letters of Interpretation.

(1) No change.

(2)(a) The Division or the local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if: the 1. ~~The~~

development is at any presumptive numerical threshold or up to 20 percent above any numerical threshold in the guidelines and standards, ~~or~~

~~2. The development is between any presumptive numerical threshold and 20 percent below all numerical thresholds and the Division or the local government is in doubt as to whether the character, magnitude, or location of the development creates a likelihood that the development will have a substantial effect on the health, safety, or welfare of citizens of more than one county.~~

- (b) No change.
- (3) through (17) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 120.569, 380.031, 380.032, 380.06(1),(2)(c),(d),(e),(4),(20), 380.0651 FS. History--New 4-12-81, Amended 5-4-83, Formerly 27F-1.16, 9B-16.16, Amended 11-20-90, 2-21-01, _____.

9J-2.0185 Preliminary Development Agreements.

- (1) through (2)(e) No change.
- (3)(a) A PDA which authorizes development of less than 100 ~~80~~ percent ~~or less~~ of any applicable threshold pursuant to Subsection 380.06(2) and Section 380.0651, Florida Statutes, including thresholds in terms of acreage, may be entered into provided that:

- 1. through 3. No change.
- (b) through (c) No change.
- (4) No PDA may be entered into which authorizes development at or above 100 ~~80~~ percent of any applicable threshold in Subsection 380.06(2) and Section 380.0651, Florida Statutes, and Rule Chapter 28-24, Florida Administrative Code, including thresholds in terms of acreage, unless a developer satisfies the requirements of subsection (3) of this rule, and demonstrates one or more of the following:
 - (a) through (b) No change.
 - (5) through (6)(a)3. No change.
- 4. Evidence of mitigation for the impacts of the development to date if a final development order has not been issued and the amount of development is less than 100 ~~80~~ percent of all applicable DRI thresholds;
- 5. through 7. No change.
- (b) through (d) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a) FS. Law Implemented 380.032(3), 380.06(8), 380.0651(4) FS. History--New 1-29-86, Amended 7-2-86, 11-20-90, 2-21-01, _____.

9J-2.024 Regional Report and Recommendations.

- (1) through (5) No change.
- (6)(a) When the proposed DRI lies within the review jurisdiction of two or more regional planning agencies, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report. the regional planning agencies should designate a lead agency from among themselves. The regional planning agencies should discuss and determine the

~~method for handling procedural matters involved in the review of the DRI, who will assume responsibility for determining the sufficiency of information contained in the application for development approval, and how the regional report and recommendations will be prepared. To the extent possible, a single joint report and recommendations should be prepared.~~

- (b) through (c) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a),(b) FS. Law Implemented 380.06(12) FS. History--New 7-7-76, Amended 5-4-83, Formerly 27F-1.22, 9B-16.24, Amended 11-20-90, 2-21-01, _____.

9J-2.025 Local Government Development Orders.

- (1) through (2) No change.
- (3) Requirements for a DRI development order:
 - (a) No change.
 - (b) The copy of any development order rendered to the Division, the regional planning agency, and the owner or developer shall contain the following:
 - 1. through 13. No change.
 - 14. Specification of the requirements for the biennial ~~annual~~ report designated under Subparagraph 380.06(15)(c)4. and Subsection (18), Florida Statutes, including the date of biennial ~~annual~~ submission, parties to whom the report is to be submitted, and contents of the report as specified by subsection 9J-2.025(7), Florida Administrative Code.
 - (c) No change.
 - (4) No change.

(5) Complete copies of all development orders issued pursuant to Section 380.06, Florida Statutes, including any amendments or modifications to previously issued development orders, shall be rendered by the local government to the Division of Community Bureau of State Planning, to the appropriate regional planning agency, and to the owner or developer of the property subject to such order. As used in this chapter, rendition of rendering means issuance of a written development order and transmittal of a certified completed copy of the order by the local government with jurisdiction, together with all pertinent attachments. The rendition shall be by first class certified U.S. Mail or other delivery service for which a receipt as proof of service is required to the Department of Community Affairs, Division of Community Bureau of State Planning, the regional planning agency, and the owner or developer. A certified return receipt for U.S. Mail shall be prima facie evidence of transmittal. A DRI development order will not be considered to have been rendered if it is transmitted by facsimile machine, or if all pages, exhibits, references, and attachments are not included or are not legible. A development order shall take effect upon transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, unless a later effective date is specified in the order. The effectiveness of a development order shall be stayed by the filing of a notice of appeal pursuant to Section 380.07, Florida Statutes.

(6) No change.

(7) The development order shall specify the requirements for the ~~biennial annual~~ report as required in Subsections 380.06(15) and (18), Florida Statutes. The ~~biennial annual~~ report shall be submitted to the ~~Division of Community Bureau of State~~ Planning, the appropriate regional planning council and local government on Form RPM-BSP-~~BIENNIAL ANNUAL~~ REPORT-1. Every development order shall require the ~~biennial annual~~ report to include the following:

(a) through (h) No change.

(i) A statement that all persons have been sent copies of the ~~biennial annual~~ report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and

(j) No change.

(k) If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for the biennial report.

~~(l)(k)~~ The ~~biennial annual~~ report for an Areawide or a Downtown DRI shall only be required to include the information required in paragraphs (a), (b), (e), (f), (g), (i), ~~(j)~~, and ~~(j)~~(k) of this subsection, and any information requirements specified for ~~biennial annual~~ reports in paragraph 9J-2.029(2)(d), Florida Administrative Code, or Chapter 9J-3, Florida Administrative Code, whichever is applicable.

(8) through (10) No change.

(11)(a) through (c) No change.

(d) Any change to a previously approved DRI which the developer believes meets the criteria of subparagraphs 380.06(19)(e)1. and 2., Florida Statutes, shall be submitted to the Division, the local government, and the regional planning agency using Form RPM-BSP-PROPCHANGE-1. Such changes are considered cumulatively with all other previous changes to the DRI in determining whether the conditions of Subparagraph 380.06(19)(e)1. and 2., Florida Statutes, are met. Any change which does meet these criteria is not subject to a public hearing to make a substantial deviation determination but is subject to any local government public hearing requirements that are necessary to amend the DRI development order.

(e) through (f) No change.

Specific Authority 380.032(2)(a), 380.06(19)(f)1.,(23)(a) FS. Law Implemented 380.06(5)(a)1.,(13),(14),(15),(17),(18),(19), 380.07(2) FS. History—New 7-7-76, Amended 5-4-83, 7-7-85, Formerly 22F-1.23, 27F-1.23, 9B-16.25, 9J-2.25, Amended 11-20-90, 2-21-01,_____.

9J-2.0251 Abandonment of Development Orders.

(1) No change.

(2) Procedures and Requirements for Abandonment. The following procedures and requirements shall be followed when seeking the abandonment of an approved DRI:

(a) Pursuant to Subsection 380.06(26), Florida Statutes, the developer shall submit a completed copy of an Application for Abandonment of a Development of Regional Impact to the local government(s) having jurisdiction. Copies of the application shall be simultaneously filed with the appropriate regional planning agency and the Division ~~of Resource Planning and Management~~. The regional planning agency will distribute copies of the completed application to the appropriate commenting agencies normally involved in the DRI review. Copies of the Application for Abandonment of a Development of Regional Impact, FORM RPM-BSP-ABANDON-DRI-1, incorporated herein by reference, effective 3/91, may be obtained from either the Division ~~of Resource Planning and Management~~ or the appropriate regional planning agency.

(b) Upon receipt of the application, the local government shall, at its next regularly scheduled meeting, schedule a public hearing to consider the application and provide 45 days notice of this hearing to the Division ~~of Resource Planning and Management~~ and the appropriate regional planning agency.

(c) through (e) No change.

(3) through (4) No change.

(5) Eligibility to Abandon.

(a) An approved DRI which is proposed after abandonment to be ~~at or~~ below 100 ~~80~~ percent (100%) (~~80%~~) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, is eligible to abandon an approved DRI.

(b) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 ~~80~~ and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Rule 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is eligible to request abandonment of an approved DRI if the Division ~~of Resource Planning and Management~~ has issued a binding letter which finds the proposed plan of development after abandonment not to be a DRI.

(c) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 ~~80~~ and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is not eligible to request to abandon an approved DRI if the Division ~~of Resource Planning and Management~~ has issued a binding letter which finds the proposed plan of development after abandonment to be a DRI. If the Division ~~of Resource Planning and Management~~ issues a binding letter which finds the proposed plan of development after abandonment to be a DRI, such a development shall be evaluated under the substantial deviation provisions of Subsection 380.06(19), Florida Statutes.

(d) An approved DRI which has commenced development as defined in Section 380.04, Florida Statutes, and which exceeds or is proposed after abandonment to be at or exceed 100 ~~80~~ percent (100%) (~~80%~~) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Rule 28-24, Florida Administrative Code, shall not be eligible to request abandonment of an approved DRI. Such a development shall be evaluated under the substantial deviation provisions of Subsection 380.06(19), Florida Statutes.

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

Specific Authority 380.032(2)(a), 380.06(23)(a),(26) FS. Law Implemented 380.06(2),(26) FS. History—New 3-10-91, Amended 2-21-01, _____.

9J-2.027 Monitoring and Enforcement.

- (1) No change.

(2) The Division may monitor any development described in Chapter 28-24, Florida Administrative Code, which may be at or greater than 100 ~~80~~ percent of any applicable numerical threshold in the guidelines and standards in Section 380.0651, Florida Statutes, and Chapter 28-24, Florida Administrative Code. As used above, the term “monitor” means to notify a developer in writing that a development may be a DRI and to request that the developer advise the Division as to his development plans and as to his understanding of the applicability of Chapter 380, Florida Statutes. This notice shall also include a copy of Chapter 380, Florida Statutes, and any other pertinent rules and regulations. Copies of binding letter application forms may also be included and shall be used by the developer if he requests a Binding Letter of Interpretation from the Division.

(3) The Department shall seek assistance from state agencies, regional agencies, and local governments in identifying, monitoring and enforcing the requirements of Chapter 380, Florida Statutes, any DRI development order issued by a local government, and any order contained in a binding letter of interpretation issued by the Department.

- (a) through (b) No change.

(c) The regional planning agency shall review the biennial ~~annual~~ report required by Subsection 380.06(18), Florida Statutes, and other information available to the agency and, when appropriate, notify the local government and the Department of potential violations of Section 380.06, Florida Statutes.

- (4) through (5) No change.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.06(15),(17)-(19), 380.11 FS. History—New 5-4-83, Formerly 9B-16.27, Amended 11-20-90, _____.

9J-2.029 Downtown Development of Regional Impact Alternative Review Procedure.

- (1) No change.
- (2) In addition to the requirements specified in Subsection 380.06(22), Florida Statutes, the following shall apply:

- (a) through (c) No change.

- 1. through 2. No change.

(d) In addition to the requirements for the biennial ~~annual~~ report pursuant to Paragraph 380.06(15)(c), Florida Statutes, and subsection 9J-2.025(7), Florida Administrative Code, the biennial ~~annual~~ report for an approved downtown DRI shall include:

(e) By written agreement the Division, the local government with jurisdiction, the downtown development authority and the regional planning agency may agree to eliminate or modify the requirements for the biennial ~~annual~~ report established in subsection 9J-2.025(7), Florida Administrative Code, which are not appropriate for a downtown DRI application.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.06(22) FS. History—New 5-4-83, Formerly 9B-16.29, Amended 11-20-90, _____.

9J-2.041 Listed Plant and Wildlife Resources Uniform Standard Rule.

- (1) through (8) No change.

(9) Site Protection and Management Plans. Whenever site protection is required by subsections (6), (7) or (8), the development order shall require site protection by one of the following methods:

- (a) No change.

OR

(b) TRANSFER OF A CONSERVATION EASEMENT ONLY. The development order shall require the establishment of a conservation easement on the land to be preserved that meets all of the following criteria:

- 1. through 6. No change.

7. The conservation easement shall require that the maintenance and management of the preserved area shall be biennially ~~annually~~ reported by the grantee for inclusion in the grantor's biennial ~~annual~~ status report required by Subsection 380.06(18), F.S.; and

- 8. No change.

OR

(c) PROTECTION THROUGH DESIGNATION IN LOCAL COMPREHENSIVE PLAN AS CONSERVATION LANDS. The development order shall require that all lands to be preserved meet all of the following criteria:

- 1. through 5. No change.

6. The development order shall require that the maintenance and management of the preserved area shall be biennially ~~annually~~ reported in the biennial ~~annual~~ status report required by Subsection 380.06(18), F.S.; and

- 7. through 8. No change.

- (10) through (12) No change.

Specific Authority 380.032(2), 380.06(23) FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended _____.

9J-2.043 Archaeological and Historical Resources Uniform Standard Rule.

(1) through (8) No change.

(9) Conservation Easements. Whenever a conservation easement is required by subsections (6), (7) or (8), the development order shall require the establishment of the conservation easement by either of the following methods:

(a) No change.

OR

(b) TRANSFER OF A CONSERVATION EASEMENT ONLY. The development order shall require the establishment of a conservation easement on the land to be preserved that meets all of the following criteria:

1. through 6. No change.

7. The conservation easement shall require that the maintenance and management of the preserved area shall be ~~biennially annually~~ reported by the grantee for inclusion in the grantor's ~~biennial annual~~ status report required by Subsection 380.06(18), F.S.; and

8. No change.

(10) through (11) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), (c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended 2-21-01, _____.

9J-2.044 Hazardous Material Usage, Potable Water, Wastewater, and Solid Waste Facilities Uniform Standard Rule.

(1) through (4) No change.

(5) Hazardous Material Usage.

(a) No change.

(b) MITIGATION OF SIGNIFICANT IMPACT. It is the intent of the Department to set forth in this rule onsite hazardous material usage conditions which, if included in a development order, would be deemed by the Department not to be the basis for the appeal of the development order by the Department on issues related to onsite hazardous material usage. Therefore, a development order shall be determined by the Department to make adequate provision for hazardous material usage and shall not be appealed by the Department on the basis of inadequate hazardous material usage conditions if it contains either set of conditions enumerated in subparagraph 1. or 2. below:

1. Restricted Hazardous Material Usage. The onsite usage of any hazardous material shall be restricted through legally binding instruments to amounts totaling less than those specified in (5)(a)1. and 2. above. The legally binding instrument shall be in the form of a restrictive covenant recorded with the land title for the development that meets all of the following criteria:

a. through d. No change.

e. The restrictive covenant shall contain a condition that the monitoring and continuance of the restrictive covenants shall be annually reported by the party responsible for enforcement to the local government of jurisdiction, the applicable regional planning council, the Department, and any other affected state agency in the ~~biennial annual~~ report required pursuant to Subsection 380.06(18), F.S.; and

f. No change.

OR

2. No change.

a. Legal Requirements:

(I) through (III) No change.

(IV) A condition requiring that the monitoring of compliance with the HMMP shall be ~~biennially annually~~ reported by the party responsible for enforcement to the local government of jurisdiction, the applicable regional planning council, the Department, and any other affected state agency in the ~~biennial annual~~ report required pursuant to Subsection 380.06(18), F.S.; and

(V) through (VI) No change.

a. No change.

(6) Potable Water.

(a) through (c) No change.

1. Potable Water Facility Availability.

When the development involves an impact identified in (6)(b) above, then the development order shall contain all of the following:

a. No change.

b. A provision which states that on no less than an annual basis the status of the guaranteed improvements shall be assessed and reported in the required ~~biennial annual~~ status report, and the local government shall cause further issuance of building permits to cease immediately at the time the annual monitoring reveals that any needed potable water facility improvements guaranteed by development commitments 1.a.(I) through 1.a.(III) above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of sub-subparagraph 1.a. above, or is no longer being constructed and remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the ~~biennial annual~~ status report that the needed potable water supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

- c. No change.
- 2. No change.
- (7) Wastewater.
- (a) through (c) No change.

1. Wastewater Facility Availability.

When the development involves an impact identified in (7)(b) above, then the development order shall contain:

- a. No change.
- b. A provision which states that on no less than an ~~annual~~ biennial basis the status of the guaranteed improvements shall be assessed and reported in the required ~~annual~~ biennial status report, and local government shall cause further issuance of building permits to cease immediately at the time the ~~annual~~ biennial monitoring reveals that any needed wastewater facility improvements guaranteed by development commitments 1.a.(I) through 1.a.(III) above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the ~~annual~~ biennial status report that the needed wastewater supply is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

- c. No change.
- 2. No change.
- (8) Solid Waste Facilities.
- (a) through (b) No change.

(c) MITIGATION OF SIGNIFICANT IMPACT. Pursuant to Subsection 380.06(15), Florida Statutes, a development order issued by a local government must make adequate provision for the public solid waste facilities needed to accommodate the impacts of the development. Consistent with that mandate, it is the intent of the Department to set forth in this rule solid waste facility conditions which, if included in a development order, would be deemed by the Department to comply with the requirements of Subsection 380.06(15), Florida Statutes, and would, therefore, not be the basis for the appeal of the development order by the Department on issues related to solid waste facilities. Where the solid waste facility impacts of the DRI-sized development are determined to occur in more than one local government jurisdiction, the development order shall ensure that any significant multi-jurisdictional solid waste impacts are mitigated pursuant to the requirements of Section 380.06, F.S.

A development order shall be determined by the Department to make adequate provision for solid waste facilities and shall not be appealed by the Department on the basis of inadequate solid waste facility conditions if, at a minimum, it contains all appropriate sets of conditions enumerated in Subparagraphs 1. thru 2. below.

1. Solid Waste Facility Availability.

When the development involves an impact identified in (8)(b) above, then the development order shall contain:

- a. No change.
- b. A provision which states that on no less than an ~~annual~~ biennial basis the status of the guaranteed improvements shall be assessed and reported in the required ~~annual~~ biennial status report, and local government shall cause further issuance of building permits to cease immediately at the time the ~~annual~~ biennial monitoring reveals that any needed facility improvements guaranteed by development commitments 1.a.(I) through 1.a.(III) above is no longer scheduled or guaranteed, has been delayed in schedule such that it is no longer consistent with the timing criteria of sub-subparagraph 1.a. above, or is no longer being constructed but remains unoperational, unless the applicant is able to unequivocally demonstrate as part of the ~~annual~~ biennial status report that the needed solid waste capacity is either existing or is permitted and ensured to be supplied both to all existing permitted project development and to all project development likely to be permitted during the next year. The periodic assessment contemplated by this rule is a review of the actual status of guaranteed improvements scheduled for construction and operation. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

- c. No change.
- 2. No change.
- (9) through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), (c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 4-25-94, Amended 2-21-01, _____.

9J-2.045 Transportation Uniform Standard Rule.

- (1) through (6) No change.
- (7) Mitigation of Transportation Facility Impacts.

(a) Pursuant to Subsection 380.06(15), Florida Statutes, a development order issued by a local government must make adequate provision for the public transportation facilities needed to accommodate the impacts of the proposed development. Consistent with that mandate, it is the intent of the Department to set forth in this rule transportation conditions which, if included in a development order, would be deemed by the Department to comply with the requirements of Section 380.06, Florida Statutes, and would, therefore, not be the basis for the appeal of the development order by the

Department on issues related to transportation facilities. Where the transportation impacts of the development are determined to occur in more than one local government jurisdiction, the development order shall ensure that any significant multi-jurisdictional facility impacts are mitigated pursuant to the requirements of Section 380.06, F.S., and the applicable level of service standards of the jurisdiction in which the impacts occur.

A development order shall be determined by the Department to make adequate provision for transportation roadway facilities and shall not be appealed by the Department on the basis of inadequate transportation conditions if, at a minimum, it contains one of the sets of conditions enumerated in Subparagraphs 1., 2., 3., 4. or 5. below, and, when applicable, complies with paragraph (b) below.

1. SCHEDULING OF FACILITY IMPROVEMENTS.

a. A schedule which specifically provides for the mitigation of impacts from the proposed development on each significantly impacted roadway which will operate below the adopted level of service standard at the end of each project phase's buildout, or, alternatively, a subset stage of that phase. The schedule shall ensure that each and every roadway improvement which is necessary to achieve the adopted level of service standard for that project stage or phase shall be guaranteed to be in place and operational, or under actual construction for the entire improvement, at buildout of each project stage or phase that creates the significant impact. This guarantee shall be in the form of:

(I) through (III) No change.

(IV) A Florida Department of Transportation commitment in the current five years of the Adopted Work Program for FIHS facilities or in the first three years of the Adopted Work Program for all other facilities to provide all needed roadway improvements;

(V) through (VI) No change.

b. A provision which states that on no less than an biennial ~~annual~~ basis the status of the guaranteed improvements shall be assessed and reported in a required biennial ~~annual~~ status report. The local government shall cause further issuance of building permits to cease immediately at the time the biennial ~~annual~~ monitoring reveals that any needed transportation improvements guaranteed by development commitments 1.a.(I) thru 1.a.(VI) above is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer consistent with the timing criteria of Sub-subparagraph 1.a. above. The periodic assessment contemplated by this rule is not a monitoring of the actual level of service on a roadway, but is a review of the actual status of guaranteed improvements scheduled for construction. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, will need to be addressed through the notification of proposed change provisions of Subsection 380.06(19), F.S.

c. No change.

2. through 5. No change.

(7)(b) through (9) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), (c)1. FS. Law Implemented 380.021, 380.06, 380.061, 380.065, 380.07 FS. History—New 3-23-94, Amended 2-21-01, _____.

9J-2.046 Air Quality Uniform Standard Rule.

(1) No change.

(2) Definitions. As used in this rule:

(a) through (f) No change.

(g) "Guaranteed roadway improvement" means a roadway construction or flow improvement that is ensured of being completed and operational when needed through:

1. through 3. No change.

4. A Florida Department of Transportation commitment in the current five years of their Florida Transportation Improvement Program for FIHS facilities or in the first three years of their Florida Transportation Improvements Program for all other facilities; or

5. No change.

(h) through (7) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), (c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended 2-21-01, _____.

9J-2.048 Adequate Housing Uniform Standard Rule.

(1) through (2) No change.

(3) Application.

(a) through (b) No change.

(c) A development order shall be determined by the Department to make adequate provision for the adequate housing issues addressed by this rule, and shall not be appealed by the Department on the basis of inadequate mitigation of adequate housing impacts, if it contains the applicable mitigation standards and criteria set forth in this rule or if it is reviewed and provides applicable mitigation consistent with the East Central Florida Housing Methodology, developed April, 1996 and revised June, 1999.

If a development order does not contain the applicable mitigation standards and criteria set forth in this rule, the Department shall have discretion to appeal the development order, pursuant to the provisions of Section 380.07, F.S. However, nothing in this rule shall require the Department to undertake an appeal of the development order simply because it fails to comply with the provisions of this rule. A development order failing to comply with the provisions of this rule will be addressed on a case-by-case basis by the Department as to whether it otherwise complies with the intent and purposes of Chapter 380, Florida Statutes. The Department will take into consideration the balancing of this rule's provisions with the protection of property rights, the encouragement of economic development, the promotion of other state planning goals by the development, the utilization

of alternative, innovative solutions in the development order to provide equal or better protection than the rule, and the degree of harm created by non-compliance with this rule's mitigation criteria and standards.

- (d) No change.
- (4) through (10) No change.

Specific Authority 380.032(2)(a), 380.06(23)(a), (c)1. FS. Law Implemented 380.021, 380.06, 380.065, 380.07 FS. History—New 3-23-94, Amended 2-21-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brenda Winningham, Principal Planner, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)922-1800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sonny Timmerman, Director, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida, (850)488-2356

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2003

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

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund	19-8.012
Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes	19-8.013
Insurer Reporting Requirements	19-8.029
Insurer Responsibilities	19-8.030
Hurricane Mitigation	19-8.031

PURPOSE AND EFFECT: These rules are promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2003-2004 contract year.

SUMMARY: Proposed amended Rule 19-8.010, F.A.C. adopts the reimbursement contract for the contract year 2003-2004. Proposed amended Rule 19-8.012, F.A.C., updates the rules regarding exemption and ineligibility for participation in the Florida Hurricane Catastrophe Fund. Proposed amended Rule 19-8.013, F.A.C. updates the rules regarding the issuance of Revenue Bonds. Proposed amended Rule 19-8.029, F.A.C., adopts forms for insurer reporting to the Florida Hurricane Catastrophe Fund for the 2003-2004 contract year. Proposed new Rule 19-8.030, F.A.C., summarizes deadlines and duties of participants in the Fund and gives notice that the violation of these duties and deadlines may result in administrative action by the Office of Insurance Regulation within the Department

of Financial Services. Proposed new Rule 19-8.031, F.A.C., clarifies the documentation to use in determining the amount of investment income available for hurricane mitigation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS. LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7),(10) FS. A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Monday, March 17, 2003

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346, at least five (5) calendar days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (8) No change.

(9) The reimbursement contract for the 2003-2004 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2003K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2003 through May 31, 2004.

~~(10)(9)~~ Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1346.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02,_____.

19-8.012 Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund.

(1) No change.

(2) Procedures to Determine Ineligibility for Participation in the Fund.

(a) An insurer seeking ineligibility from participation in the Fund because it has surrendered its certificate of authority to write insurance in Florida shall submit a written request for ineligibility stating that it will have no covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, after May 31 of the year for which the ineligibility is sought and provide a copy of the Office of Insurance Regulation Department of Insurance Order, if any, revoking the insurer's authority to write insurance in Florida. The request shall be sent to the Fund's Administrator, Paragon Reinsurance Risk Management Services, Inc., at 3600 West 80th Street, Minneapolis, Minnesota 55431.

(b) An insurer which is not surrendering its certificate to write insurance in Florida but which is seeking ineligibility from participation in the Fund because it does not have any covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, shall submit a written request for a determination regarding its ineligibility for participation. The request shall be sent, no later than September 1 of the current contract year, to the Fund's Administrator, Paragon Reinsurance Risk Management Services, Inc., at 3600 West 80th Street, Minneapolis, Minnesota 55431, and shall contain the following information:

1. A detailed explanation of any premium appearing on the insurer's Florida Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's Form 2 of the annual statement, required by Section 624.424, Florida Statutes, and any rules adopted thereunder, for the State of Florida for the applicable year. ~~This form is commonly known as page 15.~~

3. Form FHCF-E1, "Statement related to Covered Policies as defined in Section 215.555(2)(c), Florida Statutes," rev. 8/96, signed by two executive officers attesting to the fact that the insurer writes no covered policies. Form FHCF-E1 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(c) Upon receipt of the information required by paragraphs (a) or (b), above, the Fund's Administrator will forward copies to the State Board of Administration (Board) for review.

1. If the Board determines that additional information is needed before a decision can be made, the Fund's Administrator will obtain the information and forward it to the Board.

2. If the Board determines that the insurer writes covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and must therefore participate in the Fund as required by Section 215.555(4)(a), Florida Statutes, the Board will notify the insurer that its request has been denied. All insurers determined to be participants in the Fund will be required to enter into a reimbursement contract with the Board and will be subject to all premium payments and interest thereon, as well as fees for inadequate exposure data.

3. If the Board determines that the insurer does not write covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., the Board will notify the insurer that its request has been approved and note that the insurer must immediately notify the Board if it begins writing covered policies. The Board will provide the Fund's Administrator with a copy of any approval letter so that the Fund's Administrator can update its information and can refund any overpayment of reimbursement premium.

(3) Procedures to Determine Exemption from the Fund Due to Limited Exposure.

(a) An insurer requesting exemption from participation in the Fund because its exposure for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., is less than \$500,000 in the aggregate shall submit a written request for a determination regarding such an exemption no later than June 1 of the upcoming contract year. The request shall be sent to the Fund's Administrator, Paragon Reinsurance Risk Management Services, Inc., at 3600 West 80th Street, Minneapolis, Minnesota 55431. The insurer shall submit the following information:

1. A detailed explanation of any premium appearing on the insurer's Florida Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's Form 2 of the annual statement, required by Section 624.424, Florida Statutes and any rules adopted thereunder, for the State of Florida for the applicable year. ~~This form is commonly known as page 15.~~

3. Form FHCF-E2, "Information regarding FHCF Covered Policies In-force at May 31, _____," rev. 5/03 8/96. Form FHCF-E2 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

4. Form FHCF-E3, "Statement related to Aggregate Exposure for Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, on behalf of _____," rev. 8/96, signed by two executive officers attesting to the fact that the insurer writes no covered policies with an aggregate exposure of \$500,000 or more. Form FHCF-E3 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(b) Upon receipt of the information required by subsection (3)(a), above, the Fund's Administrator will forward copies to the Board for review.

1. If the Board determines that additional information is needed before a decision can be made, the Fund's Administrator will obtain the information and forward it to the Board.

2. If the Board determines that the insurer has an aggregate exposure of \$500,000 or more for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and must therefore participate in the Fund as required by Section 215.555(4)(a), Florida Statutes, because it does not qualify for the exemption permitted by Section 215.555(3), Florida Statutes, the Board will notify the insurer that its request has been denied. All insurers determined to be participants in the Fund will be required to enter into a reimbursement contract with the Board and will be subject to all premium payments and interest thereon, as well as fees for inadequate exposure data.

3. If the Board determines that the insurer has an aggregate exposure of less than \$500,000 for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and that granting the exemption will not adversely affect the actuarial soundness of the Fund, the Board will notify the insurer that its request has been approved and note that the insurer must immediately notify the Board if its exposure becomes \$500,000 or more in the aggregate. If this occurs, the insurer will be treated as a "new company" and will be subject to the provisions of Rule 19-8.028(4)(c)3.5, F.A.C. if its exposure becomes \$500,000 or more during the period from June 1 through November 30 or will be subject to the provisions of Rule 19-8.028(4)(c)4.6, F.A.C. if its exposure becomes \$500,000 or more during the period from December 1 through May 31. The Board will provide the Fund's Administrator with a copy of any approval letter so that the Fund's Administrator can update its information and can refund any overpayment of reimbursement premium.

4. The exemption for minimal exposure permitted by Section 215.555(3), Florida Statutes, is optional for the insurer. An insurer with less than \$500,000 in aggregate exposure for covered policies is not required to ask for an exemption from the Fund. Such an insurer may continue to participate in the Fund if it so desires. An insurer which has been granted an exemption from the Fund may request to be reinstated in the Fund as a participating member. However, such a request must be made no later than June 1 of each contract year. No insurer which has been granted an exemption under this subsection shall be reinstated during the Atlantic Hurricane Season, which begins June 1 and ends November 30 of each year, so long as its aggregate exposure remains below \$500,000.

5. The exemptions for minimal exposure permitted by Section 215.555(3), Florida Statutes, shall not be granted by the Board if the aggregate number of anticipated exemptions adversely affects the actuarial soundness of the Fund. A decision as to adverse actuarial effect will be made by the Board annually in consultation with the Board's actuarial consultant. To determine whether an exemption adversely affects the actuarial soundness of the Fund, the Board shall take into consideration the following factors: the number of insurers participating in the Fund; the number of insurers which have requested or are requesting exemption from the Fund on the basis of limited exposure; whether the impact of excluding insurers with less than \$500,000 in exposure will significantly affect premium revenue; the currently available liquid assets of the Fund; the amount and maturity of any outstanding debt; the history of payment of reimbursement premium to the Fund; the history of payment of reimbursable losses by the Fund; the history of payment of assessments under Section 215.555(6), Florida Statutes; the meteorological and actuarial likelihood that the Fund will have to pay loss reimbursements during the current contract year; and the current market condition of the property insurance industry in Florida.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2)(c),(3),(4),(5) FS. History—New 2-17-97, Amended 6-3-02, _____.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

(1) Purpose. This rule establishes the Board's policy regarding the issuance of revenue bonds pursuant to Section 215.555(6), Florida Statutes. The rule provides definitions; interprets certain terms in Section 215.555, Florida Statutes; establishes factors for determining when to issue revenue bonds, the amount of any such revenue bonds, and the source for repayment of any such revenue bonds; and establishes procedures for levying Emergency Assessments pursuant to Section 215.555(6)(a)3., Florida Statutes.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state and includes any entity created pursuant to Section 627.351, Florida Statutes. Surplus lines insurers are not Assessable Insurers. Reinsurers are not Assessable Insurers. The "Board" is the Florida State Board of Administration.

(b) Assessable Lines are those lines of property and casualty business subject to assessment under Section 215.555(6)(a)3., Florida Statutes, as more fully described in subsection (5), below. The "Fund" is the Florida Hurricane Catastrophe Fund established pursuant to Section 215.555, Florida Statutes.

(c) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), Florida Statutes. For purposes of this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, Florida Statutes. The "Corporation" is the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(e), Florida Statutes.

(d) Balance of the Fund, Year-End Balance of the Fund, Projected Fund Balance, Projected Balance of the Fund, Projected Year-End Fund Balance and Balance of the Fund as of December 31 all have the same meaning given to Balance of the Fund as of December 31 in Article V of the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C. The "Department" is the Florida Department of Insurance.

(e) Board or SBA means the Florida State Board of Administration. An "Event" or a "Covered Event" is a hurricane as defined in Section 215.555(2)(b), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(f) Contract Year means the time period that begins June 1 of each calendar year and ends May 31 of the following calendar year. "Assessable Insurer" means Authorized Insurers writing property and casualty business in this state and includes any entity created pursuant to Section 627.351, Florida Statutes. Surplus lines insurers are not assessable insurers. Reinsurers are not assessable insurers.

(g) Corporation means the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(c), Florida Statutes. "Assessable Lines" are those lines of property and casualty business subject to assessment under Section 215.555(6)(a)3., Florida Statutes, as more fully described in subsection (5), below.

(h) An "Event" or a "Covered Event" mean a hurricane as defined in Section 215.555(2)(b), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C. "Authorized Insurer" means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), Florida Statutes. For purposes of

this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, Florida Statutes.

(i) Covered Policies means an insurance policy covering residential property, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C. "Emergency Assessment" means the assessment levied by the Department at the direction of the Board on all property and casualty business in this state, pursuant to and subject to the exceptions in Section 215.555(6)(a)3., Florida Statutes, and as more fully described in subsection (5) of this rule.

(j) Department means the Florida Department of Financial Services. "Participating Insurer" means an insurer which writes Covered Policies in this state and which has entered into a reimbursement contract with the Board, pursuant to Section 215.555(4)(a), Florida Statutes.

(k) Emergency Assessment means the assessment levied by the Office of Insurance Regulation (as defined below) at the direction of the Board on all property and casualty business in this state, pursuant to and subject to the exceptions in Section 215.555(6)(a)3., Florida Statutes, and as more fully described in subsection (5) of this rule. "Covered Policies" means an insurance policy covering residential property, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(l) Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), Florida Statutes. "Contract Year" means the Contract Year for the Fund which begins June 1 of each calendar year and ends May 31 of the following calendar year.

(m) Participating Insurer means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), Florida Statutes. The "Balance of the Fund as of December 31" of any Contract Year or "the Balance" means the total fund equity, as of December 31 of that contract year, in the Florida Hurricane Catastrophe Trust Fund maintained and administered by the Board, to which is added: any losses, including loss adjustment expense, paid to Participating Insurers prior to December 31 for a Covered Event occurring in that contract year; and any unpaid losses, including loss adjustment expense, for that contract year as reported on the Fund's financial statement as of December 31, and from which is subtracted: any projected amounts budgeted for administration for the then current state fiscal year; the amount of mitigation funds required to be expended for the current contract year, and reserved for prior contract years, pursuant to Section 215.555(7)(e), Florida Statutes; any reinsurance recovered prior to December 31, and recoverable as of

December 31, for that contract year; and any obligations expected to be paid with bonding proceeds or receipts from Emergency Assessments.

(n) Reimbursement Contract means the statutorily required annual contract which provides coverage, within the limits described in paragraph (3) below, to Participating Insurers for losses to covered property during a Covered Event.

(o) Reimbursement Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Company in accordance with Section 215.555(5), Florida Statutes, by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(3) Limitations on the Fund's Liability. Interpretations of Section 215.555, Florida Statutes, regarding the issuance of revenue bonds. For purposes of this subsection of this rule, all references to statutory subdivisions are to Section 215.555, Florida Statutes.

(a) Limited Liability of the Fund.

1. The Board interprets the first sentence in subparagraph 1. of paragraph (e) of subsection (4), which reads: "The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$11 billion for that contract year, unless the board determines that there is sufficient estimated claims-paying capacity to provide \$11 billion of capacity for the current contract year and an additional \$11 billion of capacity for subsequent contract years;" and the introductory language in subparagraph 2. of paragraph (d) of subsection (4), which reads: "In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall . . . [pro-rate];" and the proration provision in sub-subparagraph e. of subparagraph 2. of paragraph (d) of subsection (4), which reads: "Thereafter, establish, based on reimbursable losses, the prorated reimbursement level at the highest level for which any remaining fund balance or bond proceeds are sufficient," to mean that, for Covered Events which occur in any one Contract Year, the The Florida Hurricane Catastrophe Fund's (Fund or FHCF) liability under the Reimbursement Contracts entered into, pursuant to Section 215.555(4)(a), Florida Statutes, paragraph (a) of subsection (4), with Participating Insurers writing Covered Policies, is limited to the Balance of the Fund as of December 31 of the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the FHCF, plus the amount the Board has raised or is able to raise through the issuance of revenue bonds pursuant to the provisions of Section 215.555(6), Florida Statutes subsection (6).

(a)2. The Board notes the requirement in Section 215.555(4)(c)2., Florida Statutes paragraph (c) of subsection (4) to publish estimates of the Fund's anticipated borrowing capacity in May and October of each year and states that, although the Board will in good faith attempt to sell revenue

bonds up to the amounts estimated, the Fund's liability is nevertheless limited to the Balance of the Fund as of December 31 and the amount which the Board is able to raise through the issuance of revenue bonds, not the amount which the Board estimates it is able to raise through such issuance. Therefore, the Board's obligations to Participating Insurers for Covered Events in any one Contract Year are limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF, plus the amount the Board is able to raise through the issuance of revenue bonds, making good faith efforts to sell revenue bonds following a Covered Event.

(b) Regardless of its assets, ability to raise funds or the amount of covered losses, the obligation of the Fund with respect to all Reimbursement Contracts covering a particular Contract Year shall not exceed the actual claims-paying capacity of the Fund, as defined in Section 215.555(4)(c), Florida Statutes, up to a limit of \$11 billion for that Contract Year, unless the Board determines that there is sufficient estimated claims-paying capacity to provide \$11 billion of capacity for the current Contract Year and an additional \$11 billion of capacity for the subsequent Contract Year.

3. For example, assume the following: a Covered Event occurs in August of Contract Year A, which Contract Year A begins June 1 of the calendar year, causing \$12 billion of residential property damage and resulting in the Fund's being contractually obligated to pay those of its Participating Insurers which had reimbursable losses from that Covered Event; the Fund estimates in October of Contract Year A that its estimated borrowing capacity is \$5.5 billion; the Balance of the Fund as of December 31 of Contract Year A is \$2 billion; and assume finally that the Board is able to raise \$4.5 billion from the proceeds of revenue bonds, while maintaining the on-going viability of the Fund to pay reimbursement losses for Covered Events in more than one Contract Year, as set out in subsection (4) of this rule. Under the circumstances just described, the Board's obligations under its reimbursement contracts for the Covered Event which occurred in Contract Year A are limited to \$6.5 billion, which is the sum of the \$2 billion balance and the \$4.5 billion in revenue bond proceeds.

(b) Obligations of the Fund.

1. Based on the interpretation of limited liability set out immediately above, the Board interprets the term "obligations," as used in paragraph (a) of subsection (2), which reads: "Actuarially indicated" means, with respect to premiums paid by insurers for reimbursement provided by the fund, an amount determined according to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the fund, including additional amounts if needed to pay debt service on revenue bonds issued under this section and to provide required debt service coverage in excess of the amounts required to pay actual debt service on revenue bonds issued under subsection (6), and determined according to

principles of actuarial science to reflect each insurer's relative exposure to hurricane losses;" in the second sentence of subsection (3), which reads: "Moneys in the fund may not be expended, loaned, or appropriated except to pay obligations of the fund arising out of reimbursement contracts entered into under subsection (4), payment of debt service on revenue bonds issued under subsection (6), costs of the mitigation program under subsection (7), costs of procuring reinsurance, and costs of administration of the fund;" in the first sentence of subparagraph 1. of paragraph (c) of subsection (4), which reads: "The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$11 billion for that contract year, unless the board determines that there is sufficient estimated claims-paying capacity to provide \$11 billion of capacity for the current contract year and an additional \$11 billion of capacity for subsequent contract years;" and subsection (m) of subsection (2), which reads: "Actual claims-paying capacity" means the sum of the year-end balance of the fund as of December 31 of a contract year, plus any reinsurance purchased by the fund, plus the amount the board is able to raise through the issuance of revenue bonds under subsection (6);" and the first sentence in subparagraph 3. of paragraph (a) of subsection (6), which reads: "If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds, the board shall direct the Department of Insurance to levy an emergency assessment on each insurer writing property and casualty business in this state," and elsewhere throughout Section 215.555, Florida Statutes, to mean its obligations for each Contract Year under each reimbursement contract entered into annually with Participating Insurers.

2. This means that the Balance of the Fund as of December 31 of each Contract Year is available to pay losses reimbursable under the reimbursement contract for that Contract Year and, if no losses are reimbursed or if only part of the Balance is to be used to pay reimbursable losses, that the Balance of the Fund will be carried forward for use in subsequent Contract Years. However, if the Balance of the Fund as of December 31 is to be exhausted to pay reimbursable losses for Covered Events, whether or not revenue bonds are issued to pay for those reimbursable losses, then reimbursement premiums received in the following Contract Years will not be used to pay for reimbursable losses in prior Contract Years but instead will be used to pay debt service on any pre-event funding obligations prior to the receipt of any Emergency Assessments, to replenish the Fund, and to pay for reimbursable losses for those subsequent Contract Years. Thus, reimbursement premiums collected in Contract Years following the Contract Year in which the Covered Event(s) occurred are expected to be used to provide debt service

coverage, as defined in paragraph (i) of subsection (2) and will be used, if needed, as set forth in Sections 215.555(6)(a)1. and (6)(c), Florida Statutes, to pay debt service, as defined in paragraph (h) of subsection (2). Funds available for debt service shall be allocated as follows: as between tax-exempt and taxable bonds, parity will always be respected; subject to the preceding clause, and to the extent Emergency Assessments are available, such Emergency Assessments will be allocated and paid first to fund the debt service on any tax-exempt bonds outstanding and then to fund the debt service on any taxable bonds outstanding.

(c) Moneys in the Fund Are Insufficient.

1. The Board interprets the word "insufficient" in the first sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contract, the board may take the necessary steps under paragraph (b) or paragraph (c) for the issuance of revenue bonds for the benefit of the fund;" and in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads: "If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue bonds, the board shall direct the Department of Insurance to levy an emergency assessment on each insurer writing property and casualty business in this state," to mean that the Balance of the Fund as of December 31 is likely to be exhausted. For purposes of this rule, the Balance of the Fund "is likely to be exhausted" if the Board reasonably determines, based on the data and information available at the time of the determination, that loss reimbursements to Participating Insurers will exceed 95% of the Balance of the Fund as of December 31 of the Contract Year. The Board shall base its determination of the likelihood of exceeding 95% of the Balance of the Fund as of December 31 on the meteorological severity of the Covered Event; the geographical area impacted by the Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, and from information provided by modeling companies; from claims development patterns derived from known historical events; from an analysis of market shares of Participating Insurers in the impacted area; and from any other credible sources of loss information.

2. The Board interprets the use of the word "insufficient" in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads: "If the board determines that the amount of revenue produced under subsection (5) is insufficient to fund the obligations, costs, and expenses of the fund and the corporation, including repayment of revenue

bonds, the board shall direct the Department of Insurance to levy an emergency assessment on each insurer writing property and casualty business in this state," in conjunction with the fifth sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "If reimbursement premiums received under subsection (5) or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the monies derived from assessments under subparagraph 3." to mean that, if a Covered Event occurs which exhausts the Balance of the Fund as of December 31 of the Contract Year in which the event occurs and if Emergency Assessments are levied to provide revenues to pay debt service on revenue bonds issued to pay reimbursable losses related to such Covered Event, then reimbursement premiums collected in Contract Years following the Contract Year in which the Event occurred will be used initially to provide debt service coverage and are expected to be used to pay debt service only if the amounts raised through Emergency Assessments are not sufficient to make the required debt service payments on the revenue bonds issued for the Covered Event. If reimbursement premiums are used for debt service in the event of a temporary shortfall in the collection of emergency assessments, then the amount of the premiums so used shall be reimbursed to the Fund when sufficient emergency assessments are received.

(4) Determinations Regarding Bond Issuance.

(a) General Factors for Use in Determining Whether to Issue Bonds. Based on the requirements of Section 215.555, Florida Statutes, on all rules adopted pursuant thereto, and on the foregoing interpretations, the Board determines that the Legislature intended the Fund to be a sustainable, permanent, and continuing trust fund established within the meaning of Article III, s. 19 of the Florida Constitution which is available to pay reimbursable losses for Covered Events in more than one year. The Board further determines that the Legislature deliberately and purposefully limited the Fund's liability as to Covered Events in any one Contract Year in order to provide for an on-going Fund. The Board determines that in its fiduciary capacity regarding the Fund, it is prudent to adopt the interpretations set out in this rule and to conform all its other policies, rules, and methods of operation to those fiduciary responsibilities and interpretations.

(b) Quality of Bonds to be Issued. The Board finds that in order to fulfill its fiduciary responsibilities to maintain and enhance the on-going viability and credibility of the Fund and to operate in the most cost-efficient manner, all revenue bonds issued to pay reimbursable losses shall be investment grade bonds, except to the extent that revenue bonds other than investment grade are needed to pay a small amount of legitimate but unexpected reimbursable losses. Upon the occurrence of such an exception, any revenue bonds issued will be issued only after a determination by the Board that such bonds are fiscally responsible, in light of the Board's fiduciary

responsibilities under the Reimbursement Contracts entered into with Participating Insurers pursuant to Section 215.555(4), Florida Statutes.

(c) Moneys in the Fund Are Insufficient.

1. The Board interprets the word "insufficient" in the first sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contract, the board may take the necessary steps under paragraph (b) or paragraph (c) for the issuance of revenue bonds for the benefit of the fund;" and in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads: "If the Board determines that the amount of revenue produced under Section 215.555(5), Florida Statutes, is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds, and the Balance of the Fund is likely to be exhausted, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on each insurer writing property and casualty business in this state. The Balance of the Fund "is likely to be exhausted" if the Board reasonably determines, based on the data and information available at the time of the determination, that loss reimbursements to Participating Insurers will exceed 95% of the Balance of the Fund as of December 31 of the Contract Year. The Board shall consider the following factors in its determination of the likelihood of exceeding 95% of the Balance of the Fund: as of December 31 on the meteorological severity of the Covered Event; the geographical area impacted by the Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, and from information provided by modeling companies; from claims development patterns derived from known historical events; from an analysis of market shares of Participating Insurers in the impacted area; and from any other credible sources of loss information.

2. If Reimbursement Premiums received under Section 215.555(5), Florida Statutes, or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the monies derived from Emergency Assessments. If a Covered Event occurs which exhausts the Balance of the Fund as of December 31 of the Contract Year in which the Event occurs and if Emergency Assessments are levied to provide revenues to pay debt service on revenue bonds issued to pay reimbursable losses related to such Covered Event, then Reimbursement Premiums collected in Contract Years following the Contract Year in which the Event occurred are expected to be used to pay debt service only if the amounts raised through Emergency Assessments are not sufficient to make the required debt

service payments on the revenue bonds issued for the Covered Event. If Reimbursement Premiums are used for debt service in the event of a temporary shortfall in the collection of Emergency Assessments, then the amount of the Reimbursement Premiums so used shall be returned, without interest, to the Fund when sufficient Emergency Assessments are received.

~~(d)(e)~~ Specific Procedures Regarding Issuance of Bonds on a Pre-Event Basis. Pursuant to Section 215.555(6)(a), Florida Statutes, subparagraph 1. of paragraph (a) of subsection (6), the Board is authorized to enter into contracts for the issuance of revenue bonds in the absence of a Covered Event “upon a determination that such action would maximize the ability of the fund to meet future obligations.” In making a determination to authorize the issuance of revenue bonds on a ~~Pre-event~~ basis (“in the absence of a hurricane”), the Board shall consider the following factors: the Projected Fund current Balance of the Fund; reserves for mitigation appropriations; estimated amounts needed for administration of the FHCF; projected amounts of future R reimbursement P premiums; projected amounts of earnings on collected R reimbursement P premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of P pre-event bonds on the costs of P post-event bonds in terms of benchmark pricing, secondary market trading, investor education, being a first-time issuer P post-event, confidence of insurers and reinsurers in the Fund’s ability to issue revenue bonds P post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

~~(e)(d)~~ Specific Procedures for Issuance of Revenue Bonds on a Post-Covered Event Basis. The Board will take the following steps upon the occurrence of a Covered Event for which the Balance of the Fund is likely to be exhausted to pay reimbursable losses.

1. Upon the occurrence of a Covered Event, the Board will determine, pursuant to Section 215.555, Florida Statutes, and all rules adopted thereunder, including Rules 19-8.001, F.A.C., the projected reimbursable losses of Participating Insurers. The Board will then determine, based on ~~the current balance of the Fund and~~ the then ~~P~~ projected Balance of the Fund ~~on December 31,~~ whether or not the Fund has or will have sufficient funds on hand to reimburse Participating Insurers for their reimbursable losses. If the Board determines that the funds on hand are or will be insufficient, then the Board will

estimate the total reimbursable losses payable by the Fund. The Board will then determine the shortfall which shall be covered by the issuance of revenue bonds or through incurrence of other indebtedness, as appropriate.

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the percentage of direct premium written for Assessable Lines (see subsection (5), below), if any, which may be necessary to service the outstanding revenue bonds. The assessment percentage will be determined as follows:

a. The Board will review the incurred losses and projected losses from the Covered Event, taking into account the Covered Event’s size, intensity, forward speed, area of impact, and any other factors applicable to that specific Covered Event.

b. The Board will review all available information, both from the Office of Insurance Regulation Department and from the National Association of Insurance Commissioners, regarding direct premiums written for Assessable Lines in Florida, reportable pursuant to Section 624.424, Florida Statutes.

c. The Board will review and assess existing market conditions regarding the issuance and sale of bonds or the incurrence of other indebtedness to determine the revenues which will be required to pay debt service on any debt issued or other indebtedness incurred.

d. Based on the specific information described above and on any other information applicable and pertinent to the specific Covered Event and the then-current market conditions, the Board will determine the assessment percentage necessary to pay debt service.

3. After the assessment percentage has been determined, the Trustees of the Board will consider formal approval of the assessment percentage at a ~~regularly-scheduled~~ meeting of the Trustees. After approval of the assessment percentage, the Trustees will, at the same ~~regularly-scheduled~~ meeting, consider formal approval of a resolution directing the Office of Insurance Regulation Department to levy the assessment on all Assessable Insurers for all Assessable Lines.

4. ~~As soon as possible after immediately subsequent to~~ the meeting at which the Trustees have approved the assessment percentage and directed the Office of Insurance Regulation Department to levy the assessment, the Executive Director of the Board will provide written instructions to the Office of Insurance Regulation Department of all pertinent details regarding the Emergency Assessment, including the name and address of the Master Trustee or Custodian designated to receive the Emergency Assessment payments.

(5) Procedures regarding Levying Emergency Assessments Pursuant to Section 215.555(6)(a)3., Florida Statutes.

(a) If the Board directs the Office of Insurance Regulation Department to levy Emergency Assessments, then the Office of Insurance Regulation Department shall issue Orders to each Assessable Insurer levying an Emergency Assessment for the lines of business set out in paragraph (e), below.

(b) Pursuant to the Order issued by the Office of Insurance Regulation Department levying the Emergency Assessment, each Assessable Insurer shall pay directly to the entity identified in the Order, by July 1 of each year, an amount equal to the required percentage of its direct written premium for the prior calendar year from all property and casualty business in this state except for workers' compensation and accident and health. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be no more than 4 percent for any one Contract Year and no more than 6 percent in the aggregate and will be determined in accordance with Section 215.555(6)(a)3., Florida Statutes, and the procedures set out in subsection (4) of this rule. The lines of business which will be subject to assessment are set out in subsection (e) ~~(f)~~, below.

(c) Pursuant to Section 215.555(6)~~(a)3., (6)(b)3., and (6)(e)6.,~~ Florida Statutes, the annual Emergency Assessments shall continue until the revenue bonds issued with respect to which the assessment was imposed have been retired, unless adequate provision has been made for the full payment of such bonds pursuant to the documents authorizing the issuance of such revenue bonds.

(d) Pursuant to Section 215.555(6)(a)3., Florida Statutes, an Assessable Insurer shall not in any calendar year be subject to assessments in excess of 4 percent for any one Contract Year and no more than 6 percent in the aggregate, under Section 215.555(6), Florida Statutes, and this rule.

(e) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(a)3., Florida Statutes. For ease of reference, the lines of business are written and listed as they appear on Form 2, Exhibit of Premiums and Losses ~~(commonly known as "page 15")~~, in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed ~~with the Department~~ pursuant to Section 624.424, Florida Statutes.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers ~~on page 15~~ of the property and casualty annual statement referenced in subparagraph 1., immediately above.

- a. Fire.
- b. Allied Lines.
- c. Multiple Peril Crop.
- d. Farmowners Multiple Peril.
- e. Homeowners Multiple Peril.
- f. Commercial Multiple Peril (non-liability).
- g. Commercial Multiple Peril (liability).
- h. Mortgage Guaranty.
- i. Ocean Marine.
- j. Inland Marine.
- k. Financial Guaranty.
- l. Medical Malpractice.
- m. Earthquake.
- n. Other Liability.
- o. Products Liability.
- p. Private Passenger Auto No-Fault.
- q. Other Private Passenger Auto Liability.
- r. Commercial Auto No-Fault.
- s. Other Commercial Auto Liability.
- t. Private Passenger Auto Physical Damage.
- u. Commercial Auto Physical Damage.
- v. Aircraft (all perils).
- w. Fidelity.
- x. Surety.
- y. Burglary and Theft.
- z. Boiler and Machinery.
- aa. Credit.
- bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, _____.

19-8.029 Insurer Reporting Requirements.

(1) Purpose: The purpose of this rule is to incorporate and adopt the annual reporting of insured values and the Loss Reporting Forms, to provide the time and place for submission of this required information and to address confidentiality of information provided to the Florida Hurricane Catastrophe Fund (FHCF or Fund).

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Citizens Property Insurance Corporation or "Citizens" means the entity formed under Section 627.351(6), Florida Statutes, and includes both the High Risk Account (formerly the Florida Windstorm Underwriting Association) and the Personal Lines and Commercial Lines Accounts (formerly the Florida Residential Property and Casualty Joint Underwriting Association).

(b) Contract Year means the time period which begins June 1 of each calendar year and ends May 31 of the following calendar year.

(c) Covered Policy is defined in Section 215.555(2)(c), Florida Statutes, and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(d) Data Call means the annual reporting of insured values forms. These forms are the FHCF-D1A for Contract Years after the 2002/2003 year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior years.

(e) FHCF or Fund means the Florida Hurricane Catastrophe Fund.

(f) Independent Consultant means the independent individual, firm, or organization with which the SBA contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(g) Loss Reporting Forms mean the FHCF-L1A and FHCF-L1B for Contract Years after the 2002/2003 Contract Year and means the FHCF-L1A, FHCF-L1B and FHCF-L1C for the Contract Years 2002/2003 and all prior years.

(h) Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), Florida Statutes.

(3)(4) ~~Data~~ Reporting of Insurer Exposure Data.

(a) No later than September 1 of each ~~C~~contract ~~Y~~year, authorized insurers and Citizens pursuant to Sections 215.555(5) and 627.351(6), Florida Statutes, ~~Joint Underwriting Associations~~ shall report insured values reflecting wind exposure under Covered Policies by zip code and other relevant factors required to reflect each insurer's relative exposure to hurricane loss, valued as of June 30 of the current ~~C~~contract ~~Y~~year. Such other relevant factors shall be determined by the Independent Consultant consistent with principles of actuarial science and in conjunction with the development of the ~~p~~Premium ~~f~~Formula.

(b) Confidentiality of ~~exposure~~ reports ~~containing insured values under Covered Policies. Pursuant to the provisions of Section 215.557, Florida Statutes, enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by participating insurers, protects the confidentiality of information of the type submitted in the Data Call (FHCF D1A), audit workpapers, audit reports, or loss reports (FHCF-L1A, FHCF-L1B) and such information is not subject to the provisions of Section 119.07(1), Florida Statutes or Section 24(a), Article I of the Florida State Constitution. Reports of insured values, the reports of insured values under covered policies by zip code submitted to the State Board of Administration pursuant to Section 215.555, Florida Statutes, as created by Section 1., Chapter 93-409, Laws of Florida, or similar legislation, are confidential and exempt from the provisions of Section 119.07(1), Florida Statutes, and section~~

~~24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with Section 119.04, Florida Statutes.~~

~~(e) Reporting Regarding Entities Not Required to Hold a Certificate of Authority. Existing Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations are not participants in the FHCF since such entities are not considered to issue Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, and such entities are not required to hold a certificate of authority. All existing voluntary pools, voluntary syndicates and voluntary joint underwriting associations which are not required to hold a certificate of authority shall execute a written statement on Form FHCF M01, "Florida Hurricane Catastrophe Fund Statement regarding Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations pertaining to Section 215.555, Florida Statutes," rev. 5/99, which is hereby adopted and incorporated by reference, on behalf of itself and its members acknowledging that it and they have no rights to any recovery from the FHCF. Insurer losses associated with business written in Voluntary Pools, Voluntary Syndicates and Voluntary Joint Underwriting Associations shall not be reimbursed by the FHCF since exposures on Covered Policies are not required to be reported and premiums are not required to be paid on these exposures. Any newly created Voluntary Pool, Voluntary Syndicate or Voluntary Joint Underwriting Association shall be treated as specified under this subsection only if its formation is determined by the Board to be for business purposes benefiting Florida policyholders, not for purposes of creating an unfair marketing advantage over other insurers required to participate in the Fund, and not for the purpose of avoiding participation in the Fund provided such treatment is approved by the Department of Insurance as evidenced by a letter from the Department received by the Board prior to September 1 of any contract year.~~

~~(c)(d) Reporting Regarding Insurers Withdrawing from the State or Discontinuing the Writing of All Kinds of Insurance Prior to June 30 of Each Year. Insurers which discontinue writing insurance in Florida and have no remaining ~~C~~covered ~~p~~policy exposure as of June 30 of each Contract Year ~~is required to~~ ~~may~~ petition for exemption from the Fund pursuant to Rule 19-8.012, F.A.C. Insurers which withdraw from the Florida insurance market prior to June 30 and have no remaining ~~C~~covered ~~p~~policy exposure as of that date shall not participate in the Fund. The affected insurer shall provide written evidence obtained from the Office of Insurance Regulation ~~Department of Insurance~~ that it has surrendered its certificate of authority and currently has no outstanding Covered Policies in force. Nothing in this rule shall be construed to conflict with the requirements of Section 624.430(1), Florida Statutes.~~

~~(d)(e)~~ The requirement that the report is due by on September 1 means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on September 1. If September 1 is a Saturday, Sunday or legal holiday, ~~and if September 1 is being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day,~~ then the applicable due date will be the day immediately following September 1 which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's AAdministrator by 5 p.m., Central Time, on the applicable due date are late.

~~(4)(2)~~(a) For the 1999-2000 Ccontract Yyear, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 1999 Data Call," rev. 5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(b) For the 2000/2001 Ccontract Yyear, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2000 Data Call," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Ccontract Yyear on or before March 1 of the Ccontract Yyear, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2000 Data Call for Newly Licensed Companies," rev. 5/00; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 6.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(c) For the 2001/2002 Ccontract Yyear, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2001 Data Call," rev. 5/01; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for

Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 7.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Ccontract Yyear on or before March 1 of the Ccontract Yyear, to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 2001 Data Call for Newly Licensed Companies," rev. 5/01; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 7.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(d) For the 2002/2003 Ccontract Yyear, the reporting shall be in accordance with the following: Form FHCF-D1A, "Amended Florida Hurricane Catastrophe Fund 2002 Data Call," rev. 5/02 and Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. For new companies, the company shall report its actual exposure as of December 31 of the Ccontract Yyear on or before March 1 of the Ccontract Yyear, to the Administrator on Form FHCF-D1B, "Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies," rev. 5/02; and Form FHCF-MOD "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 3/27/01. The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference.

(e) For the 2003/2004 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2003 Data Call," rev. 5/03 and UNICEDE[®]/PX Data Exchange Format, Version 4.0.0." The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. A new participant shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator. NOTE: Form FHCF-D1B, "Amended Florida Hurricane Catastrophe Fund 2002 Data Call for Newly Licensed Companies," rev. 5/02 used in past years by new participants is no longer being used. The information new participants must submit is now incorporated into Form FHCF-D1A.

~~(5)(3)~~ Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their losses for Ccovered Ppolicies (ground-up or gross direct losses, without regard for the

insurer's retention) on Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 5/03~~2~~, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, and on the basis of quarterly adjustments thereafter. After the initial report of ~~ground-up~~ losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly	
For Losses as of	By
06/30/XX	07/15/XX
07/31/XX	08/15/XX
08/31/XX	09/15/XX
09/30/XX	10/15/XX
10/31/XX	11/15/XX
11/30/XX	12/15/XX

(c) Insurers shall report their annual covered losses (all losses regardless of an insurer's retention) for each occurrence on or before December 31 of the Contract Year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 5/03~~2~~, which is hereby adopted and incorporated by reference. In reporting losses, deductibles and/or attachment points shall be applied first to the coverages provided by the FHCF. ~~Deductibles shall not be applied first to any coverages not provided by the FHCF.~~ For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. ~~Each insurer which has recoveries from the Fund and which has reinsurance recoveries other than recoveries from the Fund shall complete Form FHCF L1C, "Florida Hurricane Catastrophe Fund Proof of Loss Report/Reinsurance Recovery Worksheet," rev. 5/02, which is hereby adopted and incorporated by reference.~~ For purposes of this rule, quarterly Loss Reports shall be those

reports submitted at each quarter end date after December 31 of the Contract Year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect.

(d) As a result of reports submitted on Form FHCF-L1B ~~and Form FHCF-L1C~~, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits an insurer's recovery from all sources to exceed 100 percent of its losses from a covered event, and in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

~~(6)(4)~~ All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7),(15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, _____.

19-8.030 Insurer Responsibilities.

(1) Section 215.555(10), F.S. provides that any violation of any provision of Section 215.555, F.S., or of any rule adopted under Section 215.555, F.S., constitutes a violation of the Florida Insurance Code.

(2) Purpose: The purpose of this rule is to clearly establish certain deadlines and other requirements for insurers required to participate in the Florida Hurricane Catastrophe Fund (Fund or FHCF). It is not the intent or purpose of this rule to address every requirement of Participating Insurers which could result in a referral to the Florida Department of Financial Services.

(3) Definitions. The terms defined below will be capitalized in this rule.

(a) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), Florida Statutes.

(b) Board or SBA means the Florida State Board of Administration.

(c) Fund or FHCF means the Florida Hurricane Catastrophe Fund established pursuant to Section 215.555, Florida Statutes.

(d) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351(6), Florida Statutes, and includes both the High Risk Account (formerly the Florida Windstorm Underwriting Association) and the Personal Lines and Commercial Lines Accounts (formerly the Florida Residential Property and Casualty Joint Underwriting Association).

(e) Contract Year means the time period which begins June 1 of each calendar year and ends May 31 of the following calendar year.

(f) A Covered Event or Event is a hurricane as defined in Section 215.555(2)(b), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(g) Covered Policy. This term is defined in Section 215.555(2)(c), Florida Statutes, and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(h) Department means the Florida Department of Financial Services.

(i) Data Call means the annual reporting of insured values forms. These forms, as adopted and incorporated into Rule 19-8.029, F.A.C., are the FHCF-D1A for Contract Years after the 2002/2003 year and the FHCF-D1A and FHCF- D1B for Contract Year 2002/2003 and prior years.

(j) Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), Florida Statutes.

(k) Participating Insurer, Insurer or Company means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), Florida Statutes.

(l) Reimbursement Contract or Contract means the statutorily required annual contract which provides coverage to Participating Insurers for losses to covered property during a Covered Event.

(m) Reimbursement Premium or Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Company in accordance with Section 215.555(5), Florida Statutes, by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(n) Quota Share Primary Insurance Arrangement is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes.

(4) Reimbursement Contract

(a) Current Participants: The Reimbursement Contracts are annual contracts effective from June 1 of each Contract Year through May 31 of each Contract Year. Each Insurer required to participate in the FHCF must designate a coverage level in the annual Reimbursement Contract, make any required selections therein and execute the Reimbursement Contract so that the Contract, including the schedules, has been received by June 1 of each Contract Year.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year are "New Participants." New Participants must designate a coverage level in the annual Reimbursement Contract, make any required selections therein, and execute the Contract simultaneously with issuing the first Covered Policy. The

completed and executed Reimbursement Contract, including all required selections and schedules, must be returned no later than 30 days after the first Covered Policy is issued.

(c) New Participants during the period of December 1 through May 31: Those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year, along with the Insurers described in (b) immediately above, are "New Participants." However, these Insurers shall not complete and submit the Data Call (Form FHCF-D1A) but shall meet all other requirements for New Participants.

(5) Exposure Reporting Requirements:

(a) Quota Share Primary Insurance. Citizens and Authorized Insurers may enter into Quota Share Primary Insurance Arrangements with respect to the High Risk Account policies. The statute also provides, in Section 627.351(6)(c)2.a.(II), Florida Statutes, that Citizens shall be responsible for the annual reporting of insured values to the FHCF for both for both Citizens and the Insurer participating with Citizens in the Quota Share Arrangement. Citizens shall report the insured values covered by the Quota Share Primary Insurance Arrangements in the same manner that all other current participants, as described in paragraph (b) below, report their insured values. Please note that both Citizens and the Quota Share Primary Insurer must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement audits by the FHCF.

(b) Current Participants. Each Insurer, with Covered Policies as of June 1 of a Contract Year must participate in the FHCF and must complete and submit the Data Call. The Data Call is incorporated into Rule 19-8.029, F.A.C., and is due, correctly completed, by September 1 of the Contract Year.

(c) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year must complete and submit the Data Call. The Data Call is incorporated into Rule 19-8.029, F.A.C., and is due, correctly completed, by March 1 of the Contract Year.

(d) Resubmissions of Data: With one exception noted below, any Insurer which submits a Data Call, Form FHCF-D1A, with incorrect data, incomplete data, or data in the wrong format and is required to resubmit will be given 30 days from the date on the letter from the FHCF notifying the Insurer of the need to resubmit. An extension of 30 days will be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. Exception: If the Insurer, at the time it receives notice of the need to resubmit, has already been issued a notice of audit, the usual 30 day time limitation (measured from the date of the letter giving notice of the need to resubmit) does not apply. In this situation, the time period in which the Insurer must resubmit is measured by counting backwards 30

days from the date that the audit is scheduled to begin as reflected on the notice of audit letter. The FHCF needs the information prior to the audit; thus, no extensions can be granted.

(6) Premiums:

(a) Current Participants: Premium installments for Current Participants are due on August 1, October 1, and December 1. Premium adjustments are due as indicated on the invoice sent to the Insurer. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as authorized and defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the percentages specified in the Quota Share Primary Insurance Arrangement.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year must submit a payment of \$1,000 on or before the date indicated on the invoice. Once this new participant's Data Call, which is filed on or before March 1 of the Contract Year, has been reviewed by the Administrator and the company's actual Reimbursement Premium has been determined on its actual exposure, an invoice with the amount due, if any, will be sent to the Company by the Administrator. Payment, if any amounts are shown as due on the invoice, is due within 30 days from the date on the invoice. In no event will the Premium be less than the \$1,000.

(c) New Participants during the period of December 1 through May 31: Those Insurers that first begin writing Covered Policies from December 1 through May 31 of a Contract Year shall pay a \$1,000 Premium within thirty days from the date on the invoice sent to the Insurer by the FHCF.

(d) With respect to any Company where control of the Company has been transferred through any legal or regulatory proceeding to a state regulator or court appointed receiver or rehabilitator prior to December 1 of the Contract Year, the full annual provisional Reimbursement Premium as billed and any outstanding balances will be due on August 1, or the date that control is transferred if after August 1.

(7) Audit Requirements: A Company is required to prepare and retain an audit file in accordance with the specifications outlined in the Data Call instructions. Such records must be retained until the FHCF has completed its audit of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year. The records provided for audit must be from the audit file as originally prepared unless a subsequent resubmission was sent to the FHCF. Please note that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of

policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement audits by the FHCF.

(a) Advance Audit Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in Form FHCF-API, "Advance Preparation Instructions." This form is hereby adopted and incorporated by reference into this rule.

(b) On-site Audit Record Requirements: The FHCF-API, "Advance Preparation Instructions" form contains a list of the information that the Companies must have available, on-site, on the date the audit is to begin. These records must be made available to the FHCF auditor upon request.

(c) Response to the FHCF Audit Report: Within 30 days from the date of the letter accompanying the audit report, a Company must provide a written response to the FHCF. The response must indicate whether the Company agrees with the recommendation of the audit report. If the Company disagrees with the audit findings, the reason for the disagreement will be outlined in the response and the Company will provide supporting information to support its objection.

(d) Resubmissions as a Result of a Completed Audit: A Company required to resubmit as a result of the audit must do so within 30 days of the date on the letter from the FHCF notifying the Company of the need to resubmit. An extension of 30 days will be granted if the Company can show that the need for additional time is due to circumstances beyond the reasonable control of the Company.

(8) Loss Reporting: Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 5/03 and Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 5/03. Both of these forms are hereby adopted and incorporated by reference into this rule.

(9) Penalties and Additional Charges: The Participating Insurers' responsibilities outlined in this rule are not an exhaustive list and Section 215.555, F.S., and other rules promulgated under that section may outline additional responsibilities and/or deadlines. The failure by a Participating Insurer to meet any of the deadlines or responsibilities outlined in this rule, Section 215.555, F.S. and/or other Rules applicable to the FHCF constitute a violation of the Florida Insurance Code. In the event of a violation, in addition to the consequences outlined below, the FHCF will notify the Office of Insurance Regulation of the violation. The Office of Insurance Regulation may take whatever action it deems appropriate in addressing the violation.

(a) Resubmissions of Data: A \$1,000 resubmission fee to the FHCF is imposed for each Section I resubmission. However, if the Insurer discovers the problem(s) and notifies

the FHCF Administrator prior to the time that the FHCF Administrator begins work on the original submission, no resubmission fee will be charged. With respect to resubmissions of Section II data, the Insurer will be required to pay the \$1,000 resubmission fee and the cost of modeling.

(b) Premiums and Other Payments: All late payments of Premium, including Premium adjustments, due to the FHCF from an Insurer are subject to interest.

(c) Consequences for Failure to meet the Advance Audit Preparation Record Requirements or the On-Site Audit Record Requirements in a timely manner: In addition to other penalties and/or consequences, the FHCF has the authority, pursuant to Section 215.555(4)(f), F.S., to require that the Insurer pay for the following services under the circumstances outlined below:

1. If an audit is delayed, cannot be conducted as scheduled or cannot be completed and the insurer is responsible for such, the Insurer shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation or incompleteness. Such expenses shall include but not be limited to the auditor's fees, travel expenses, lodging, and food.

2. If the FHCF finds any Insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Insurer being audited.

3. An Insurer required to reimburse the FHCF for costs as outlined in subparagraphs 1. and 2. immediately above, will owe interest at the market rate on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Insurer is received. Also, the payment of reimbursements or refunds by the FHCF to any Insurer will be offset by any amounts owing by that Insurer to the FHCF.

(10) Time Deadlines: If any deadline provided for herein falls on a Saturday, Sunday or on a legal holiday, then the applicable due date will be the first business day immediately following the Saturday, Sunday or legal holiday.

Specific Authority 215.555(3) F.S. Law Implemented 215.555 F.S. History—New _____.

19-8.031 Hurricane Mitigation.

(1) Purpose: The purpose of this rule is clarify the term “Prior Fiscal Year.”

(2) Legislative Appropriation: Each fiscal year, pursuant to Section 215.555(7)(c), Florida Statutes, the Legislature appropriates funds from the investment income of the Florida Hurricane Catastrophe Fund (Fund) for the purpose of hurricane mitigation.

(3) Amount: Pursuant to Section 215.555(7)(c), Florida Statutes, the Legislature shall appropriate from the investment income of the Fund an amount no less than \$10 million and no more than 35 percent of the investment income from the “prior

fiscal year” for hurricane mitigation purposes. “Prior Fiscal Year” means the most recently concluded fiscal year end for which audited financial statements for the Fund are available. No appropriations in excess of \$10 million can be made if the State Board of Administration finds that an appropriation would jeopardize the actuarial soundness of the Fund.

Specific Authority 215.555(7) F.S. Law Implemented 215.555 F.S. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 13, 2002, Vol. 28, No. 50

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Provider Enrollment
RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule workshop is to discuss the amendment to Rule 59G-5.010, F.A.C. Provider Enrollment, subsection (1) and (6). The Florida Medicaid Enrollment Application for participating in the Medicaid Program is incorporated by reference.

SUMMARY: The proposed amendment to Rule 59G-5.010, F.A.C., Provider Enrollment incorporates by reference the provider application for Medicaid enrollment and specifies the enrollment effective date. Specific rule authority is contained in Sections 409.907(7),(8),(9)(a), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been 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: 409.919, 409.907(7),(8) FS.

LAW IMPLEMENTED: 409.907(7),(8),(9)(a) 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, March 18, 2003
PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room A, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marcy Hajdukiewicz, Medicaid Contract Management, 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida 32309, (850)922-7344

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application AHCA Form 2200-0003 (~~December 2002 July 1999~~), which AHCA Form 2200-0003 is available from the fiscal agent and incorporated in this rule by reference. AHCA Form 2200-0003 is the application to be completed by applicants.

(2) through (5) No change.

(6) Enrollment of a Medicaid provider applicant is effective no earlier than the date of the approval of the provider application. "Approved application" means an accurately and fully completed application with all the requirements which includes background screenings and onsite inspections resolved and completed with approval of the agency or its designee.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.9071, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marcy Hajdukiewicz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 21, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waivers

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to amend the current paragraph 59G-8.200(6)(b) and (10)(c), F.A.C. This amendment is part of a settlement of a rule challenge to Rule 59G-8.200, F.A.C.

SUMMARY: This amendment to Rule 59G-8.200, F.A.C., eliminates the current waiver eligibility requirement of being in receipt of case management services in order to qualify for a waiver program. Legal Services of Miami challenged the interpretation of 42 CFR § 435.217 (c). CMS agreed with the Legal Services of Miami interpretation. AHCA, DOEA and DCF met and agreed upon the rule amendment language in order to resolve the challenge.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906 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 – 11:00 a.m., March 24, 2003

PLACE: 2727 Mahan Drive, Building 3, Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith Young, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2617

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (6)(a) No change.

(b) A person can not receive Medicaid waiver services until he is determined eligible, waiver funding is available, and is enrolled in the appropriate waiver program. ~~To be eligible to receive HCB waiver services, each recipient must receive case management services, plus at least one other waiver service.~~

(c) through (10)(b) No change.

(c) Recipient Eligibility. Individuals must meet Medicaid eligibility requirements as defined by Chapter 409, F.S., subsection 65A-1.711(4), F.A.C. and Florida's Title XIX State Plan; or be physically disabled or aged ~~s~~ as defined by Chapter 65A-1.701, F.A.C., Chapter 10C-8, F.A.C. and 42 CFR 435.17 and 435.726, as of October 1, 2001 ~~October 1, 1994~~ the latter two hereby incorporated by reference. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rule 59G-4.180, F.A.C., and must be at risk for nursing facility placement without the provision of HCB services. Recipients must receive waiver case management and at least one other HCB service to be Medicaid eligible at the institutional care placement (I.C.P.) level.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Young

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE: Time-share Plans
RULE TITLE: Definitions
RULE CHAPTER NO.: 61B-37
RULE NO.: 61B-37.001

PURPOSE AND EFFECT: The proposed rule amendment conforms the rules to statutory changes relating to prize and gift promotional offers. The statute was amended to increase the number of prizes from 10 to 26 that can be promoted and awarded in connection with the offering or selling of timeshare interests.

SUMMARY: The proposed rule change updates the definitions section by amending language relating to the number of prizes that can be promoted and awarded in connection with the offering or selling of timeshare interests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been 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: 721.11, 721.111, 721.26(6) FS.

LAW IMPLEMENTED: 721.111(2) 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 17, 2003

PLACE: Warren Building Meeting Room #B03, 202 Blount Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. ELZIE, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Elzie, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-37.001 Definitions.

(1) through (7) No change.

(8) “~~26~~ ~~40~~ prizes” means that the sum total of all individual prizes offered plus the quantity of individual prizes offered plus all of the distinguishing features thereof, including types, categories, sizes, and parts, shall not exceed twenty-six ~~ten~~.

(9) through (10) No change.

Specific Authority 721.26(6) FS. Law Implemented 721.075, 721.11, 721.111 FS. History—New 1-1-85, Formerly 7D-37.01, 7D-37.001, Amended 8-24-94, 2-15-00, 12-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief, Bureau of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 03-03R

RULE CHAPTER TITLE: Air Pollution Control –
General Provisions
RULE CHAPTER NO.: 62-204

RULE TITLE: Federal Regulations Adopted by Reference
RULE NO.: 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through December 31, 2002, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 61 and 63.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Telemedicine Prescribing Practice

RULE NO.: 64B8-9.014

PURPOSE AND EFFECT: The proposed rule sets forth criteria for the appropriate prescribing of medications via telemedicine technology.

SUMMARY: The proposed rule addresses the appropriate criteria for physicians prescribing medication to patients via telemedicine technology.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(q),(v) 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Providing treatment recommendations, including prescribing medications, based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as the prescribing of legend drugs other than in the course of an physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q),(i),(o) and (t), F.S.

(2) Physicians shall not prescribe legend drugs or controlled substances, via telemedicine technology where there is no in-person contact between the physician and the patient, unless,

(a) Prior to prescribing, the physician conducts and documents a patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed; discusses with the patient treatment options and the risks and benefits of the medication, as appropriate;

and maintains contemporaneous medical records meeting the requirements of Section 458.331(1)(m), F.S., and Rule 64B8-10.003, F.A.C.; or

(b) The patient is an established patient for whom the physician, or another physician of the same specialty who belongs to the same group practice, has provided professional services within the previous year.

(3) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician's established patient, by a physician who has agreed to supervise the patient's treatment, including the use of any prescribed medications; nor does it prohibit on-call or cross-coverage arrangements.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q),(v) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Definitions

RULE NO.: 68A-1.004

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to revise the definitions of Type I and Type II Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: Proposed changes would delete the definition for Type II WMA and revise the definition of Type I WMA to delete reference for "Type I" and specify that users would not be subject to management area stamp requirements on lands in the WMA system owned by the Department of Defense.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$385 for administrative preparation and review and \$111 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003
PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-1.004 Definitions.

The following definitions are for the purpose of carrying out the provisions of the rules of the Fish and Wildlife Conservation Commission relating to wild animal life and freshwater aquatic life. As used herein, the singular includes the plural. The following shall be construed respectively to mean:

(1) through (87) No change.

(88) No change.

(a) ~~Type I~~ Wildlife management area – Such an area upon which the users are subject to the management area stamp requirements of s. 372.57(4)(b), F.S., excluding lands owned by the United States of America, Department of Defense.

~~(b) Type II wildlife management area – Such an area upon which users are subject to the requirement of a written authorization of the landowner.~~

(89) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

Taking Wildlife on Roads and Rights-of-Way Prohibited

RULE NO.:

68A-4.008

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to delete references to Type I and Type II Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: Proposed changes would delete references to “Type I and Type II” in describing WMAs under the Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$125 for administrative preparation and review and \$102 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.008 Taking Wildlife on Roads and Rights-of-Way Prohibited.

(1) through (3) No change.

(4) All federal, state or county-maintained roads within ~~Type I or Type II~~ wildlife management areas are open to the taking of wildlife except perimeter roads adjacent to or outside of such management areas. Federal, state or county-maintained roads within management areas may be closed to taking wildlife by use of a gun by specific management area regulation.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-83, Formerly 39-4.08, Amended 6-11-87, 6-7-88, 6-15-89, Formerly 39-4.008, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Hunt Permits and Special-Opportunity

RULE NO.:

Permits – Application; Selection; Issuance 68A-5.005

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to improve the process for submission and issuance of quota hunt permits.

SUMMARY: The proposed rule would allow submission of quota hunt permit applications through on-line computer services in addition to U.S. Mail and commercial carriers. The proposed rule would correct references to spring turkey quota hunt applications and submission deadlines with regard to the preference random selection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$175 for administrative preparation and review and \$141 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-5.005 Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance.

(1) Application – Applicants for quota hunt permits and special-opportunity permits as designated by Rule 68A-15.005, F.A.C., shall submit a properly completed application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. For purposes of this rule, the Commission hereby adopts and incorporates herein the following application forms:

- (a) through (j) No change.
- (2) No change.
- (a) No change.

(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 and ending nine days thereafter. Applicants who submit a spring turkey regular or special quota hunt application during this 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 (m) No change.
- (3) through (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, 5-13-02, 7-28-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Permits for Hunting or Other Recreational

RULE NO.:

Use on Wildlife Management Areas 68A-9.004

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to delete references to Type I Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: Proposed changes would delete references to “Type I” in describing WMAs under the Rule, and reduce the number of permits available for Flint Rock WMA from 450 to 350 to accommodate removal of lands from the WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$150 for administrative preparation and review and \$110 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:
 TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003
 PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

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) No change.
- (a) The cost of permits as required for hunting on ~~Type-I~~ wildlife management areas as provided by Section 372.57(4)(b)1., F.S., shall be \$25.
- (b) No change.
- (c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 372.57(4)(b)2., F.S. shall be:
 - 1. through 3. No change.
 - 4. Flint Rock – ~~350~~ 450
 - 5. No change.
- (d) through (f) No change.
- (2) Additional stamp requirements may be promulgated for each individual ~~Type-I~~ wildlife management area and are set forth in Chapter 68A-15, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 372.121, 372.57, 375.313 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, 6-2-02, 7-28-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FFISH 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 (1) modify the dates for the duck, light goose, and coot season; the Canada goose season; the Youth Waterfowl Hunt; and the falconry open season for ducks, light geese, and coots; (2) increase the daily bag and possession limits for the Canada goose season; (3) reduce the season length for pintail ducks; and (4) close the season for canvasback ducks.

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 \$124 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:
 TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003
 PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

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. No change.
 - 2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January December 1 through January 20.
 - 3. Pintail Canvasback season – The first phase and the first 21 days of the second phase as specified in this subsection (1)(a) January 1-20.
 - (b) through (c) No change.
 - (d) In addition to the open season specified in paragraph (1)(a) above, a “Youth Waterfowl Hunt” will be held on the first consecutive Saturday and Sunday following the last

~~Sunday in after~~ January 20. Youth hunters must be under 16 years of age and must be accompanied by a non-hunting 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;" 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 scooters, two wood ducks, two redheads, one pintail (only during the pintail season), 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, canvasbacks, rant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. The taking of pintails ~~canvasbacks~~ except during pintail canvasback season is prohibited.

(b) No change.

(3) Special September duck season:

(a) Open season: Opening Starting the Saturday prior to the last Wednesday in September and closing four days thereafter.

(b) through (c) No change.

(4) Canada goose season:

(a) Open season:

1. First phase – Opening the Saturday prior to the last Wednesday in September and closing four days thereafter.

2. Second ~~1. First~~ phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.

3. Third ~~2. Second~~ phase – December 1 through January 30.

~~4.3.~~ No change.

(b) No change.

(c) Limits:

1. Daily bag: The daily bag limit is five ~~three~~ Canada geese.

2. Possession: The possession limit is ten ~~six~~ Canada geese.

(5) Falconry:

(a) No change.

(b) Open season for ducks (including mergansers), light geese, and coots: October 30 ~~November 1~~ through November 12; Opening 8 days after the last Sunday in January and closing 25 days thereafter. ~~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, 5-13-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Timothy E. O'Meara

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Establishment Orders

RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to delete reference to Type I and Type II with regard to Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: The proposed changes would delete all references to Type I and Type II with regard to WMAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$125 for administrative preparation and review and \$117 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-14.001 Establishment Orders.

Whenever the Commission establishes an area to be a ~~Type I or Type II~~ wildlife management area; a wildlife and environmental area; a refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

(1) No change.

(2) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a ~~Type I or Type II~~ wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a wild hog area or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.

(3) Public small-game hunting areas may be established within ~~Type I and Type II~~ wildlife management areas, wildlife and environmental areas, and fish management areas pursuant to Section 68A-13.007, F.A.C., for the purpose of designating dove-hunt only areas. Regulations for each public small-game hunting area so established shall supercede regulations for the ~~Type I~~ wildlife management area, ~~Type II~~ wildlife management area, wildlife and environmental area, or fish management area within which it occurs.

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 39-14.01, Amended 10-28-97, Formerly 39-14.001, Amended 6-30-99, 12-20-99, 7-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Regulations Relating to Wildlife Management Areas
RULE NO.: 68A-15.004

PURPOSE AND EFFECT: The purpose of this proposed rule is to facilitate issuance of permits by the United States Government, Department of Defense (DOD), for hunting, fishing and frogging on DOD lands in the Wildlife Management Area system. The effect will be to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: Proposed changes would require a written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 372.57, F.S., for any individual to hunt, fish or frog on any Wildlife Management Area owned by the United States of America, DOD. Proposed changes would require this authorization or permit to be displayed for inspection upon the request of any law enforcement officer. Proposed changes also would specify that persons hunting, fishing or frogging on lands owned by the United States of America, DOD, would be excepted from wildlife management area stamp requirements. References to "Type I" WMAs would be deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$285 for administrative preparation and review and \$142 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(2) Permits required:

(a) through (c) No change.

(d) A written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 372.57, F.S., shall be required to hunt, fish or frog on any Wildlife Management Area owned by the United States of

America, Department of Defense. This authorization or permit shall be displayed for inspection upon the request of any law enforcement officer.

(3) Permit exceptions: Persons exempted by Section 372.57, F.S., those persons who possess a gun on Osceola, Ocala and Apalachicola Wildlife Management Areas for the exclusive purpose of shooting at a Commission authorized shooting range, persons in possession of a special-use permit, ~~or~~ persons engaging in activities pursuant to Rule 68A-25.032 or 68A-25.042, F.A.C.; or persons hunting, fishing or frogging on lands owned by the United States of America, Department of Defense. are exempted from wildlife management area stamp requirements.

(4) through (12) No change.

(13) Alligators: Notwithstanding any other provision in Chapter 15, F.A.C., the harvest of alligators, their eggs or hatchlings may be conducted on ~~Type I~~ wildlife management areas in accordance with Commission order(s) and Rules 68A-25.031, 68A-25.032, and 68A-25.042, F.A.C. Guns and bait may be possessed and used for taking alligators by alligator hunt participants as specified in Rule 68A-25.042 or 68A-25.032, F.A.C., whichever is applicable, and persons taking alligators pursuant to those rules on ~~Type I~~ wildlife management areas shall not be required to check in and out at a check station, or check any alligators taken.

A private landowner making his lands available for use in the ~~Type I~~ wildlife management area system may participate in an alligator management program on such lands in accordance with Rule 68A-25.032, F.A.C.

(14) through (15) No change.

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, 6-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
RULE NO.: 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 new hunter quotas as follows:

Lake Wales Ridge Wildlife and Environmental Area, Royce Unit, general gun, 10 by regular hunt application (no exemptions); small game (each day), 20 at check station (no exemptions); and spring turkey (each hunt), 5 by spring turkey application (no exemptions).

Suwannee Ridge Wildlife and Environmental Area, general gun for mobility-impaired (each hunt), 8 by mobility-impaired application (non-transferable, except to persons who have been issued a mobility-impaired certificate by the Commission [no exemptions]); and spring turkey for mobility-impaired (each hunt), 4 by spring turkey application (non-transferable, except to persons who have been issued a mobility-impaired certificate by the Commission [no exemptions]).

Middle Aucilla, general gun (first 27 days and 28th day through 58th day), 30 by regular quota application; muzzleloading gun, 30 by special quota application; archery, 30 by special quota application; and spring turkey, 30 by spring turkey application.

Little River, archery (each hunt), 20 by special quota application; and muzzleloading gun, 20 by special quota application.

Bayard, archery (each hunt), 20 by special quota hunt application; muzzleloading gun, 20 by special quota hunt application; and spring turkey (each hunt), 10 by spring turkey application.

Econfina Creek, general gun for mobility-impaired (each hunt), 20 by mobility-impaired application (non-transferable, except to persons who have been issued a mobility-impaired certificate by the Commission) (no exemptions); general gun dog hunt (first thirteen days), 80 by regular quota hunt application; general gun still hunt (first thirteen days), 50 by regular quota hunt application.

Econfina Creek, Cat Creek area, general gun (each hunt), 30 by regular quota hunt application; archery (first 7 days and last nine days), 30 by special hunt application; muzzleloading gun, 30 by special hunt application; spring turkey (first nine days), 25 by spring turkey application; and spring turkey (each hunt), 5 by spring turkey application.

Econfina Creek, Fitzhugh Carter area, general gun (each hunt), 15 by regular quota hunt application (no exemptions); archery (first 7 days and last nine days), 15 by special hunt application (no exemptions); muzzleloading gun, 15 by special hunt application (no exemptions); spring turkey (each hunt), 5 by spring turkey application (no exemptions).

Yellow River, general gun (first thirteen days) – 110 by regular quota hunt application; spring turkey (first nine days) – 65 by spring turkey application; archery for Grassy Point area (first seven days and last nine days) (each hunt) – 10 by special hunt application (no exemptions); muzzleloading gun for Grassy Point area – 10 by special hunt application (no exemptions); general gun for Grassy Point area (first four days, fifth through eight days, and ninth through thirteenth days) (each hunt) – 10 by regular quota hunt application (no exemptions); and spring turkey for Grassy Point area (each hunt) – 5 by spring turkey application (no exemptions).

Lake George, Dexter/Mary Farms Unit, archery, 40 by special quota application (no exemptions); muzzleloading gun, 40 by special quota application (no exemptions); and general gun, 40 by regular quota application (no exemptions).

Dunns Creek, archery (each hunt), 30 by special quota hunt application (no exemptions); muzzleloading gun, 30 by special quota hunt application (no exemptions); general gun hog, 30 by regular quota hunt application (no exemptions); and spring turkey (each hunt), 15 by spring turkey application (no exemptions).

Ralph E. Simmons, archery, 30 by special quota hunt application (no exemptions); muzzleloading gun, 30 by special quota hunt application (no exemptions); general gun, 30 by regular quota application (no exemptions); general gun mobility-impaired, 30 by mobility-impaired application (non-transferable except to persons who have been issued a mobility-impaired certificate by the Commission [no exemptions]); and spring turkey (each hunt), 15 by spring turkey application. (no exemptions).

In addition to establishing new quota hunts, the proposed rule would adjust dates for quota hunts where necessary to conform to calendar date changes; and convert modern gun hunts to general gun hunts on Tosohatchee, Seminole Ranch, Rock Springs Run, and Citrus WMAs.

The proposed changes would reallocate hunter quotas on Camp Blanding WMA to conform to changes in the description of still hunt and dog hunt areas on Camp Blanding WMA as follows: general gun still hunt (first through fourth days and fifth through ninth days) (each hunt), 400 by regular quota application north of State Road 16, and 80 by regular quota hunt application in the walk-in area south of Dade Road; and general gun dog hunt (first through fourth days and fifth through ninth days) (each hunt) – 320 by regular quota application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$285 for administrative preparation and \$209 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

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, 2003 ~~October 1, 2002~~, 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, 5-13-02, 10-16-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

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 and effect of this proposed rule is to revise specific regulations for the Kissimmee River Public Use Area (PUA) to clarify rule language and provide expanded and improved public hunting opportunities.

SUMMARY: The proposed rule would eliminate the size and bag limits on wild hogs and clarify that they may be taken only during the antlered deer season. The proposed rule also would create a framework for establishing archery and muzzleloading gun hunting areas wherein bows and arrows would be allowed during the archery, general gun, and spring turkey seasons and muzzleloading guns would be allowed during the muzzleloading gun season and the spring turkey season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$255 for administrative preparation and review and \$125 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.006 Regulations Relating to Miscellaneous Areas.

(1) No change.

(2) Kissimmee River Public Use Area

(a) No change.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken only during open seasons for deer 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., and there shall be no bag or size limits on wild hogs.

(c) General regulations:

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. Center-fire rifles are prohibited. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the muzzleloading gun season, only bows may be used during the antlered deer season, and only bows and muzzleloading guns may be used during spring turkey season.

2. through 4. No change.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History–New 12-9-99, Amended 5-13-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management Areas – Southwest Region

RULE NO.: 68A-15.061

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish or revise specific regulations for Southwest Region Wildlife Management Areas (WMAs) to provide new or improved public hunting opportunities, accommodate incorporation of Type I and Type II WMAs into one single WMA program, and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes; adjust small game season dates on Green Swamp WMA, West Unit, to eliminate overlap with general gun hunt; eliminate the prohibition on motorcycles on Arbuckle and Walk-in-the-Water WMAs; shift general gun hog hunts from November to January and provide an additional small game hunt in January on Walk-in-the-Water WMA; incorporate the specific rules for Avon Park Bombing Range (converted from a Type II WMA); and delete references to Type I WMAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$275 for administrative preparation and review and \$345 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.061 Specific Regulations for ~~Type 4~~ Wildlife Management Areas – Southwest Region.

(1) Green Swamp Wildlife Management Area

(a) Open season:

1. General gun – November ~~8 9~~ through January ~~4 5~~

2. Archery – September ~~20 21~~ through October ~~19 20~~, Fridays, Saturdays and Sundays only.

3. Small game – January ~~10 11~~ through February ~~8 9~~, Saturdays and Sundays only.

4. Spring turkey – March ~~13 14~~ through April ~~18 20~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May ~~1 3~~ to June ~~13 14~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (c) No change.

(d) General regulations:

1. through 7. No change.

8. Camps shall be removed by 8:00 p.m. January ~~4 5~~, April ~~18 20~~, and June ~~13 14~~ from the Rock Ridge campground and by February ~~8 9~~ and April ~~18 20~~ from the 471 campground.

9. No change.

(2) Green Swamp Wildlife Management Area – West Unit

(a) Open season:

1. Special-opportunity turkey – March ~~13-16 15-18, 22-25 24-27, 27-30 March 29~~ through April ~~1, April 5-8 7-10 and 10-13 12-15~~.

2. Special-opportunity archery – November ~~1-4 2-5 and 20-23 21-24~~.

3. Special-opportunity general gun – December ~~5-8 6-9, 16-19 17-20~~ and January ~~1-4 2-5~~.

4. Special-opportunity hog-still – February ~~6-8 7-9~~.

5. Special-opportunity hog-dog – February ~~18-20 19-21~~.

6. Small game – January ~~9-11 3-5~~ and ~~23-25 10-12~~.

7. through 8. No change.

(b) through (d) No change.

(3) Fred C. Babcock/Cecil M. Webb Wildlife Management Area

(a) Open season:

1. General gun – October ~~25 26~~ through November ~~2 3~~.

2. Small game:

a. November ~~8-16 9-17~~, and

b. November ~~19 20~~ through January ~~11 12~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~28 29~~.

3. No change.

4. Archery – September ~~6-7 7-8~~.

5. Quail – Wednesday, Thursday, Saturday, and Sunday – November ~~12-16 13-17~~, November ~~19-23 20-24~~, November ~~26-30 27-December 1~~, December ~~3-7 4-8~~, December ~~10-14 11-15~~, and December ~~17-21 18-22~~.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. Hunting will be permitted on the field trial area and Boy Scout area during the following periods:

a. General gun – October ~~25 26~~ through November ~~2 3~~, by walking hunters.

b. No change.

c. Field trial quail – January ~~24-25 25-26~~.

d. No change.

4. No change.

5. Hunting camps may be set up after 8:00 a.m. October ~~17 18~~ 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 ~~13 14~~ through February ~~8 9~~. 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 12. No change.

(4) Fred C. Babcock/Cecil M. Webb Wildlife Management Area – Yucca Pens Unit

(a) Open season:

1. General gun – October ~~25 26~~ through November ~~2 3~~.

2. Small game – November ~~8~~ 9 through January ~~11~~ 12 on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~28~~ 29.
3. Muzzleloading gun – October 10-12 ~~11-13~~.
4. No change.
(b) through (d) No change.
(5) Upper Hillsborough Wildlife Management Area
(a) Open season:
 1. Archery – December 6-14 ~~7-15~~ and January 3-11 ~~4-12~~, Saturdays and Sundays only.
 2. Muzzleloading gun – November 8-30 ~~November 9 through December 1~~, Saturdays and Sundays only.
 3. Small game – January 17 ~~18~~ through February 1 ~~2~~, Saturdays and Sundays only.
 4. Spring turkey – March 17-18 ~~19-20~~, 24-25 ~~26-27~~, March 31 through April 1 ~~April 2-3~~, April 7-8 ~~9-10~~ and 14-15 ~~16-17~~.
 5. No change.
(b) through (d) No change.
- (6) Arbuckle Wildlife Management Area
(a) Open season:
 1. Archery – October 11-31 ~~12 through November 1~~.
 2. Muzzleloading gun – November 1-9 ~~2-10~~.
 3. General gun hog – November 15-23 ~~16-24~~, Saturdays and Sundays only.
 4. Spring turkey – March 16-18 ~~18-20~~, March 30 through April 1 ~~April 1-3~~ and April 13-15 ~~15-17~~.
 5. No change.
(b) through (c) No change.
(d) General regulations:
 1. through 4. No change.
 5. The use of ~~motorcycles~~, all-terrain vehicles, tracked vehicles, or airboats is prohibited.
 6. through 7. No change.
- (7) Kicco Wildlife Management Area
(a) Open season:
 1. Archery – September 20 ~~21~~ through October 19 ~~20~~, Saturdays and Sundays only.
 2. Muzzleloading gun – October 25 ~~26~~ through November 2 ~~3~~, Saturdays and Sundays only.
 3. General Gun Hog – November 8 ~~9~~ through December 7 ~~8~~, Saturdays and Sundays only.
 4. Small game – December 13 ~~14~~ through January 4 ~~5~~.
 5. Spring turkey – March 13 ~~15~~ through April 18 ~~20~~, Saturdays and Sundays only.
 6. No change.
(b) through (d) No change.
- (8) Hickory Hammock Wildlife Management Area
(a) Open season:
 1. Special-opportunity wild hog – September 13-14 ~~14-15~~ and 20-21 ~~21-22~~ and January 10-11 ~~11-12~~.

2. Muzzleloading gun – October 25-26 ~~26-27~~.
3. General gun – November 8-9 ~~9-10~~.
4. Small Game – November 10 ~~11~~ through January 4 ~~5~~.
5. through 7. No change.
8. Spring turkey – March 18-20 ~~20-22~~ and April 8-10 ~~10-12~~.
9. No change.
(b) through (d) No change.
(9) Walk-in-the-Water Wildlife Management Area
(a) Open season:
 1. Archery – September 27 ~~28~~ through October 12 ~~13~~.
 2. Muzzleloading gun – October 24-26 ~~25-27~~.
 3. General gun hog – January 10-18 ~~November 2-10~~.
 4. Small game – November 15 ~~16~~ through December 7 ~~8~~ and January 31 through February 15 ~~December 21 through January 5~~.
 5. No change.
(b) through (c) No change.
(d) General regulations:
 1. through 4. No change.
 5. The use of ~~motorcycles~~, all-terrain vehicles, tracked vehicles or airboats is prohibited.
 6. through 8. No change.
- (10) Hilochee Wildlife Management Area
(a) Open season:
 1. No change.
 2. Spring turkey – March 19-21 ~~21-23~~ and April 2-4 ~~4-6~~.
 3. Muzzleloading gun – October 31 through November 2 ~~November 1-3~~.
 4. General gun hog – November 28-30 ~~29 through December 1~~, January 9-11 ~~10-12~~, 16-18 ~~17-19~~.
 5. Small game – January 23 ~~24~~ through February 1 ~~2~~.
 6. Archery – October 17-19 ~~18-20~~.
 7. No change.
(b) through (d) No change.
- (11) Lake Marion Creek Wildlife Management Area
(a) Open season:
 1. Archery – September 20-22 ~~21-23~~ and 26-28 ~~27-29~~.
 2. Muzzleloading gun – October 25-27 ~~26-28~~.
 3. General gun – November 8-10 ~~9-11~~ and 14-16 ~~15-17~~.
 4. Small game – December 5-7 ~~6-8~~ and 12-14 ~~13-15~~.
 5. Spring turkey – March 13-15 ~~15-17~~, 26-28 ~~28-30~~ and April 9-11 ~~11-13~~.
 6. No change.
(b) through (d) No change.
- (12) Avon Park Air Force Range Wildlife Management Area
(a) Open Season:
 1. Archery – September 20 through October 19 in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – October 25 through November 2 in areas and during days specified by the Installation Commander.

3. General gun – November 8 through January 18 in areas and during days specified by the Installation Commander.

4. Small game – December 29 through February 29 in areas and during days specified by the Installation Commander.

5. Spring Turkey – March 20 through April 25 in areas and during days specified by the Installation Commander.

6. Antlerless Deer – November 15 through 21 in areas and during days specified by the Installation Commander.

7. Trapping – Prohibited.

8. Fishing and frogging – During periods when hunting is allowed and at other times specified by the Installation Commander.

(b) Legal to take: All legal game, wild hogs, fish, frogs, turtles, and furbearers. Antlered deer, wild hogs, and quail may be taken only during days specified by the Installation Commander. There shall be no size or bag limit restrictions on wild hogs.

(c) Camping: In areas and during periods specified by the Installation Commander.

(d) General Regulations:

1. Hunters and individuals accompanying hunters must wear a minimum of 500 square inches of daylight fluorescent orange material above the waist as an outer garment when in any hunt area during muzzleloading gun, general gun, or small game seasons, except those hunting waterfowl on the Kissimmee or Arbuckle marshes.

2. Loaded, capped, or primed guns are prohibited and ammunition must be physically separated from guns at check stations, public campsites, the Outdoor Recreation Office, within 50 feet of Frostproof, Kissimmee, or Van Eeghan roads, while being transported through the Main Base, or in vehicles parked or being driven on designated roads. The only exception is that loaded, un-capped muzzleloading guns may be possessed in the aforementioned areas, and muzzleloading guns may be cleared in the muzzleloading gun pits located at Willingham and Morgan Hole campgrounds.

3. Pistols with barrels longer than nine inches are prohibited.

4. The possession or use of rifles, except muzzleloading rifles, is prohibited.

5. Shotguns are prohibited during the archery season.

6. Hunting with or possession of dogs is prohibited in areas designated by the Installation Commander.

7. During the general gun season, hunting in the designated dog-hunt areas is restricted to hunters using dogs, unless hunting waterfowl in the Kissimmee or Arbuckle marshes. No tree stands may be erected in the designated dog-hunt areas.

8. Running of dogs after sunset and before sunrise is prohibited.

9. Hunting and the possession of guns are prohibited in the Sandy Point Wildlife Refuge.

10. Vehicles may be operated only on roads designated by the Installation Commander. No person shall operate a vehicle off of named or numbered roads, except hunters with bird dogs in the designated vehicle-bird dog areas during the small game season.

11. The use of vehicles is prohibited between 10:00 p.m. and 4:30 a.m. except on Frostproof and Kissimmee roads, or in case of emergency.

12. Hunters shall sign in and out and check all game taken at the Outdoor Recreation Office.

13. Hunters may enter and exit the area only at entry points designated by the Installation Commander.

14. Use of all-terrain vehicles and airboats are prohibited.

15. Public access is prohibited in areas designated as “Closed” by the Installation Commander.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 F.S. 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, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.: 68A-15.062

Areas – North Central Region

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish or revise specific regulations for North Central Region Wildlife Management Areas (WMAs) to provide new or improved public hunting opportunities, accommodate incorporation of Type I and Type II WMAs into one single WMA program, and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes; eliminate the prohibition on motorcycles on Jennings Forest, Goethe, Homosassa, Citrus and Croom WMAs; incorporate the specific rules for Middle Aucilla, Little River, Troy Springs, and Bayard WMAs

(converted from Type II WMAs); and delete references to Type I WMAs. In addition, specific rules are proposed as follows:

Citrus WMA: The proposed rule would convert the modern gun hunt to a general gun hunt.

Camp Blanding WMA: The proposed rule would revise the format for establishing season dates for spring turkey and supervised youth hunts; and convert the walk-in dog-hunt area that adjoins the artillery impact area to a still-hunt area (4,500 acres).

Big Bend WMA, Spring Creek Unit: The proposed rule would establish rules to allow primitive camping for individuals using the Big Bend Saltwater Paddling Trail.

Croom WMA: The proposed rule would correlate the opening and closing of furbearer season with the referenced week days (Thursday to Sunday); and prohibit hunting with dogs in the motorcycle area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$475 for administrative preparation and review and \$644 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for ~~Type I~~ Wildlife Management Areas – North Central Region.

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Spring turkey – Hunters shall be afforded at least five days hunting in Spring Turkey Zones A, B, and C, and at least five days hunting in Spring Turkey Zones D, E, and F with specific hunt dates to be determined by and at the discretion of the Camp Blanding Base Commander April 14-18 in Spring Turkey Zones A, B, and C and March 17-21 in Spring Turkey Zones D, E, and F.

3. Archery – September ~~24-26~~ ~~25-27~~, and October ~~1-3~~ ~~2-4~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November ~~8-9~~ through January ~~4-5~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – The Saturday and Sunday prior to Columbus Day, and the Saturday and Sunday 12 and 13 days (respectively) after Columbus Day, site to be determined October 12-13 and October 26-27, south of State Road 16 only.

5. Muzzleloading gun – October ~~8-10~~ ~~9-11~~ and October ~~15-17~~ ~~16-18~~, 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 ~~4-5~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) through (c) No change.

(d) General regulations:

1. After the first nine days of the general gun season, a daily quota of hunters will be admitted at the check stations as follows: still hunt, ~~480~~ ~~400~~; south of State Road 16 and north of ~~Dade Road Tank Trail~~, ~~200~~ ~~250~~; south of Impact Road, ~~120~~ ~~150~~.

2. through 3. No change.

4. Hunting with dogs other than bird dogs is prohibited in that portion of the area north of State Road 16 and east of County Road 225, and in the walk-in area south of Dade Road to north of Impact Road during the general gun season.

5. through 10. No change.

11. ~~Still h~~Hunters entering the area west of State Road 21, south of ~~Dade Road Pine Flat Road~~, and east of Moncrief Road, and north of Impact Road, must obtain a daily permit at Check Station No. 1 or 3 before entering the area.

12. through 15. No change.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~20-28~~ ~~15-23~~.

2. Archery – September ~~20-21~~ through October ~~5-6~~.

3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

4. through 5. No change.

(b) through (d) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

3. Archery – September ~~20-21~~ through October ~~19-20~~.

4. No change.

(b) through (d) No change.

(4) Lake Butler Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~ in still hunt areas only.
3. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
4. Archery – September ~~20 21~~ through October ~~19 20~~ in the still hunt area only.
5. through 6. No change.
7. Trapping – January ~~5 6~~ through March 1.
- (b) through (c) No change.
- (d) General regulations:
1. No change.
2. Licensed trappers may possess .22 rimfire rifles or pistols from January ~~5 6~~ through March 1.
3. No change.
4. Dogs may be taken into the dog hunting area November ~~8 9~~ and shall be removed by January ~~4 5~~.
5. through 9. No change.
- (5) Lochloosa Wildlife Management Area.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
3. Archery – September ~~20 21~~ through October ~~19 20~~.
4. Muzzleloading gun – October ~~24-26 25-27~~.
5. through 6. No change.
7. Trapping – December 1 through January ~~4 5~~ in the still hunt portion of the area only.
- (b) through (d) No change.
- (6) Osceola Wildlife Management Area.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~.
3. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
4. Archery – September ~~20 21~~ through October ~~12 13~~.
5. Muzzleloading gun – October ~~17-24 18-25~~ in the still hunt area only.
6. Fox, raccoon, opossum and bobcat – August ~~2 3~~ through September ~~23 24~~ in the dog hunt portion of the area only from sunset to sunrise.
7. through 8. No change.
9. Trapping – January ~~5 6~~ through March 1.
- (b) through (c) No change.
- (d) General regulations:
1. No change.
2. Deer dogs may be trained from October ~~25 26~~ through November ~~3 4~~, except in the still hunt area.
3. through 8. No change.
- (7) Big Bend Wildlife Management Area – Tide Swamp Unit.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Archery – September ~~20 21~~ through October ~~19 20~~.
3. Muzzleloading gun – October ~~24-26 25-27~~.
4. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~.
5. through 7. No change.
8. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
9. Trapping – January ~~5 6~~ through March 1.
- (b) through (d) No change.
- (8) Big Bend Wildlife Management Area – Spring Creek Unit.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Archery – September ~~20 21~~ through October ~~19 20~~.
3. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~.
4. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
5. Trapping – January ~~5 6~~ through March 1.
6. through 8. No change.
- (b) No change.
- (c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Spring Warrior 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.
- (9) Big Bend Wildlife Management Area – Hickory Mound Unit.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~.
3. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
4. Archery – September ~~20 21~~ through October ~~19 20~~.
5. through 7. No change.
8. Trapping – January ~~5 6~~ through March 1.
- (b) through (d) No change.
- (10) Big Bend Wildlife Management Area – Jena Unit.
- (a) Open season:
1. General gun – November ~~8 9~~ through January ~~4 5~~.
2. Spring turkey – March ~~20 15~~ through April ~~25 20~~.
3. Small game – January ~~5 6~~ through ~~February 29~~ ~~March 2~~.
4. through 6. No change.
7. Trapping – January ~~5 6~~ through March 1.
- (b) through (d) No change.
- (11) Big Bend Wildlife Management Area – Snipe Island Unit.
- (a) Open season:
1. Archery – September ~~20 21~~ through October ~~19 20~~.

2. Muzzleloading gun – October ~~24-26~~ 25-27.
3. General gun – November ~~8-30~~ 9 through ~~December 1~~.
4. Small game – January ~~3~~ 4 through February ~~1~~ 2.
5. Spring turkey – March ~~20~~ 15 through April ~~11~~ 6.
6. Trapping – January ~~3~~ 4 through March 1.
7. No change.
- (b) through (d) No change.
- (12) PCS Phosphate Wildlife Management Area.
- (a) through (d) No change.
- (13) Raiford Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 2. Muzzleloading gun – October ~~24-26~~ 25-27.
 3. Archery and muzzleloading gun – November ~~8-16~~ 9-17.
 4. Spring turkey – March ~~20-28~~ 15-23.
 5. No change.
 - (b) through (d) No change.
- (14) Cedar Key Scrub Wildlife Management Area.
- (a) Open season:
 1. General gun – November ~~8-16~~ 9-17.
 2. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 3. Muzzleloading gun – October ~~24-26~~ 25-27.
 - (b) through (d) No change.
- (15) Andrews Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~26-28~~ 27-29 and October ~~3-5~~ 4-6.
 2. Muzzleloading gun – October ~~24-26~~ 25-27 and October 31 through November ~~2~~ 1-3.
 3. General gun – November ~~14-16~~ 15-17.
 4. Small game – January ~~2-4~~ 3-5 and ~~9-11~~ 10-12.
 5. Spring turkey – March ~~26-28~~ 21-23 and April ~~16-18~~ 11-13.
 6. Supervised deer-hog youth hunt – October ~~11-12~~ 12-13 and ~~18-19~~ 19-20.
 7. No change.
 - (b) through (d) No change.
- (16) Big Shoals Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~22-27~~ 23-28, September ~~29~~ 30 through October ~~4~~ 5 and October ~~6-11~~ 7-12.
 2. Muzzleloading gun – October ~~24-26~~ 25-27 and October 31 through November ~~2~~ 1-3.
 3. Small game – December ~~15-20~~ 16-21 and ~~22-27~~ 23-28.
 4. Spring turkey – March ~~25-27~~ 20-22 and April ~~15-17~~ 10-12.
 5. No change.
 - (b) through (d) No change.
- (17) Twin Rivers Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 2. Muzzleloading gun – October ~~24-26~~ 25-27.
 3. General gun – November ~~8-16~~ 9-17.
 4. Small game – November ~~29~~ 30 through December ~~14~~ 15.
 5. Spring turkey – March ~~20~~ through April 4 ~~15-30~~.
 6. No change.
 - (b) through (d) No change.
- (22) Goethe Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 2. Muzzleloading gun – October ~~24-26~~ 25-27.
 3. General gun – November ~~8-18~~ 9-19.
 4. Small game – November ~~29~~ 30 through December ~~21~~ 22.
 5. Spring turkey – March ~~26-28~~ 21-23 and April ~~16-18~~ 11-13.
 6. No change.
 - (b) through (d) No change.
- (18) Twin Rivers Wildlife Management Area – Blue Springs Unit.
- (a) through (c) No change.
- (19) Jennings Forest Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 2. Supervised small game – October ~~11-19~~ 12-20, east of Black Creek only.
 3. Muzzleloading gun – October ~~24-26~~ 25-27.
 4. General gun – November ~~8-23~~ 9-24.
 5. Small game – January ~~9~~ 10 through February ~~8~~ 9, Fridays, Saturdays and Sundays only.
 6. Spring turkey – March ~~20-23~~ 15-18 and ~~24-28~~ 19-23.
 7. No change.
 - (b) through (c) No change.
 - (d) General Regulations:
 1. No change.
 2. Tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles are prohibited.
 3. through 9. No change.
- (20) Holton Creek Wildlife Management Areas.
- (a) Open season:
 1. Mobility-impaired general gun – October ~~10-12~~ 11-13, ~~24-26~~ 25-27, October 31 through November ~~2~~ 1-3, and December ~~12-14~~ 13-15.
 2. Mobility-impaired spring turkey – March ~~26-28~~ 21-23 and April ~~16-18~~ 11-13.
 3. No change.
 - (b) through (d) No change.
- (21) Steinhatchee Falls Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~20~~ 21 through October ~~5~~ 6.
 2. Muzzleloading gun – October ~~24-26~~ 25-27.
 3. General gun – November ~~8-16~~ 9-17.
 4. Small game – November ~~29~~ 30 through December ~~14~~ 15.
 5. Spring turkey – March ~~20~~ through April 4 ~~15-30~~.
 6. No change.
 - (b) through (d) No change.

2. Muzzleloading gun – October ~~24-26~~ 25-27.
3. General gun (still hunt) – November ~~8-11~~ 9-12.
4. General gun (dog hunt) – November ~~12-16~~ 13-17.
5. Small game – November ~~22-23~~ through December ~~7~~ 8.
6. Spring turkey – March ~~20-28~~ 15-23.
7. No change.
- (b) through (c) No change.
- (d) General Regulations:
 1. through 4. No change.
 5. The use of tracked vehicles, airboats, ~~motoreycles~~, and all-terrain vehicles is prohibited. Horses are permitted only on roads and designated horse trails.
 6. through 9. No change.
- (23) San Pedro Bay Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~8-9~~ through January ~~4~~ 5.
 2. Small game – January ~~5-6~~ through ~~February 29~~ March 2.
 3. Spring turkey – March ~~20-15~~ through April ~~25~~ 20.
 4. Archery – September ~~20-21~~ through October ~~19~~ 20.
 5. Muzzleloading gun – October ~~24-26~~ 25-27.
 6. through 7. No change.
 8. Trapping – January ~~5-6~~ through March 1.
 - (b) through (d) No change.
- (24) Citrus Wildlife Management Area.
 - (a) Open season:
 1. ~~General Modern~~ gun – December ~~13-14~~ 14-15 and January ~~3-4~~ 4-5.
 2. Small game – January ~~5-6~~ through ~~February 29~~ March 2.
 3. Muzzleloading gun – December ~~6-7~~ 7-8 and December ~~27-28~~ 28-29.
 4. Archery – November ~~8-30~~ 9 through ~~December 1~~.
 5. No change.
 - (b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. During the archery, muzzleloading gun and ~~general modern~~ gun seasons, antlerless deer may be taken by permit only. No size or bag limit for wild hogs.
 - (c) No change.
 - (d) General regulations:
 1. No change.
 2. The use of ~~two-wheeled~~ or all-terrain vehicles is prohibited.
 3. through 5. No change.
 6. ~~The possession of guns using other than center fire cartridges is prohibited during the modern gun season.~~
 7. through 14. renumbered 6. through 13. No change.
- (25) Flying Eagle Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~27-28~~ through October ~~5-6~~.
 2. Muzzleloading gun – October ~~24-26~~ 25-27.
 3. General gun – November ~~8-16~~ 9-17.
 4. Small game – November ~~21-23~~ 22-24 and December ~~12-14~~ 13-15.
 5. Spring turkey – March ~~20-23~~ 15-18 and ~~24-28~~ 19-23.
 6. through 7. No change.
 - (b) through (d) No change.
- (26) Potts Wildlife Management Area.
 - (a) Open season:
 1. Spring turkey – March ~~20-23~~ 15-18 and ~~24-28~~ 19-23.
 2. Archery – October ~~4-12~~ 5-13.
 3. Muzzleloading gun – ~~October 31~~ through November ~~2-3~~ 1-3.
 4. General gun hog-dog – November ~~14-16~~ 15-17.
 5. Small game – December ~~5-7~~ 6-8, January ~~2-4~~ 3-5, and January ~~30-31~~ through February ~~1-2~~.
 6. through 7. No change.
 - (b) through (d) No change.
- (27) Homosassa Wildlife Management Area.
 - (a) Open season:
 1. Small game – November ~~8-30~~ 9 through ~~December 1~~ and December ~~20-21~~ through January ~~4-5~~.
 2. General gun hog – February ~~5-8~~ 6-9 and ~~19-22~~ 20-23.
 3. Special-opportunity spring turkey – March ~~20-26~~ 15-21 and ~~April 3~~ March 29 through April ~~9~~ 4.
 4. No change.
 - (b) through (c) No change.
 - (d) General regulations:
 1. through 3. No change.
 4. The use of tracked vehicles, airboats, ~~motoreycles~~, all-terrain vehicles or horses is prohibited.
 5. through 8. No change.
- (28) Croom Wildlife Management Area.
 - (a) Open season:
 1. Muzzleloading gun – October ~~24-26~~ 25-27.
 2. General gun – November ~~8-30~~ 9 through ~~December 1~~.
 3. Small game – December ~~1-2~~ through ~~February 29~~ March 2.
 4. Spring turkey – March ~~16-18~~ 18-20, ~~March 30~~ through ~~April 1-3~~ and April ~~13-15~~ 15-17.
 5. Fox, raccoon and bobcat – December ~~11-14~~ through March ~~7-10~~. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.
 6. No change.
 - (b) through (c) No change.
 - (d) General regulations:
 1. Hunting with dogs is prohibited November ~~8-30~~ 9 through ~~December 1~~. Hunting with dogs other than bird dogs is prohibited December ~~1-10~~ 2-11, 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 the boundary fence of the Croom Motorcycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East, Interstate 75 and thence bounded by said boundary fence interstate. Trailing dogs on a leash are permitted.

2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. During the general gun, muzzleloading gun, spring turkey and small game seasons, ~~motorcycles or~~ all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. through 7. No change.

(29) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September ~~20-21~~ through October ~~19~~ 20.
2. Muzzleloading gun – October ~~24-26~~ 25-27.
3. General gun – November ~~8-9~~ through January ~~4~~ 5.
4. through 5. No change.
6. Small game – November ~~27-28~~ through January ~~4~~ 5.
7. Spring turkey – March ~~20-23~~ 22-25, 24-28 ~~26-30~~.

(b) through (d) No change.

(30) Devil’s Hammock Wildlife Management Area.

(a) Open season:

1. Archery – September ~~20-23~~ 21-24, 24-28 ~~25-29~~, and September ~~29-30~~ through October ~~5~~ 6.
2. Muzzleloading gun – October ~~24-26~~ 25-27.
3. General gun – November ~~8-11~~ 9-12 and ~~12-16~~ 13-17.
4. Small game – December ~~6-21~~ 7-22.
5. Spring turkey – March ~~20-23~~ 15-18 and ~~24-28~~ 19-23.
6. through 7. No change.

(b) through (d) No change.

(31) Mallory Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~20-21~~ through October ~~19~~ 20.
2. Muzzleloading gun – October ~~25-26~~ through November ~~2~~ 3.
3. General gun – November ~~8-9~~ through January ~~4~~ 5.
4. Small game – January ~~5-6~~ through February ~~1~~ 2.

5. Spring turkey – March 20 through April ~~4~~ 15-30.

6. No change.

7. Trapping – January ~~5-6~~ through March 1.

8. No change.

(b) through (d) No change.

(32) Middle Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.
2. Muzzleloading gun – October 25 through November 2.
3. Small game – January 5 through February 29.
4. Archery – September 20 through October 19.
5. Spring turkey – March 20 through April 24.
6. Trapping: Prohibited.
7. Fishing: Permitted throughout the year.

(b) Legal to take: All legal game, fish, and furbearers.

Wild hogs may be taken during the small game season; no size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General Regulations:

1. Vehicles may be operated only on designated roads.
2. The use of all-terrain vehicles is prohibited.
3. Fires are prohibited.
4. Possession of dogs, other than bird dogs or waterfowl retrievers, is prohibited.
5. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.

6. Hunting hogs by the use of dogs is prohibited.

(33) Little River Wildlife Management Area.

(a) Open season:

1. Archery – September 20-22, September 27-29, and October 4-6.
2. Muzzleloading gun – October 24-26.
3. Small game – November 29 through December 3 and December 20-24.
4. Fishing – Permitted throughout the year.
5. Trapping – Prohibited.

(b) Legal to take – Deer, wild hogs, rabbit, gray squirrel, and all legal fish. No size or bag limit on wild hogs.

(c) Camping – Permitted only by landowner permit.

(d) General regulations:

1. Vehicles may be operated only on the powerline roads.
2. The use of all-terrain vehicles is prohibited.
3. All persons shall enter and exit only at designated entrances.
4. Hunting with dogs is prohibited.
5. Fires are prohibited.
6. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.

(34) Troy Springs Wildlife Management Area.

(a) Open season:

1. Small game – November 8 through January 4, 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.

2. Fishing – Permitted throughout the year.

(b) Legal to take – Wild hogs, rabbit, gray squirrel, and fish only. No size or bag limit on hogs.

(c) Camping – Permitted year-round on Ruth Springs and Walker tracts. Permitted only during periods closed to hunting on the Adams Tract. A written permit from the Suwannee River Water Management District is required for all camping.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. The use of all-terrain vehicles is prohibited.

3. Hunting with dogs is prohibited.

4. Public access is permitted only through designated access points.

5. Fires are prohibited except in designated camping area.

(35) Bayard Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5 and November 15-23.

2. Muzzleloading gun – October 25 through November 2.

3. Spring Turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

4. Trapping – Prohibited.

5. Fishing and frogging – Permitted throughout the year.

(b) 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.

(c) Camping – Permitted by hunt permit holders at the designated sites in Area 3 only during periods open to hunting; year-round at designated sites in Area 1 only; and during non-hunting periods at designated campsites in Areas 2 and 3 only.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads.

3. Vehicles may be parked only at designated parking areas.

4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

5. During hunting periods, public access is restricted to those individuals with valid hunt permits.

6. All hunters must check in and out at the designated check station and check all game taken.

7. Horses are permitted throughout the year in Area 1 but only during non-hunting periods in Areas 2, 3 and 4.

8. Horses and non-motorized bicycles may be used only on named or numbered roads and designated trails.

9. Vehicular access is permitted on all hunt days plus the weekend and the day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.

10. A hunt permit is not required for fishing or frogging during periods closed to hunting.

11. Hunting is prohibited in Area 1.

12. Hunt permits are transferable.

13. Only shotguns may be used during the spring turkey season.

14. Vessels may be used to access the area from the St. Johns River.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 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, 11-11-01, 6-2-02, 10-16-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.:

Areas – Northwest Region 68A-15.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish or revise specific regulations for Northwest Region Wildlife Management Areas (WMAs) to provide new or improved public hunting opportunities, accommodate incorporation of Type I and Type II WMAs into one single WMA program, and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes; incorporate the specific rules for Eglin Air Force Base, Escambia River, Tyndall Air Force Base, Upper Chipola River, Yellow River, and Econfina Creek WMAs (all converted from Type II WMAs); incorporate rules for the Liberty County portion of the Apalachicola River

Type II WMA into the Apalachicola WMA; and delete references to Type I WMAs. In addition, specific rules are proposed as follows:

Blackwater WMA: The proposed rule would permit vehicles to be operated only on named or numbered roads except on that portion of the area lying south of State Road 4 and east of County Road 191 and those lands north of State Road 4 and east of Forest Road 31 where vehicles may be operated only on established roads.

Eonfina Creek WMA: The proposed rule would reduce the size of the mobility-impaired hunting area from 5,063 acres to 2,812 acres; and establish new seasons on a portion of the area (Fitzhugh Carter Area) as follows: (a) Archery, October 18 through November 2; (b) Muzzleloading gun, November 21-23; (c) General gun, November 27-30, January 24-27, and January 28 through February 1; (d) Small game, December 6-31; and (e) Spring turkey, March 20-21, April 3-4, and 17-18; and (f) Special September Duck, during the September season established by Rule 68A-13.003. The proposed rule would prohibit horses on the Fitzhugh Carter area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$675 for administrative preparation and review and \$764 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for ~~Type I~~ Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~15~~ ~~16~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).

2. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.

3. No change.

4. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.

5. through 7. No change.

8. Quail (Zone A) – December ~~23~~ ~~24~~ through January ~~11~~ ~~12~~ (Mondays, Wednesdays and Fridays closed to hunting).

(b) through (d) No change.

(2) Apalachicola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.

2. Small game – November ~~8-26~~ ~~9-27~~, December ~~1-12~~ ~~2-13~~ and February ~~5-29~~ ~~6~~ through ~~March 2~~.

3. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

4. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.

5. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.

6. Muzzleloading gun and archery – February ~~19-29~~ ~~20~~ through ~~March 2~~.

7. No change.

8. Fox, raccoon, opossum and bobcat – October 1 through ~~February 29~~ ~~March 2~~ in that portion of the area in Liberty County lying west of State Road 65 (except in that portion of the area lying north and east of the Florida River and Larkins Slough) 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 ~~27~~ ~~28~~.

9. Trapping – February ~~5~~ ~~6~~ 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 ~~27-30~~ ~~28~~ through ~~December 1~~ and from December ~~13-24~~ ~~14-25~~. 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) No change.

(d) General regulations:

1. No change.

2. Bird dogs may be trained from June 1 through ~~February 29~~ ~~March 2~~. Deer dogs may be trained from October ~~25~~ ~~26~~ through November ~~13~~ ~~14~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. No change.

4. During the November ~~8~~ ~~9~~ through ~~February 29~~ ~~March 2~~ period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

5. No change.

6. Hunting with dogs, other than bird dogs and retrievers, is prohibited in that portion of the area lying west and south of State Road 375 and east of the Ochlockonee River; also those lands lying north and east of the Florida River and Larkins Slough.

7. No change.

8. The use of all-terrain vehicles is prohibited on that portion of the area posted as Northwest Florida Water Management District lands.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28 through December 1~~ and December ~~13-17~~ ~~14-18~~.

2. Archery – October ~~18~~ ~~19~~ through November ~~2~~ ~~3~~.

3. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.

4. Small game – November ~~8-16~~ ~~9-17~~.

5. Spring turkey – March ~~20-21~~ ~~15-16~~ and April 2-4 ~~March 28-30~~.

6. through 7. No change.

(b) through (d) No change.

(4) Blackwater Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28 through December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.

2. Small game – November ~~8-26~~ ~~9-27~~, December ~~1-12~~ ~~2-13~~ and February ~~5-29~~ ~~6 through March 2~~.

3. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

4. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.

5. Muzzleloading gun – November ~~21-23~~ ~~22-24~~, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February ~~19-29~~ ~~20 through March 2~~, in the still hunt area only (except in the field trial area). January ~~16-18~~ ~~17-19~~ in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March ~~14~~ ~~9~~, 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 ~~16-18~~ ~~17-19~~ 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) No change.

(d) General regulations:

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 ~~16-18~~ ~~17-19~~ 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 9. No change.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October ~~18-26~~ ~~19-27~~.

2. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.

3. Quail – November ~~8-9~~ ~~9-10~~ and ~~19-20~~ ~~20-21~~; November ~~29-30~~ ~~30 through December 1~~, December ~~8-9~~ ~~9-10~~, ~~13-14~~ ~~14-15~~, ~~22-23~~ ~~23-24~~ and ~~27-28~~ ~~28-29~~.

4. General gun – January ~~17-25~~ ~~18-26~~.

5. Spring turkey – March ~~20-22~~ ~~15-17~~, April 2-4 ~~28-30~~, and April ~~16-18~~ ~~11-13~~.

6. No change.

(b) through (d) No change.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season:

1. Quail: November ~~8-11~~ ~~9-12~~, ~~13-16~~ ~~14-17~~, ~~20-23~~ ~~21-24~~, November ~~27-30~~ ~~28 through December 1~~, December ~~4-7~~ ~~5-8~~, ~~11-14~~ ~~12-15~~, ~~18-21~~ ~~19-22~~, ~~25-28~~ ~~26-29~~, January ~~1-4~~ ~~2-5~~, ~~8-11~~ ~~9-12~~, ~~15-18~~ ~~16-19~~, ~~22-25~~ ~~23-26~~, January ~~29~~ ~~30~~ through February ~~1~~ ~~2~~, ~~5-8~~ ~~6-9~~, ~~12-15~~ ~~13-16~~, and ~~19-22~~ ~~20-23~~.

(b) through (d) No change.

(7) Edward Ball Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28 through December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~ (Mondays, Tuesdays and Wednesdays closed to hunting after December ~~21~~ ~~22~~ in the dog-hunt area only).

2. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.

3. Muzzleloading gun and archery – February ~~19-29~~ ~~20 through March 2~~ (Mondays, Tuesdays and Wednesdays closed to hunting).

4. through 7. No change.

(b) through (d) No change.

(8) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December ~~12~~ ~~13~~ through January ~~11~~ ~~12~~ (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January ~~16~~ ~~17~~ through February ~~1~~ ~~2~~ (Fridays, Saturdays and Sundays only).

3. Small game – October ~~4~~ ~~5~~ through December ~~7~~ ~~8~~ (Saturdays and Sundays only).

4. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(9) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.
2. Small game – November ~~8-26~~ ~~9-27~~, December ~~1-12~~ ~~2-13~~ and February ~~5-29~~ ~~6~~ through ~~March 2~~.
3. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.
4. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.
5. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.
6. Archery and muzzleloading gun – February ~~19-29~~ ~~20~~ through ~~March 2~~.
7. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~27-30~~ ~~28~~ through ~~December 1~~ and from December ~~13-24~~ ~~14-25~~. 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 Creek Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.
2. Small game – February ~~21-29~~ ~~22~~ through ~~March 2~~ (Saturdays and Sundays only).
3. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.
4. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.
5. Archery and muzzleloading gun – February ~~5-18~~ ~~6-19~~.
6. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.
7. No change.

(b) through (d) No change.

(11) Point Washington Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.
2. Small game – November ~~8-26~~ ~~9-27~~, December ~~1-12~~ ~~2-13~~ and February ~~5-29~~ ~~6~~ through ~~March 2~~.
3. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.
4. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.
5. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.
6. Archery and muzzleloading gun – February ~~19-29~~ ~~20~~ through ~~March 2~~.
7. through 8. No change.

(b) through (d) No change.

(12) Talquin Wildlife Management Area.

(a) Open season:

1. General gun – November ~~28-30~~ ~~29~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through January ~~4~~ ~~5~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~9~~ ~~10~~ through ~~February 29~~ ~~March 2~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~ (Saturdays and Sundays only).

5. through 6. No change.

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken January ~~3~~ ~~4~~. No size or bag limit on wild hogs.

(c) No change.

(d) General regulations:

1. through 3. No change.

4. Hunters shall check in and out at the check station on January ~~3~~ ~~4~~ and check all game taken.

5. No change.

(13) Ochlockonee River Wildlife Management Area.

(a) Open season:

1. Archery and muzzleloading gun – November ~~28-30~~ ~~29~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through January ~~4~~ ~~5~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~9~~ ~~10~~ through ~~February 29~~ ~~March 2~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(14) Tate's Hell Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13~~ ~~14~~ through February ~~4~~ ~~5~~.

2. Small game – November ~~8-26~~ ~~9-27~~, December ~~1-12~~ ~~2-13~~ and February ~~5-29~~ ~~6~~ through ~~March 2~~.

3. Archery – October ~~18~~ ~~19~~ through November ~~16~~ ~~17~~.

4. Muzzleloading gun – November ~~21-23~~ ~~22-24~~.

5. Muzzleloading gun and archery – February ~~19-29~~ ~~20~~ through ~~March 2~~.

6. through 8. No change.

9. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

10. through 11. No change.

(b) through (c) No change.

(d) General regulations:

1. Deer dogs may be trained from October ~~25~~ ~~26~~ through November ~~13~~ ~~14~~.

2. through 5. No change.

(15) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(a) Open season:

1. Archery – October ~~18-26~~ ~~19-27~~.

2. Muzzleloading gun – November ~~21-23~~ 22-24.
3. Small game – November ~~8-9~~ through February ~~4-5~~.
4. General gun still – November ~~27-30~~ ~~28~~ through ~~December 1~~ and December ~~13-21~~ 14-22.
5. through 6. No change.
7. Spring turkey – March ~~20-23~~ ~~15-18~~, April 1-4 ~~27-30~~ and April ~~8-11~~ 3-6.
8. through 9. No change.
- (b) through (d) No change.
- (16) Aucilla Wildlife Management Area.
- (a) Open season:
1. General gun – November ~~8-9~~ through January ~~4-5~~.
2. Small game – January ~~5-6~~ through February 29 ~~March 2~~.
3. Spring turkey – March ~~20-15~~ through April ~~25-20~~.
4. Archery – September ~~20-21~~ through October ~~19-20~~.
5. Muzzleloading gun – October ~~24-26~~ 25-27.
6. through 8. No change.
9. Trapping – January ~~5-6~~ through March 1.
- (b) through (d) No change.
- (17) Flint Rock Wildlife Management Area.
- (a) Open season:
1. Muzzleloading gun – October ~~24-26~~ 25-27.
2. General gun – November ~~8-9~~ through January ~~4-5~~.
3. Small game – January ~~5-6~~ through February 29 ~~March 2~~.
4. Spring turkey – March ~~20-15~~ through April ~~25-20~~.
5. Archery – September ~~20-21~~ through October ~~19-20~~.
6. through 8. No change.
9. Trapping – January ~~5-6~~ through March 1.
- (b) through (d) No change.
- (18) Pine Log Wildlife Management Area.
- (a) Open season:
1. Archery – October ~~18-19~~ through November ~~2-3~~.
2. Muzzleloading gun – November ~~21-23~~ 22-24.
3. General gun – November ~~27-30~~ ~~28~~ through ~~December 1~~, January ~~24-27~~ ~~25-28~~, and January ~~28-29~~ through February ~~1-2~~.
4. Small game – December ~~6-7~~ 31.
5. Spring turkey – March ~~20~~ through April 4 ~~15-30~~.
6. No change.
- (b) through (d) No change.
- (19) Eglin AFB Wildlife Management Area.
- (a) Open Season:
1. Archery – October 18 through November 16 in areas and during days specified by the Installation Commander.
2. Muzzleloading gun – November 21-23 in areas specified by the Installation Commander.
3. General gun – November 27-30, December 13 through February 8 in areas and during days specified by the Installation Commander.
4. Archery and muzzleloading gun – February 9-29 in areas and during days specified by the Installation Commander.
5. Small game – November 8 through February 29 in areas and during days specified by the Installation Commander.
6. Dove – In areas and during days specified by the Installation Commander in accordance with Rule 68A-13.008, F.A.C.
7. Spring Turkey – March 20 through April 25 in areas and during days specified by the Installation Commander.
8. Raccoon, fox, opossum, and bobcat – May 15 through August 31 in areas specified by the Installation Commander.
9. Trapping – December 1 through March 1 in areas specified by the Installation Commander.
10. Fishing and frogging – Throughout the year.
- (b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken during established seasons by permit from the Installation.
- (c) Camping: Prohibited, except at designated campsites.
- (d) General regulations:
1. Possession of or hunting with dogs other than bird dogs or retrievers is prohibited in areas specified by the Installation Commander.
2. Vehicles may be operated only on named or numbered roads except those posted as closed.
3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken in areas specified by the Installation Commander.
4. 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.
5. Use of trotlines or bush hooks is prohibited.
6. During November 8 through February 29, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.
7. Use of all-terrain vehicles is prohibited, except by permit.
8. Dogs may be trained in areas and at times specified by the Installation Commander.
- (20) Escambia River Wildlife Management Area.
- (a) Open Season:
1. General Gun – November 27-30 and December 13-31.
2. Archery – October 18 through November 16.
3. Muzzleloading Gun – November 21-23.
4. Archery and muzzleloading gun – January 1 through February 4 and February 19-29.
5. Small game – November 8 through February 29.
6. Spring Turkey – March 20 through April 25.

7. Fox, raccoon, opossum, and bobcat – November 1 through July 31 except during spring turkey season.

8. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

9. Fishing and frogging – Throughout the year.

(b) Legal to Take: All legal game, fish, frogs and furbearers.

(c) Camping: Permitted throughout the area and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited on Parker and Morgan Islands (except in accordance with paragraph 68A-24.002(2)(b), F.A.C., when hunting raccoon) and in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.

3. The use of all-terrain vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from rights-of-way of State Road 184 and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Raccoon may be taken by the use of firearms only during November 1 through March 1.

(21) Tyndall AFB Wildlife Management Area.

(a) Open Season:

1. Archery – October 18 through November 16 during days specified by the Installation Commander.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through February 18 during days specified by the Installation Commander.

4. Supervised youth – November 22-23, December 6-7 and December 20-21 (only in areas designated by the Installation Commander).

5. Spring Turkey – March 20 through April 25 during days specified by the Installation Commander.

6. Small game – November 8 through February 29 during days specified by the Installation Commander.

7. Migratory game birds – During days specified by the Installation Commander within seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout year except in areas posted as closed.

(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. Antler restrictions shall not apply during the supervised youth hunt. Antlerless deer may be taken during established seasons by permit from the Installation Commander.

(c) Camping: Prohibited, except in designated areas.

(d) General regulations:

1. Hunting with dogs other than bird dogs or retrievers is prohibited.

2. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.

3. Use of trotlines or bush hooks is prohibited.

(22) Choctawhatchee River Wildlife Management Area.

(a) Open Season:

1. Archery – October 18 through November 16.

2. Muzzleloading gun – November 21-23.

3. General gun – November 27-30 and December 13 through February 4 except Holmes Creek Unit and East River Island.

4. Small game – November 8 through February 29.

5. Archery and muzzleloading gun – February 19-29, Holmes Creek Unit and East River Island November 27-30, December 13 through February 4, and February 19-29.

6. Spring Turkey – March 20 through April 25 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 Billy Lee Landing (Washington County).

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1 in still hunt areas and February 1 through March 1 in dog hunt areas.

(b) 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.

(c) Camping: Permitted throughout the area and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited in still hunt areas. Designated still hunt areas are north of U.S. Highway 90, Holmes Creek Unit (those lands in Washington County lying east of C.R. 284), and East River Island (those lands in Township 1 North, Ranges 17 and 18 West which are bounded on the south and east by East River and on the west and north by Choctawhatchee River).

3. The use of all-terrain vehicles is prohibited.

(23) Upper Chipola River Wildlife Management Area.(a) Open Season:

1. Archery – October 18 through November 16.
2. Muzzleloading Gun – November 21-23.
3. General Gun – November 27-30 and December 13 through January 1.
4. Small game – November 8 through February 29.
5. Archery and muzzleloading gun – February 21-22 and 28-29.
6. Spring Turkey – March 20 through April 25.
7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.9. Trapping – December 1 through March 1.

(b) Legal to Take: All legal game, fish, frogs and furbearers.

(c) Camping: Prohibited, except at designated campsites or by permit from Northwest Florida Water Management District.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Taking or attempting to take deer with the aid of dogs is prohibited.
3. The use of all-terrain vehicles is prohibited.

(24) Yellow River Wildlife Management Area.(a) Open Seasons except in the Grassy Point area:

1. Archery – October 18 through November 16.
2. Muzzleloading Gun – November 21-23.
3. General Gun – November 27-30 and December 13 through February 4.
4. Small game – November 8 through February 29.
5. Archery and muzzleloading gun – February 19-29.
6. Spring Turkey – March 20 through April 25.
7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.
8. Fishing and frogging – Throughout the year.
9. Trapping – December 1 through March 1.

(b) Open Seasons in the Grassy Point area (the area south of Weaver River):

1. General Gun – November 27-30 and January 24 through February 1.
2. Archery – October 18 through November 2.
3. Muzzleloading Gun – November 21-23.
4. Spring Turkey – March 20-21, April 3-4 and April 17-18.
5. Small game – November 8-20.
6. Fishing and frogging – Throughout the year.

(c) Legal to Take: All legal game, fish, frogs and furbearers.

(d) Camping: Prohibited south of Weaver Road, except at designated campsites or by permit from the Northwest Florida Water Management District. Permitted throughout the area north of Weaver Road and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(e) General regulations:

1. Vehicles may be operated only on named or numbered roads.
2. Hunting with dogs, other than bird dogs or retrievers, is prohibited.
3. The use of all-terrain vehicles is prohibited.

(25) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek, and Fitzhugh Carter areas.

1. Archery – October 18 through November 16.
2. Muzzleloading gun – November 21-23.
3. General gun – November 27-30 and December 13 through February 4.
4. Small game – November 8 through February 29.
5. Archery and muzzleloading gun – February 19-29.
6. Spring Turkey – March 20 through April 25.
7. Raccoon – November 8 through March 19 and April 26 through July 31.
8. Duck and coot – During duck and coot season as established by Rule 68A-13.003, F.A.C.
9. Fishing and frogging – Throughout the year.

(b) Open seasons in the mobility-impaired hunt area (area south of County Road 388):

1. General gun – November 28-30, January 16-18, 23-25, January 30 through February 1, and February 4-6.
2. Spring turkey – March 20-21, 26-28, April 2-4, 9-11, 16-18, and 23-25.
3. Fishing and frogging – Permitted throughout the year.

(c) Open seasons in the Cat Creek (area south of State Road 20 and north of County Road 388) and Fitzhugh Carter (area west of State Road 77) areas:

1. Archery – October 18 through November 2.
2. Muzzleloading gun – November 21-23.
3. General gun – November 27-30, January 24-27 and January 28 through February 1.
4. Small game – December 6-21.
5. Spring turkey – March 20-22, April 2-4 and 16-18.
6. Special September duck – In the September season established by Rule 68A-13.003, F.A.C. (Fitzhugh Carter area only).

7. Fishing and frogging – Permitted throughout the year except that fishing is prohibited in the Fitzhugh Carter area.

(d) Legal to Take: All legal game, fish (except in the Fitzhugh Carter area), frogs and furbearers. In the mobility-impaired hunt area, antlerless deer (bag limit of one per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) Camping: Permitted only at designated sites or by permit from Northwest Florida Water Management District.

(f) General regulations:

1. Vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited west of State Road 77, south of State Road 20, east of Econfina Creek, west of Econfina Road and south of Greenhead Road, and north of Duma Jack Road except that dogs may be used to take raccoons (except in the mobility-impaired hunt area).

3. The use of all-terrain vehicles is prohibited except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

4. The possession or consumption of intoxicating beverages is prohibited.

5. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit.

6. 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.

7. Horses are prohibited on the Fitzhugh Carter Area.

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, 6-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

RULE NO.: 68A-15.064

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish or revise specific regulations for South Region Wildlife Management Areas (WMAs) to provide new or improved public hunting opportunities and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes; eliminate the prohibition on motorcycles on Okaloacoochee Slough and Picayune Strand WMAs; and eliminate the prohibition on transporting muzzleloading guns or bows on airboats during the archery and muzzleloading gun season on Big Cypress WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$375 for administrative preparation and review and \$255 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for ~~Type I~~ Wildlife Management Areas – South Region.

(1) J. W. Corbett Wildlife Management Area.

(a) Open season:

1. General gun – November ~~1~~ 2 through ~~Sunday~~ December ~~28~~ 29.

2. Small game – December ~~29~~ 30 through February ~~8~~ 9.

3. Spring turkey – March ~~6~~ 7 through April ~~11~~ 6 (Saturdays and Sundays only).

4. Archery – August ~~23~~ 24 through September ~~14~~ 15.

5. Muzzleloading gun – September ~~27~~ 28 through October ~~12~~ 13.

6. Raccoon season – December ~~29~~ ~~30~~ through February 8
9.
7. No change.
- (b) through (d) No change.
- (2) Holey Land Wildlife Management Area.
- (a) Open season:
- General gun – Walk, October ~~18-26~~ ~~19-27~~.
 - General gun – Vehicle, November ~~1-16~~ ~~2-17~~ (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.
 - Archery – August ~~23~~ ~~24~~ through September ~~14~~ ~~15~~.
 - Muzzleloading gun – September ~~27~~ ~~28~~ through October ~~12~~ ~~13~~.
 - through 6. No change.
- (b) through (e) No change.
- (3) Everglades and Francis S. Taylor Wildlife Management Area.
- (a) Open season:
- General gun – Walk, October ~~18-26~~ ~~19-27~~, Conservation Areas 3A North and 2 only. November ~~29~~ ~~30~~ through December ~~28~~ ~~29~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.
 - General gun – Vehicle (airboats and tracked vehicles only), November ~~1-16~~ ~~2-17~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.
 - Archery – August ~~23~~ ~~24~~ through September ~~14~~ ~~15~~, Conservation Area 3A North only.
 - Muzzleloading gun – September ~~27~~ ~~28~~ through October ~~12~~ ~~13~~, in Conservation Area 3A North only.
 - through 6. No change.
- (b) through (e) No change.
- (4) Rotenberger Wildlife Management Area.
- (a) Open season:
- General gun – Walk, October ~~18-26~~ ~~19-27~~.
 - General gun – Vehicle (airboats and tracked vehicles only), November ~~1-16~~ ~~2-17~~ by quota permit only.
 - Archery – August ~~23~~ ~~24~~ through September ~~14~~ ~~15~~.
 - Muzzleloading gun – September ~~27~~ ~~28~~ through October ~~12~~ ~~13~~.
 - through 6. No change.
- (b) through (d) No change.
- (5) Big Cypress Wildlife Management Area.
- (a) Open season:
- No change.
 - Small game – The day following the close of general gun season through February ~~1~~ ~~2~~.
 - Archery – August ~~30~~ ~~31~~ through September ~~28~~ ~~29~~ in all units and twelve days prior to Thanksgiving day ~~November 9~~ 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 ~~4-19~~ ~~5-20~~, except in the Deep Lake Unit.
5. Spring turkey – March ~~6~~ ~~7~~ through April ~~11~~ ~~6~~.
6. through 7. No change.
- (b) through (c) No change.
- (d) General regulations:
- through 4. No change.
 - ~~The transportation of muzzleloading guns or bows on airboats during the archery and muzzleloading gun season is prohibited.~~
 - through 17. renumbered 5. through 16. No change.
- (6) Frog Pond – Dade County.
- (a) through (d) No change.
- (7) Okaloacoochee Slough Wildlife Management Area.
- (a) Open season:
- Archery – September ~~6-12~~ ~~7-13~~ and ~~13-21~~ ~~14-22~~.
 - Muzzleloading gun – October ~~11-13~~ ~~12-14~~.
 - General gun – October ~~25-28~~ ~~26-29~~ and October ~~29~~ ~~30~~ through November ~~2~~ ~~3~~.
 - General gun hog – November ~~15-21~~ ~~16-22~~.
 - Small Game – November ~~22~~ ~~23~~ through December ~~14~~ ~~15~~.
 - Spring turkey – March ~~6-9~~ ~~1-4~~ and ~~10-14~~ ~~5-9~~.
 - through 8. No change.
- (b) through (c) No change.
- (d) General regulations:
- No change.
 - The use of tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles is prohibited.
 - through 10. No change.
- (8) Fisheating Creek Wildlife Management Area.
- (a) Open season:
- Archery – September ~~12-14~~ ~~13-15~~ and ~~19-21~~ ~~20-22~~ west of U.S. Highway 27 only.
 - Muzzleloading gun – October ~~10-12~~ ~~11-13~~ and ~~17-19~~ ~~18-20~~ west of U.S. Highway 27 only.
 - General gun – October 31 through November 2 ~~November 1-3~~ and November ~~21-23~~ ~~22-24~~ west of U.S. Highway 27 only.
 - Spring turkey – March ~~6-9~~ ~~1-4~~, ~~12-15~~ ~~7-10~~, ~~19-22~~ ~~14-17~~, ~~26-29~~ ~~21-24~~, and ~~April 2-5~~ ~~March 28-31~~ west of U.S. Highway 27 only.
 - Special-opportunity spring turkey – March ~~6-12~~ ~~1-7~~, March ~~20-26~~ ~~15-21~~ east of U.S. Highway 27 only.
 - General gun hog – December ~~6-7~~ ~~7-8~~ west of U.S. Highway 27 only.
 - No change.
- (b) through (d) No change.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September ~~6-12~~ ~~7-13~~ and ~~13-21~~ ~~14-22~~.
2. Muzzleloading gun – October ~~11-13~~ ~~12-14~~.
3. General gun – October ~~25-28~~ ~~26-29~~ and October ~~29~~ ~~30~~ through November ~~2~~ ~~3~~.
4. Small game – November ~~8-23~~ ~~9-24~~.
5. Spring turkey – March ~~6-9~~ ~~1-4~~ and ~~10-14~~ ~~5-9~~.

6. No change.

(b) through (c) No change.

(d) General Regulations:

1. No change.

2. The use of tracked vehicles, airboats, ~~motorcycles~~ or all-terrain vehicles is prohibited.

3. through 6. No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~372.121~~, 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, 6-2-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Wildlife Management

68A-15.065

Areas – Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to establish or revise specific regulations for Northeast Region Wildlife Management Areas (WMAs) to provide new or improved public hunting opportunities, accommodate incorporation of Type I and Type II WMAs into one single WMA program, and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes; eliminate the prohibition on motorcycles on Richloam, Baird Unit of Richloam, Lake George, Dexter/Mary Farm Unit of Lake George, Seminole Forest, Lake Tracy Unit of Seminole Forest, Kilbee Unit of Little Big Econlockhatchee and Etoniah Creek WMAs; convert the modern gun hunt to a general gun hunts on Tosohatchee, Seminole Ranch, and Rock Springs Run WMAs; incorporate

the specific rules for Upper St. Johns River Marsh, Ralph E. Simmons Memorial, and Dunns Creek WMAs (all converted from Type II WMAs); and delete references to Type I WMAs. In addition, specific rules are proposed as follows:

Lake George, Dexter/Mary Farm: The proposed rule would establish the following open seasons: (a) Archery, September 20 through October 5; (b) Muzzleloading gun, October 24-26; and (c) General gun, November 8-16. The small game season would be shifted back two weeks to accommodate the new general gun season. The proposed rule would add the following to legal to take: deer with at least one antler having three or more points of at least one inch in length and antlerless deer (except spotted fawns). The proposed rule would establish a bag limit of one deer of either sex per quota hunt permit during the archery season and one antlered deer per quota hunt permit during the muzzleloading gun and general gun seasons. The proposed rule would require deer and hogs to be checked at the check station prior to dismemberment.

Twelve Mile Swamp: Prohibit the possession or use of dogs for hunting, other than bird dogs and retrievers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$585 for administrative preparation and review and \$777 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for ~~Type I~~ Wildlife Management Areas – Northeast Region.

(1) Bull Creek Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8~~ ~~9~~ through January ~~4~~ ~~5~~.

2. Small game – January ~~5~~ ~~6~~ through ~~February 29~~ ~~March 2~~.

3. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

4. Archery – September ~~20-21~~ through October ~~19-20~~. A special quota permit will be required for the September ~~20-21~~ ~~21-22~~ hunt.

5. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

6. No change.

(b) through (d) No change.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Small game – January ~~5-25~~ ~~6-26~~.

3. Archery – September ~~20-21~~ through October ~~19-20~~.

4. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

5. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

6. No change.

(b) through (d) No change.

(3) Georgia-Pacific Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Small game – January ~~5-6~~ through ~~February 29~~ ~~March~~

2.

3. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

4. Archery – September ~~20-21~~ through October ~~19-20~~.

5. No change.

(b) through (d) No change.

(4) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Small game – January ~~5-6~~ through ~~February 29~~ ~~March~~

2.

3. Archery – September ~~20-21~~ through October ~~19-20~~.

4. Muzzleloading gun – October ~~24-26~~ ~~25-27~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~8-9~~ through April ~~11-13~~.

6. No change.

7. Spring turkey – March ~~25-28~~ ~~20-23~~, ~~April 1-4~~ ~~27-30~~, April ~~8-11~~ ~~3-6~~ and ~~15-18~~ ~~10-13~~, except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

8. through 9. No change.

(b) Legal to take:

1. No change.

2. Furbearing animals – During the November ~~8-9~~ through March 1 period, hunting as specified in paragraph 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 ~~1-3~~ through April ~~11-13~~ 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 ~~5-6~~ through April ~~11-13~~, 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) No change.

(d) General regulations:

1. through 7. No change.

8. Dogs may be used to pursue rabbits from January ~~5-6~~ through April ~~11-13~~ 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) Richloam Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

3. Archery – September ~~20-21~~ through October ~~19-20~~.

4. No change.

5. Trapping – January ~~5-6~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. through 4. No change.

5. Airboats, all-terrain vehicles, ~~motoreyes~~ and tracked vehicles are prohibited.

6. through 11. No change.

(6) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – September ~~20-21~~ through October ~~5-6~~.

2. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

3. General gun – November ~~8-16~~ ~~9-17~~.

4. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~26-28~~ ~~21-23~~, and ~~April 2-4~~ ~~28-30~~.

5. Small game – November ~~29-30~~ through December ~~14-15~~ and January ~~17-18~~ through February ~~8-9~~.

6. No change.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. The use of tracked vehicles, airboats, ~~motoreyes~~, all-terrain vehicles or horses is prohibited.

4. through 9. No change.

(7) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8-9~~ through January ~~4-5~~.

2. Small game – January ~~5-6~~ through ~~February 29~~ ~~March~~

2.

3. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

4. Archery – September ~~20-21~~ through October ~~19-20~~.

5. No change.

6. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

7. General gun for mobility impaired – October 31 through ~~November 2~~ ~~November 1-3~~.

8. General gun-dog – December ~~4-7~~ ~~5-8~~, ~~18-21~~ ~~19-22~~ and ~~25-28~~ ~~26-29~~ in that area between the Florida Turnpike and U.S. 441 only.

9. No change.

(b) through (e) No change.

(8) Prairie Lakes Unit, Three Lakes Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-28~~ ~~27-29~~ and October ~~3-5~~ ~~4-6~~.

2. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

3. General gun – November ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

4. Small game – December ~~6-28~~ ~~7-29~~.

5. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~April 2-4~~ ~~28-30~~ and April ~~16-18~~ ~~11-13~~.

6. No change.

7. General gun hog – November ~~28~~ ~~29~~ through ~~November 30~~ ~~December 1~~ and January ~~2-4~~ ~~3-5~~.

(b) through (d) No change.

(9) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8~~ ~~9~~ through January ~~4~~ ~~5~~.

2. Archery – September ~~20~~ ~~21~~ through October ~~19~~ ~~20~~.

3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

4. Small game – January ~~5~~ ~~6~~ through ~~February 29~~ ~~March 2~~.

5. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~April 2-4~~ ~~28-30~~ and April ~~16-18~~ ~~11-13~~.

6. No change.

(b) through (d) No change.

(10) Tiger Bay Wildlife Management Area – Rima Ridge Unit.

(a) Open season:

1. General gun – November ~~8-16~~ ~~9-17~~.

2. Archery – September ~~20~~ ~~21~~ through October ~~5~~ ~~6~~.

3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

4. Small game – November ~~20~~ ~~21~~ through December ~~28~~ ~~29~~.

5. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~April 2-4~~ ~~28-30~~ and April ~~16-18~~ ~~11-13~~.

6. through 7. No change.

(b) through (d) No change.

(11) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~8~~ ~~9~~ through January ~~4~~ ~~5~~.

2. Archery – September ~~20~~ ~~21~~ through October ~~19~~ ~~20~~ (Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

4. Small game – January ~~5~~ ~~6~~ through ~~February 29~~ ~~March 2~~.

5. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

6. No change.

(b) through (d) No change.

(12) Tosohatchee Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-28~~ ~~26-29~~ and October ~~2-5~~ ~~3-6~~.

2. Muzzleloading gun – October ~~9-12~~ ~~10-13~~ and ~~16-19~~ ~~17-20~~.

3. ~~General Modern~~ gun – November ~~13-16~~ ~~14-17~~ and ~~21-23~~ ~~22-24~~.

4. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~April 2-4~~ ~~28-30~~, and April ~~16-18~~ ~~11-13~~.

5. General gun-hog – January ~~9-15~~ ~~10-16~~ and ~~23-29~~ ~~24-30~~.

(b) through (d) No change.

(13) Seminole Ranch Wildlife Management Area.

(a) Open season:

1. Archery – October ~~3-5~~ ~~4-6~~ and ~~10-12~~ ~~11-13~~.

2. Muzzleloading gun – October ~~25-26~~ ~~26-27~~ and November ~~1-2~~ ~~2-3~~.

3. ~~General Modern~~ gun – November ~~14-16~~ ~~15-17~~.

4. Small game – November ~~22-23~~ ~~23-24~~, November ~~29~~ ~~30~~ through ~~November 30~~ ~~December 1~~ and December ~~6-7~~ ~~7-8~~.

5. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~26-28~~ ~~21-23~~ and ~~April 2-4~~ ~~28-30~~.

6. General gun hog – February ~~7-13~~ ~~8-14~~.

7. No change.

(b) Legal to take: All legal game, fish and furbearers (except bobcat 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 ~~general 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) No change.

(d) General regulations:

1. through 5. No change.

6. During the spring turkey season only shotguns are permitted. ~~Centerfire rifles are prohibited during the general gun hunts. Only center fire shotguns are permitted during the modern gun hunts.~~

7. through 10. No change.

(14) Jumper Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~20~~ ~~21~~ through October ~~19~~ ~~20~~.

2. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

3. General gun – November ~~8~~ ~~9~~ through January ~~4~~ ~~5~~.

4. Small game – January ~~5-25~~ ~~6-26~~.

5. Spring turkey – March ~~20~~ ~~15~~ through April ~~25~~ ~~20~~.

6. No change.
 (b) through (c) No change.
 (d) General regulations:
 1. No change.
 2. Airboats ~~and~~ tracked vehicles ~~and~~ ~~motoreycles~~ are prohibited.
 3. through 5. No change.
 (15) Rock Springs Run Wildlife Management Area.
 (a) Open season:
 1. Archery – September ~~26-28~~ ~~27-29~~ and October ~~3-5~~ ~~4-6~~.
 2. Muzzleloading gun – October ~~10-12~~ ~~11-13~~ and ~~17-19~~ ~~18-20~~.
 3. ~~General Modern~~ gun – November ~~7-9~~ ~~8-10~~ and ~~14-16~~ ~~15-17~~.
 4. Small game – November ~~29~~ ~~30~~ through ~~November 30~~ ~~December 1~~, December ~~6-7~~ ~~7-8~~ and January ~~3-4~~ ~~4-5~~.
 (b) Legal to take: Only deer and wild hogs may be taken during the archery, ~~general modern~~ gun and muzzleloading gun seasons. Any deer except spotted fawn may be taken during archery season. Antlerless deer may be taken by antlerless deer permit only during the muzzleloading gun and ~~general modern~~ gun seasons. Only rabbits, gray squirrels and bobwhite quail may be taken during the small game season. The bag limit for deer shall be one antlered and one antlerless deer per quota permit. No size or bag limit on wild hogs.
 (c) No change.
 (d) General regulations:
 1. No change.
 2. ~~During the modern gun season only center fire rifles and shotguns are permitted.~~
 3. through 8. renumbered 2. through 7. No change.
 (16) Guana River Wildlife Management Area.
 (a) Open season:
 1. No change.
 2. General gun – November ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.
 3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~ and ~~October 31-November 2~~ ~~November 1-3~~.
 4. Archery – October ~~10-12~~ ~~11-13~~ and ~~17-19~~ ~~18-20~~.
 5. Small game – November ~~28~~ ~~29~~ through ~~November 30~~ ~~December 1~~, December ~~5-7~~ ~~6-8~~, January ~~2-4~~ ~~3-5~~, ~~9-11~~ ~~10-12~~, ~~16-18~~ ~~17-19~~ and ~~23-25~~ ~~24-26~~.
 6. through 7. No change.
 (b) through (e) No change.
 (17) Half Moon Wildlife Management Area.
 (a) Open season:
 1. Archery – October ~~3-5~~ ~~4-6~~ and ~~10-12~~ ~~11-13~~.
 2. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.
 3. General gun – November ~~8-10~~ ~~9-11~~ and ~~14-16~~ ~~15-17~~.
 4. Small game – November ~~28-30~~ ~~29~~ through ~~December 1~~, December ~~5-7~~ ~~6-8~~ and ~~12-14~~ ~~13-15~~.
 5. General gun hog – January ~~10-11~~ ~~11-12~~ and ~~17-18~~ ~~18-19~~.
 6. Spring turkey – March ~~26-28~~ ~~21-23~~, ~~April 2-4~~ ~~28-30~~ and April ~~9-11~~ ~~4-6~~.
 7. No change.
 (b) through (d) No change.
 (18) Caravelle Ranch Wildlife Management Area.
 (a) Open season:
 1. Archery – September ~~20-28~~ ~~21-29~~.
 2. Supervised small game – October ~~5-13~~ ~~6-14~~.
 3. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.
 4. General gun – November ~~8-16~~ ~~9-17~~.
 5. No change.
 6. Small game – November ~~20~~ ~~21~~ through January ~~4~~ ~~5~~ (Thursdays, Fridays, Saturdays and Sundays only).
 7. Spring turkey – March ~~20-23~~ ~~15-18~~ and ~~24-28~~ ~~19-23~~.
 8. through 9. No change.
 (b) through (d) No change.
 (19) Lake George Wildlife Management Area.
 (a) Open season:
 1. Archery – September ~~20~~ ~~21~~ through October ~~19~~ ~~20~~.
 2. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.
 3. General gun – November ~~8-23~~ ~~9-24~~.
 4. Small game – November ~~24~~ ~~25~~ through ~~February 29~~ ~~March 2~~.
 5. Spring turkey – March ~~20-22~~ ~~15-17~~, ~~April 2-4~~ ~~28-30~~, and April ~~16-18~~ ~~11-13~~.
 6. No change.
 (b) through (c) No change.
 (d) General regulations:
 1. No change.
 2. The use of tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles is prohibited except as provided by permit from the St. Johns River Water Management District in that portion of the area north of County Road 305.
 3. No change.
 (20) Lake George Wildlife Management Area – Dexter/Mary Farm Unit.
 (a) Open season:
 1. Small game – November ~~22~~ ~~9~~ through December ~~7~~ ~~4~~ and December ~~20~~ ~~21~~ through January ~~4~~ ~~5~~.
 2. Special-opportunity turkey – March ~~20-26~~ ~~15-21~~, ~~April 3-9~~ ~~March 29~~ through April ~~4~~ and ~~17-23~~ ~~12-18~~.
 3. General gun hog – January ~~10-13~~ ~~11-14~~, ~~14-19~~ ~~15-20~~, ~~20-25~~ ~~21-26~~.
 4. through 5. No change.
 6. ~~Archery – September 20 through October 5.~~
 7. ~~Muzzleloading gun – October 24-26.~~
 8. ~~General gun – November 8-16.~~
 (b) Legal to take: All legal small game, fish, frogs and furbearers.

1. One deer with at least one antler having three or more points of at least one inch in length or one antlerless deer (except spotted fawns) may be taken per quota hunt permit during the archery season. One deer with at least one antler having three or more points of at least one inch in length may be taken per quota hunt permit during the muzzleloading gun and general gun seasons. Turkeys may be taken only during special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler or bearded turkey per special-opportunity turkey hunt permit. Only hogs may be taken during the general gun hog season. No size or bag limit on hogs.

2. No change.

(c) No change.

(d) General regulations:

1. through 2. No change.

3. The use of tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles is prohibited.

4. through 5. No change.

6. Deer, turkeys, and hogs must be checked at the hunt headquarters prior to being dismembered or taken from the area.

7. through 11. No change.

(e) No change.

(21) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September 20-23 ~~21-24~~ and 24-28 ~~25-29~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun – November 29 ~~30~~ through December 2 ~~3~~ and December 3-7 ~~4-8~~.

4. Small game – January 10-25 ~~11-26~~ (Saturdays and Sundays only).

5. Spring turkey – March 20-23 ~~15-18~~ and 24-28 ~~19-23~~.

6. General gun for mobility-impaired – October 17-19 ~~18-20~~.

7. No change.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. The use of horses, tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles is prohibited during periods when hunting is allowed, except that all-terrain vehicles may be used during the general gun for mobility-impaired season, and horses may be used during the small game season. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. through 7. No change.

(22) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January 23-25 ~~24-26~~, January 30 ~~31~~ through February 1 ~~2~~, and February 6-8 ~~7-9~~.

2. Special-opportunity deer – October 25 ~~26~~ through October 31 ~~November 1~~, and November 8-14 ~~9-15~~.

3. Small game – November 22 ~~23~~ through January 18 ~~19~~.

4. Special-opportunity turkey – March 20-26 ~~15-21~~, April 3-9 ~~March 29~~ through April 4 and 17-23 ~~12-18~~.

5. through 6. No change.

(b) through (d) No change.

(23) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 20 ~~21~~ through October 5 ~~6~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun – November 8-16 ~~9-17~~.

4. No change.

5. Spring turkey – March 20-22 ~~15-17~~, 26-28 ~~21-23~~ and April 2-4 ~~28-30~~.

6. No change.

(b) through (c) No change.

(d) General regulations:

1. through 2. No change.

3. The use of tracked vehicles, airboats, ~~motoreycles~~ or all-terrain vehicles is prohibited.

4. through 5. No change.

(24) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October 3-5 ~~4-6~~ and 10-12 ~~11-13~~.

2. Muzzleloading gun – October 31 – November 2 ~~November 1-3~~.

3. General gun – November 14-16 ~~15-17~~.

4. Small game – December 6-21 ~~7-22~~ (Saturdays and Sundays only).

5. No change.

(b) No change.

(c) General regulations:

1. through 5. No change.

6. The use of tracked vehicles, airboats, ~~motoreycles~~ or all terrain vehicles is prohibited.

(25) Lake Panasoffke Wildlife Management Area.

(a) Open season:

1. Special-opportunity turkey – March 25-28 ~~20-23~~, April 6-9 ~~1-4~~ and April 22-25 ~~17-20~~.

2. Special-opportunity archery – September 25-28 ~~26-29~~, October 2-5 ~~3-6~~ and 14-17 ~~15-18~~, October 30 ~~31~~ through November 2 ~~3~~, November 11-14 ~~12-15~~, November 27-30 ~~28~~ through ~~December 1~~, December 9-12 ~~10-13~~, and January 1-4 ~~2-5~~.

3. Special-opportunity hog-still – January 30 ~~31~~ through February 1 ~~2~~.

4. Special-opportunity hog-dog – February 11-13 ~~12-14~~.

5. Small game – January 16-18 ~~17-19~~ and 23-25 ~~24-26~~.

6. through 7. No change.

(b) through (d) No change.

(26) Ross Prairie Wildlife Management Area.

(a) Open season:

1. Supervised small game – October 11-17 ~~12-18~~, November 15-21 ~~16-22~~, December 13-19 ~~14-20~~ and January 10-16 ~~11-17~~.

(b) through (d) No change.

(27) Buck Lake Wildlife Management Area.

(a) Open season:

1. Archery – September 20-28 ~~21-29~~ and September 29 ~~30~~ through October 5 ~~6~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun – November 8-11 ~~9-12~~ and 12-16 ~~13-17~~.

4. Small game – November 29 ~~30~~ through December 14 ~~15~~.

5. Spring turkey – March 20-23 ~~15-18~~ and 24-28 ~~19-23~~.

6. No change.

(b) through (d) No change.

(28) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November 8 ~~9~~ through January 4 ~~5~~.

2. Small game – January 5 ~~6~~ through February 29 ~~March 2~~.

3. Spring turkey – March 20 ~~15~~ through April 25 ~~20~~.

4. Archery – September 20 ~~21~~ through October 19 ~~20~~.

5. Muzzleloading gun – October 24-26 ~~25-27~~.

6. No change.

7. Trapping – January 5 ~~6~~ through March 1.

(b) through (d) No change.

(29) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October 11-12 ~~12-13~~, November 1-2 ~~2-3~~ and 15-16 ~~16-17~~, December 6-7 ~~7-8~~ and 20-21 ~~21-22~~.

2. Muzzleloading gun – December 27-28 ~~28-29~~ and January 10-11 ~~11-12~~.

3. No change.

(b) through (d) No change.

(30) Fort Drum Wildlife Management Area.

(a) Open season:

1. Special-opportunity deer – November 8-14 ~~9-15~~.

2. Small game – December 6-21 ~~7-22~~.

3. Special-opportunity turkey – March 20-26 ~~5-21~~, April 3-9 ~~March 29~~ through April 4 and April 17-23 ~~12-18~~.

4. Special-opportunity wild hog – October 3-5 ~~4-6~~, 10-12 ~~11-13~~ and 17-19 ~~18-20~~.

5. No change.

(b) through (d) No change.

(31) Ocklawaha River Wildlife Management Area - Gores Landing Unit.

(a) Open season:

1. Archery – September 20 ~~21~~ through October 5 ~~6~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun – November 8-16 ~~9-17~~.

4. Small game – November 29 ~~30~~ through December 14 ~~15~~.

5. Spring turkey – March 20-23 ~~15-18~~ and 24-28 ~~19-23~~.

6. No change.

(b) through (d) No change.

(32) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September 20-22 ~~21-23~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun – November 8-10 ~~9-11~~.

4. Spring turkey – March 20-22 ~~15-17~~ and 26-28 ~~21-23~~.

5. No change.

(b) No change.

(c) General regulations:

1. through 2. No change.

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. No change.

(33) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September 20 ~~21~~ through October 19 ~~20~~.

2. Muzzleloading gun – October 24-26 ~~25-27~~.

3. General gun (~~dog hunt~~) – November 8 ~~December 7~~ through January 4 ~~5~~.

4. Small game – January 5 ~~6~~ through February 29 ~~March 2~~.

5. Spring turkey – March 20 ~~15~~ through April 25 ~~20~~.

6. No change.

7. Trapping – January 5 ~~6~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited, ~~except during the general gun dog season.~~

2. ~~The taking of hogs by the use of dogs is prohibited.~~

3. through 8. renumbered 2. through 7. No change.

(34) Upper St. Johns River Marsh Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 19.

2. Muzzleloading gun – October 25 through November 2.

3. General gun – November 8 through January 18.

4. Small game – January 19 through February 29.

5. Spring turkey – March 20 through April 25
6. Trapping – Prohibited.
7. Fishing and frogging – Permitted year-round.
8. Waterfowl may be hunted in accordance with federal migratory bird regulations.
 - (b) Legal to take – All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November 15-16. Turkey of either sex may be taken during the muzzleloading gun season. The period of November 8 through January 4 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.
 - (c) Camping – Permitted in designated campsites only.
 - (d) General regulations:
 1. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road. Motorized boats are prohibited in those portions of the area posted as a walk-in only.
 2. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited on Fellsmere Grade, C-54 right-of-way, and all levees.
 3. Only tent camping is permitted, and only at designated campsites.
 4. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.
 5. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.
 6. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.
 7. During the duck and coot season in the Stick Marsh/Farm 13, Kenansville Lake, and as posted in the Blue Cypress Water Management Area, the possession or use of guns other than shotguns is prohibited.
 8. A quota hunt permit is not required for fishing or frogging.
 9. Public access is prohibited from within 1,000 feet of any posted construction site.
 10. Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for hog hunting during the period January 21-25.
 11. Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.
 12. Airboats must cross levees at designated airboat crossings.
 13. Bush hooks are prohibited.

14. Public access on Levee 74 North is allowed only at designated entrances.
 - (35) Ralph E. Simmons Memorial Wildlife Management Area.
 - (a) Open season:
 1. General gun – November 15-23.
 2. Archery – September 20-28.
 3. Muzzleloading gun – October 25 through November 2.
 4. General gun for mobility-impaired – October 11-14.
 5. Small game – December 15-28 and January 31 through February 8.
 6. Trapping – Prohibited.
 7. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.
 8. Fishing and frogging – Permitted throughout the year.
 - (b) Legal to take – All legal game, furbearers, fish and frogs. Antlerless deer during the general gun for mobility-impaired hunt. The bag limit shall be one antlered deer and one antlerless deer per quota hunt permit. Wild hogs of any size with no bag limit.
 - (c) Camping – During periods open to hunting, hunters in possession of a quota permit shall only camp in designated campgrounds. During periods closed to hunting, camping in designated campgrounds is allowed only by permit from the Florida Division of Forestry. Camping at primitive campsites along the St. Marys River is allowed throughout the year on a first-come first-served basis.
 - (d) General regulations:
 1. Hunting with dogs is prohibited except bird dogs may be used during the small game season.
 2. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area during the general gun for mobility-impaired season.
 3. Vehicles may be parked only at designated parking areas.
 4. 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.
 5. During hunting periods, public access is restricted to those individuals with valid hunt permits. No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.
 6. All hunters must check in and out at the designated check station and check all game taken.

7. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.

8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.

(36) Dunns Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 20 through October 5 and November 15-23.

2. Muzzleloading gun – October 25 through November 2.

3. Wild hog – January 17-25.

4. Spring turkey – March 20-22, April 2-4, and April 16-18.

5. Trapping – Prohibited.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take – All legal game, fish, frogs, and furbearers. The bag limit shall be one antlered and one antlerless deer per quota hunt permit. No bag or size limits on wild hogs.

(c) Camping – Permitted at designated campsites only.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads.

3. Vehicles may be parked only at designated parking areas.

4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

5. During hunting periods, public access is restricted to those individuals with valid hunt permits.

6. All hunters shall check in and out at the check station and check all game taken.

7. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.

8. Non-motorized bicycles may be used only on named or numbered roads and designated trails.

9. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.

10. The possession of rimfire or centerfire rifles or pistols is prohibited during the spring turkey and wild hog seasons.

11. Vessels may be used to access the area from Dunns Creek.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 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, 6-2-02, 7-28-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

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 purpose and effect of this proposed rule is to delete all rules associated with Type II Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: The proposed changes would delete all general regulations for Type II WMAs. Rule 15.004 (General Regulations Relating to Type I WMAs) would be revised under accompanying rule changes to provide general regulations for all WMAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$145 for administrative preparation and review and \$223 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.004 General Regulations Relating to Type II Wildlife Management Areas.

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, 5-13-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

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 purpose and effect of this proposed rule is to delete all rules associated with Type II Wildlife Management Areas (WMAs) to accommodate incorporation of Type I and Type II WMAs into one single WMA program.

SUMMARY: The proposed changes would delete all specific regulations for Type II WMAs. Rules 68A-15.061 through 68A-15.065 (Specific Regulations Relating to Type I WMAs) would be revised under accompanying rule changes to provide specific regulations for all WMAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$245 for administrative preparation and review and \$1,103 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-16.005 Specific Regulations on Type II Wildlife Management Areas.

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, 5-13-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife and Environmental Areas
RULE NO.: 68A-17.005

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to revise or establish specific regulations for Wildlife and Environmental Areas to provide new public hunting opportunities, accommodate conversion of the Apalachicola River Type II WMA into the Apalachicola River WEA, and conform to calendar year date changes.

SUMMARY: The proposed rule would adjust season dates to conform to calendar year changes, establish specific regulations for two new WEAs, and establish new regulations for existing WEAs as follows:

Lake Wales Ridge WEA, Royce Unit (new unit): The proposed rule would establish the following open seasons: (a) General gun November 14-16; (b) Small game – December 5-7, December 19-21, January 16-18, and January 23-25; (c) Spring turkey – March 13-15 and April 2-4; and (d) 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. The bag limit shall be one antlered deer per quota hunt permit and one gobbler or bearded turkey per quota hunt permit. No bag or size limits on hogs. The proposed rule would: (a) Prohibit the use of tracked vehicles, motorcycles, airboats, and all-terrain vehicles;

hunting hogs with dogs; the use of horses during the general gun and spring turkey seasons; and hunting with dogs other than bird dogs or retrievers during the small game season; (b) Require hunters to check in and out of a check station when entering or exiting the area and check all game taken; (c) Require vehicles to be operated only on named or numbered roads and to be parked in designated areas or within 25 feet of a named or numbered road; (d) Permit the use of horses and bicycles only on firebreaks or named and numbered roads; (e) Permit vehicle use year-round on Royce Road; (f) Permit vehicles to be used on named and numbered roads one day prior to the general gun and spring turkey hunts; and (g) Restrict access during nonhunting periods to foot, bicycle, or horseback.

Suwannee Ridge WEA (new WEA): The proposed rule would establish the following open seasons: (a) Mobility-impaired general gun – October 10-12, October 24-26, October 31 through November 2, and December 12-14; (b) Mobility-impaired spring turkey – March 26-28 and April 16-18; and (c) Fishing – throughout the year. The proposed rule would establish the following as legal to take: Any deer (except spotted fawn), wild hogs, bearded turkeys (during spring turkey season only), gray squirrel, and rabbit. Bag limit shall be two deer or two turkeys per quota hunt permit. Only mobility-impaired hunters may take an antlerless deer. The proposed rule would: (a) Require all hunt participants to attend a pre-hunt orientation meeting; (b) Require a mobility-impaired quota permit; (c) Restrict access during hunts to mobility-impaired hunters and one additional person each who may also hunt; (d) Prohibit possession of dogs and horses; and the use of tracked vehicles, airboats, and motorcycles; (e) Limit access during nonhunting periods to foot traffic only; (f) Require hunters to enter and exit through Holton Creek WMA Road 2 and restricts vehicular access during the nonhunting period to the Adams Grade parking area.

Apalachicola River WEA: Proposed rules would add the following provisions to existing WEA rules to accommodate conversion of the Apalachicola River Type II WMA (Northwest Florida Water Management District lands) into the WEA: (a) Hunting with dogs, other than bird dogs or retrievers, is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou; and (b) The use of all-terrain vehicles is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule action will cost the agency approximately \$175 for administrative preparation and review and \$285 for legal advertising costs.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region:

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County

1. Open seasons:

a. General gun – November 14-16.

b. Small game – December 5-7, December 19-21, January 16-18, and January 23-25.

c. Spring turkey – March 13-15 and April 2-4.

d. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, wild hogs, fish, frogs, and furbearers. 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. There shall be no size or bag limit restrictions on wild hogs.

3. General regulations:

a. The use of tracked vehicles, motorcycles, airboats, or all-terrain vehicles is prohibited. Horses and bicycles may be used only on firebreaks and named or numbered roads. The use of horses is prohibited during the general gun and spring turkey seasons.

b. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

c. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horseback is prohibited, except that motorized vehicles shall be permitted on Royce Road year-round and shall be permitted on all named and numbered roads one day prior to the general gun and spring turkey hunts.

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

e. Hunters shall check in and out at the designated check station when entering and exiting the area and shall check all game taken.

f. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season. Hunting hogs with dogs is prohibited.

(2) North Central Region:

(a) Santa Fe Swamp – Bradford County

1. Open season (hunting prohibited at other times):

a. Archery – September ~~20-24~~ through October ~~19-20~~.

b. Muzzleloading gun – October ~~24-26~~ ~~25-27~~.

c. Archery and muzzleloading gun – November ~~8-9~~ through January ~~4-5~~.

d. Spring turkey – March ~~20-15~~ through April ~~25-20~~.

e. No change.

2. through 3. No change.

(b) through (d) No change.

(e) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October 10 through 12, October 24 through 26, October 31 through November 2, and December 12 through 14.

b. Mobility-impaired spring turkey – March 26 through 28, and April 16 through 18.

c. Fishing – Throughout year.

2. Legal to take: Any deer (except spotted fawn), wild hogs, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only mobility-impaired hunters may take an antlerless deer.

3. General regulations:

a. Hunters shall check in and out at the designated check station on Holton Creek WMA and report all game taken.

b. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

c. Vehicles may be operated only from one and one-half hours before sunrise until one and one-half hours after sunset, only on designated portions of named or numbered roads during periods open to hunting and one day prior.

d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.

e. Hunters shall enter and exit through Holton Creek WMA Road 2 only. The area may be accessed during non-hunting periods by use of the Adams Grade parking area.

f. All hunt participants are required to attend a pre-hunt orientation meeting.

g. The possession of dogs or horses is prohibited.

h. During non-hunting periods, access is restricted to foot traffic only.

(3) Northwest Region:

(a) No change.

(b) Apalachicola River – Gulf, Franklin, and Liberty counties

1. through 2. No change.

3. General regulations:

a. through h. No change.

i. Hunting with dogs, other than bird dogs or retrievers, is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.

j. The use of all-terrain vehicles is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.

(c) No change.

(4) South Region

(a) Southern Glades – Dade County

1. Open season:

a. Archery – September ~~6-7~~ through October ~~5-6~~.

b. Muzzleloading gun – October ~~10-12~~ ~~11-13~~.

c. General gun – October ~~25-26~~ through ~~November 30~~ ~~December 1~~.

d. through f. No change.

2. through 3. No change.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County

1. Open season:

a. Archery – September ~~5-7~~ ~~6-8~~, ~~12-14~~ ~~13-15~~, and ~~19-21~~ ~~20-22~~.

b. Muzzleloading gun – October ~~3-5~~ ~~4-6~~, ~~10-12~~ ~~11-13~~, ~~17-19~~ ~~18-20~~.

c. General gun – October ~~24-26~~ ~~25-27~~ and ~~October 31~~ through ~~November 2~~ ~~November 1-3~~.

d. General gun for mobility-impaired – November ~~8-9~~ ~~9-10~~.

e. General gun hog – November ~~11-13~~ ~~12-14~~, ~~18-20~~ ~~19-21~~, ~~25-27~~ ~~26-28~~, and December ~~2-4~~ ~~3-5~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March ~~9-11~~ ~~4-6~~, ~~19-21~~ ~~14-16~~, and ~~26-28~~ ~~21-23~~.

g. Small game – December ~~6-7~~ through January ~~25-26~~.

h. through j. No change.

2. through 4. No change.

(c) CREW – Collier and Lee counties

1. Open season:

- a. Archery hog hunt – September ~~6-14~~ ~~7-15~~, Corkscrew Marsh Unit only.
- b. Muzzleloading gun hog hunt – October ~~11-19~~ ~~12-20~~, Corkscrew Marsh Unit only.
- c. No change.
- 2. through 4. No change.
- (d) No change.
- (e) John C. and Marianna Jones WEA – Palm Beach and Martin counties.
 - 1. Open season:
 - a. Archery – September ~~6-12~~ ~~7-13~~ and ~~13-21~~ ~~14-22~~.
 - b. Muzzleloading gun – October ~~11-13~~ ~~12-14~~.
 - c. General gun – October ~~25-28~~ ~~26-29~~ and October ~~29~~ ~~30~~ through November ~~2~~ ~~3~~.
 - d. Small game – November ~~8-23~~ ~~9-24~~.
 - e. No change.
 - 2. through 4. No change.
- (5) Northeast Region
 - (a) through (b) 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, 4-11-90, 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, 6-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations
PURPOSE AND EFFECT: The purpose of the proposed rule is to promote more youth fishing on Ronnie Vanzant Park Pond Fish Management Area. The proposed rule would limit fishing by older anglers to better provide a quality experience for anglers under 16 years old and to promote family fishing values.

SUMMARY: The proposed rule would require all anglers 16 years old and older who fish in Ronnie Vanzant Park Pond Fish Management Area to fish in the company of an angler less than 16 years of age.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation, \$50 for advertising, and less than

\$100 for miscellaneous expenses such as new signs or brochures. Law enforcement demands should not increase beyond routine local activities presently conducted.

Any person who wished 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 ON THE PROPOSED RULE WILL BE HELD SOMETIME DURING THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, March 26-28, 2003

PLACE: Ramada Inn North, 2900 North 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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region:

(a) through (i) No change

(2) North Central Region:

(a) through (f) No change

(g) Ronnie Van Zant Park Pond, Clay County:

1. through 3. No change.

4. No person ~~16 years old or older~~ ~~between the ages of 16 years and 64 years~~ shall fish unless accompanied by an angler less than 16 years of age.

5. through 8. No change.

(h) through (k) No change.

(3) Northeast Region:

(a) through (ii) No change

(4) Southwest Region:

(a) through (u) No change

(5) South Region:

(a) through (e) No change.

PROPOSED EFFECTIVE DATE: July 1, 2003.

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, 1-1-03, 7-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Ballyhoo

RULE TITLES:	RULE NOS.:
Definitions	68B-56.001
Commercial Licensing Requirements; Appeals	68B-56.002
Allowable Commercial Harvesting Gear	68B-56.003
Commercial Season; Season Closure; Daily Harvest and Possession Limits	68B-56.004

PURPOSE AND EFFECT: The purpose of this new rule chapter is to protect and conserve Florida's ballyhoo resources and assure their continuing abundance. The ballyhoo stocks are being harvested at unsustainable levels and the commercial fishery is overcapitalized. The effect of these rules should be to reduce commercial harvest and effort and assure that there will be no entrants into the fishery until the ballyhoo stocks are no longer overfished.

SUMMARY: Proposed new Rule 68B-56.001, F.A.C., provides definitions of the terms "ballyhoo," "harvest for commercial purposes," "immediate family," and "lampara net." New Rule 68B-56.002, F.A.C., establishes license requirements for the commercial harvest of ballyhoo, including criteria for issuance of a lampara net endorsement, a moratorium on issuance of additional endorsements, limited transferability, and appeals of denial of endorsements within the agency. Proposed new Rule 68B-56.003, F.A.C., establishes allowable gear for commercial harvest of ballyhoo. Commercial seasons and daily harvest and possession limits are established by new Rule 68B-56.004, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule will create a commercial fishing license endorsement that will be necessary to harvest halfbeaks using a lampara net. Bycatch limits are enacted for those who cannot qualify. Qualification for the endorsement will be based on participation in the fishery. Once the qualification period ends, a five year moratorium will be placed on new endorsements or the transfer of endorsements. The moratorium will be extended until the number of participants has declined to sustainable levels. The endorsement requirement may affect employment levels in the fishery. The rule also implements an August closed season for commercial harvest with lampara nets and creates a ten box daily harvest limit for endorsement holders. In combination, these measures are expected to reduce harvest by ten percent

annually. These measures have been supported by most of the small businesses that harvest ballyhoo. The rule will affect small businesses that harvest and process ballyhoo. The rule should not affect small local government's costs or revenues. The rule creates additional reporting and paperwork requirements and will increase the costs of the FWC based on the number of appeals to the endorsement allocation. It is estimated that up to 27 persons will be eligible for an endorsement.

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.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING ITS REGULAR MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, March 26-28, 2003

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, 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, at (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 RULES 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 RULES IS:

BALLYHOO

68B-56.001 Definitions.

For the purpose of this chapter, except where the context requires otherwise:

(1) “Ballyhoo”, also commonly known as halfbeaks, means any fish of the genera *Hemiramphus* or *Hyporhamphus*, or any part thereof.

(2) “Harvest for commercial purposes” means the taking or harvesting of fish for purposes of sale or with intent to sell.

(3) “Immediate family” refers to an endorsement holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, or half-brother.

(4) “Lampara net” means a modified purse seine that has a section constituting a bag, with rings through which a draw rope is used to close the bag.

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

68B-56.002 Commercial Licensing Requirements; Appeals.

(1) Beginning September 1, 2003, no person shall engage in the directed harvest of ballyhoo for commercial purposes with a lampara net unless such person possesses a valid saltwater products license with both a purse seine endorsement and a lampara net endorsement.

(2) Application for issuance of a lampara net endorsement shall be made on a form provided by the Commission (Form DMF-SL4000). Persons shall be issued a lampara net endorsement on their saltwater products license based on the following criteria:

(a) The applicant must possess a saltwater products license (SPL) with a purse seine endorsement during the 2002-2003 license year.

(b) The applicant must have documented landings of at least 10,000 pounds of ballyhoo or 55,000 individual ballyhoo, pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during any one license year between July 1, 2000, and June 30, 2002, or during the period between July 1, 2002, and November 21, 2002. Only trip tickets received by the Commission by January 31, 2003, shall be considered for qualification for a lampara net endorsement pursuant to this paragraph.

(c) An applicant who possesses both an individual SPL and a vessel SPL shall be considered to have only one SPL for purpose of issuing a lampara net endorsement. Landings reported on both the applicant’s individual SPL and vessel SPL shall be combined for determining if the applicant meets the criteria for receiving a lampara net endorsement specified in paragraph (b).

(d) In lieu of the requirements specified in paragraph (b), a person who has purchased another ballyhoo fisher’s vessel between July 1, 2001, and the date this rule becomes effective shall receive a lampara net endorsement, provided that the seller’s entire ballyhoo landing history was specifically part of the sale-purchase agreement and the seller’s landings are sufficient to meet the criteria in paragraph (b). Additional proof of purchased ballyhoo landings history is a copy of a contract or bill of sale specifically identifying the seller’s ballyhoo landings history as one of the items included in the sale of the vessel, or a letter from the seller to the Commission describing what specifically was included in the sale of the vessel.

(3) Beginning in the 2004-2005 license year and until July 1, 2008, only persons holding a valid lampara net endorsement during the 2003-2004 license year will be eligible for issuance of a lampara net endorsement renewal and no new endorsements will be issued during the period.

(a) Beginning in the 2004-2005 license year and in subsequent license years until July 1, 2008, persons, corporations, or other entities holding a lampara net endorsement that was active in the 2003-2004 license year or an immediate family member of that person must request renewal of the lampara net endorsement before September 30 of each year. Failure to renew the lampara net endorsement by September 30 of each year will result in forfeiture of the endorsement. The Florida Fish and Wildlife Conservation Commission may consider extending the moratorium on issuance of lampara net endorsements at any time prior to July 1, 2008.

(b) Lampara net endorsements shall not be renewed if at least 10,000 pounds of ballyhoo or 55,000 individual ballyhoo are not landed by the endorsement holder in any one of the three most recent license years prior to application for renewal of the endorsement.

(c) Until such time that a fee is required for a lampara net endorsement, lampara net endorsement holders shall continue to renew their purse seine endorsement, as specified in Section 370.06(1), F.S.

(d) In the event of death or disability of a person holding an active lampara net endorsement, the endorsement may be transferred by the person or the executor of the person’s estate to a member of his or her immediate family.

(4) Appeals. The Director of the Division of Marine Fisheries, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of lampara net endorsements. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which will recommend either allocation of an endorsement to the appellant or upholding the denial of an endorsement.

(a) An appeal of the initial denial of a lampara net endorsement is initiated by submission of a completed appeals form (Form DMF-SL4050) to the Director of the Division of Marine Fisheries before October 1, 2003.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the dealer during the qualifying years or included in the agency landings database as of January 31, 2003.

(c) The Executive Director of the Commission may accept or disapprove the recommendation of the Director of the Division of Marine Fisheries, with notice given in writing to each party in the dispute explaining the reasons for the final decision. 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.

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

68B-56.003 Allowable Commercial Harvesting Gear.

(1) Except as provided for in subsection (2), the harvest or attempted harvest of ballyhoo for commercial purposes with any gear or method other than the following is prohibited:

- (a) Lampara net.
- (b) Cast net meeting the requirements of subsection 68B-4.0081(3), F.A.C.
- (c) Hook and line gear.
- (d) Landing or dip net.

(2) Incidental Take – A person without a lampara net endorsement may harvest ballyhoo as an incidental bycatch in purse seines, or in lampara nets while fishing for other species, provided that the person possesses a valid saltwater products license with a purse seine endorsement, and provided that no more than the amount of ballyhoo allowed by Rule 68B-56.004(2)(c), F.A.C., is possessed aboard the vessel at any time.

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

68B-56.004 Commercial Season; Season Closure; Daily Harvest and Possession Limits.

(1) Commercial Season – The season for harvest of ballyhoo for commercial purposes with a lampara net, within or without the waters of the State of Florida, shall begin on September 1 of each year and continue through July 31 of the following year. During the period beginning August 1 and continuing through August 31 of each year, no person shall harvest ballyhoo in or from state waters or adjacent federal Economic Exclusive Zone (EEZ) waters with a lampara net.

(2) Commercial Vessel Limits.

(a) A person possessing a valid saltwater products license with a lampara net endorsement shall harvest and land no more than 10 boxes of ballyhoo per vessel per day, and no more than

one trip may be conducted during a single day. The possession of more than 10 boxes of ballyhoo aboard any such vessel is prohibited. All boxes used to store ballyhoo aboard a vessel shall have a lid, a base, and four sides that are rectangular or square in dimension, and each box shall be no larger in dimension than 4.25 feet, by 2 feet, by 2 feet, or the volume equivalent (17 feet³).

(b) Except as provided for in paragraph (c), a person possessing a valid saltwater products license without a lampara net endorsement shall not harvest or sell more than 5 gallons of ballyhoo per day or possess more than 5 gallons of ballyhoo aboard any vessel.

(c) Incidental Take – A person possessing a valid saltwater products license with a purse seine endorsement may harvest, as an incidental bycatch in a purse seine or lampara net, while fishing for other species, and sell, no more than 10 gallons of ballyhoo per day and no more than 10 gallons of ballyhoo shall be possessed aboard such person’s vessel at any time.

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: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.037	Calculation of Premium Rates
4-149.043	Small Employer Health Reinsurance Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 51, December 20, 2002, of the Florida Administrative Weekly. These changes are being made to address concerns of the Joint Administrative Procedures Committee, and concerns expressed 4-149.037:

Paragraph (c) of subsection (3) is changed to read: