

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Aggravating and Mitigating Circumstances RULE NO.: 61G4-17.002

PURPOSE AND EFFECT: The Board proposes the amendments to delete language that contravenes the law implemented.

SUMMARY: The rule amendments delete "severity of the offense" and "repetition of the offense" as aggravating factors when determining a penalty for violation of the rules, statutes, or both.

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: 455.2273, 455.2275 FS.

LAW IMPLEMENTED: 455.2273 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-17.002 Aggravating and Mitigating Circumstances.
- (1) through (2) No change.
- ~~(3) The severity of the offense.~~
- ~~(3)(4) The danger to the public.~~
- ~~(5) The number of repetitions of offenses.~~
- (6) through (12) renumbered (4) through (10) No change.

Specific Authority 455.2273, 455.2275 FS. Law Implemented 455.2273 FS. History—New 10-26-86, Formerly 21E-17.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally
9B-72.040	Product Evaluation for Local Approval
9B-72.045	Validation of Evaluation for Local Approval
9B-72.050	Approval by Local Jurisdiction
9B-72.060	Statewide Product Approval Generally
9B-72.070	Product Evaluation for Statewide Approval
9B-72.090	Statewide Approval by Building Commission
9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence
9B-72.130	Forms

NOTICE OF ADDITIONAL PUBLIC HEARING

The Florida Building Commission hereby gives notice that an additional public hearing on the above-referenced rule will be held on July 15, 2003, 8:45 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida.

This hearing is being held to consider public comments pertaining to the Notice of Proposed Change published May 2, 2003, and the Product Approval Program Oversight Committee's recommendations regarding those public comments.

The rule was originally published in Vol. 29, No. 11, of the March 14, 2003, issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 01-10R

RULE CHAPTER NO.: 18-21
 RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE NO.: 18-21.004
 RULE TITLE: Management Policies, Standards, and Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 5, (January 31, 2003), issue of the Florida Administrative Weekly and in the Notice of Change published in Vol. 29, No. 22 (May 30, 2003), issue of the FAW. The notices were also published on the Department’s official notice Internet site at www.dep.state.fl.us.

These proposed changes, along with the rule as published January 31, 2003, will be considered by the Board of Trustees at the previously noticed Adoption Hearing to be held June 26, 2003, beginning at 9:00 a.m., in Room LL03 (Cabinet Meeting Room), The Capitol, Tallahassee, Florida.

The full text of this notice also 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”.

CONTACT: A copy of the agenda item requesting adoption of the rule with the changes in this notice will be distributed to all persons on the interested parties mailing list. Any questions may be directed to Alice Heathcock, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8483, facsimile (850)245-8499 or e-mail: Alice.Heathcock@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

18-21.004 Management Policies, Standards, and Criteria.

- (1) No change.
- (2) Resource Management.
- (a) through (k) No change.

(l) Applications for telecommunication lines received after [effective date of rule] that originate from or extend to locations outside of the state’s territorial limits through the

territorial sea including the area between mean high and mean low water lines and any associated conduits shall be subject to the following:

1. through 5. No change.

6. While locating in these areas is not required for approval, special consideration areas are designated for telecommunication lines and associated conduits located within the reef-gaps generally described as follows, based on World Geodetic System 84.

- a. through e. No change.
- (m) No change.
- (3) through (5) No change.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-107
 RULE CHAPTER TITLE: Intellectual Property Protocol
 RULE NOS.: 20-107.005
 RULE TITLES: Royalties
 20-107.006
 Payments

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 29, No. 17, April 25, 2003, issue of the Florida Administrative Weekly:

20-107.005 Royalties.

(1) Consistent with other state agencies which have been assigned patent ownership rights, and in consideration of staff assignment of patent rights, the Department of Citrus agrees to pay for the life of the patent to the staff inventor(s), or their heirs, its share of net income derived from inventions according to a schedule approved by the Florida Citrus Commission, “Schedule of Royalty Payments on Intellectual Property” (1997), which schedule may be modified from time to time.

20-107.006 Payments.

(1) through (2) No change.

(3) The Department of Citrus shall may withhold distribution of royalties pending resolution of any litigation.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-22
 RULE CHAPTER TITLE: Year-Round Water Conservation Measures

NOTICE OF CONTINUATION OF PUBLIC HEARING

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S. that the public hearing held on May 27, 2003 regarding the Notice of Proposed Rulemaking for Rule 40D-22, F.A.C. to update the Year-Round Water Conservation Measures published in Vol. 28, No. 47, Pages 5207 through 5211 on November 22, 2002 of the Florida Administrative Weekly is

continued to its June Governing Board meeting. The District’s monthly Governing Board meeting will be held on June 24, 2003, Boardroom, Southwest Florida Water Management District’s Brooksville Office, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual’s disability status. Anyone requiring reasonable accommodation as provided for in the American’s With Disability Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103 Fax (352)754-6878, Suncom 663-6878.

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE NOS.:	RULE TITLES:
58M-3.001	Guardianship Training Program
58M-3.002	Course Approval Procedure
58M-3.003	Course Content

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking regarding the above rules, as notice in Vol. 29, No. 21, May 23, 2003, Florida Administrative Weekly, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces changes to the proposed amendment of Rule 68A-9.004, F.A.C., as published in the April 25, 2003 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on May 28, 2003, in Kissimmee, Florida. The proposed amendment of Rule 68A-9.004, F.A.C., will now read as follows:

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

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 372.57(4)(b), F.S.

(a) The cost of permits as required for hunting on wildlife management areas as provided by Section 372.57(4)(b)1., F.S., shall be \$25.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 372.57(4)(b)2., F.S., shall be:

1. Nassau WMA – \$197
2. San Pedro Bay WMA – \$225
3. Blue Water Creek – \$180
4. Flint Rock – \$206
5. Twelve Mile Swamp – \$425
6. Robert Brent – \$150

(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. Nassau WMA – 600
2. San Pedro Bay WMA – 355
3. Blue Water Creek – 400
4. Flint Rock – 450
5. Twelve Mile Swamp – 200
6. Robert Brent – 100

(d) Recreational user permits required for hunting on privately owned wildlife management areas shall also authorize the permittee to engage in all activities authorized for wildlife management area permits.

(e) Recreational user permits for privately owned wildlife management areas designated herein shall be non-transferable.

(f) A recreational use permit for privately owned wildlife management areas designated herein shall be renewable for two consecutive years provided that proper application and payment is received prior to June 1.

(2) Additional stamp requirements may be promulgated for each individual 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, 5-1-03,

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region

NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces changes to the proposed amendment of Rule 68A-15.062, F.A.C., as published in the April 25, 2003 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in

the record of the public hearing held by the Commission on May 28, 2003, in Kissimmee, Florida. The proposed amendment of Rule 68A-15.062, F.A.C., will now read as follows:

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

(1) through (2) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Spring turkey – March 20 through April 25.

3. Archery – September 20 through October 19.

4. Fishing and frogging – Permitted only during periods when hunting is allowed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may not be taken after the first 23 days of general gun season.

(c) Camping: Permitted only at designated campsites during periods in which hunting is allowed.

(d) General regulations:

1. Camps may be set up beginning one day before each hunting period and shall be removed from campsites within one day following the close of each hunt period. Camping is limited to tents, trailers and self-propelled vehicles.

2. Vehicles may be operated only on established roads.

3. Public access is permitted only when hunting is allowed and on the Friday prior to archery and spring turkey season and on the consecutive Friday, Saturday, and Sunday prior to the general gun season.

4. Public access to the area is permitted only at designated entrances. Public access during periods when hunting is permitted is limited to entering the area no earlier than one hour before legal shooting hours and exiting the area no later than one hour after legal shooting hours.

5. Fires other than campfires are prohibited.

~~(4) Lake Butler Wildlife Management Area:~~

~~(a) Open season:~~

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

~~2. Small game – January 5 through February 29 in still hunt areas only.~~

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

~~4. Archery – September 20 through October 19 in the still hunt area only.~~

~~5. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.~~

~~6. Fishing and frogging – Throughout year.~~

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

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

~~(c) Camping: Permitted only at designated campsites along the Florida Trail.~~

~~(d) General regulations:~~

~~1. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying south of Road 32.~~

~~2. Licensed trappers may possess .22 rimfire rifles or pistols from January 5 through March 1.~~

~~3. Vehicles may be operated only on named or numbered roads in the still hunt portion of the area during the general gun and spring turkey seasons.~~

~~4. Dogs may be taken into the dog hunting area November 8 and shall be removed by January 4.~~

~~5. During the general gun season, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted except south of Road 32.~~

~~6. Taking of wildlife by use of a gun on or from rights of way of Possum Trot Road and Elijah Dobson Road is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~7. Shotguns are prohibited during the archery season.~~

~~8. The hunting or taking of hogs by the use of dogs is prohibited.~~

~~9. Fires are permitted only in fire rings at designated campsites along the Florida Trail.~~

~~(4)(5) Lochloosa Wildlife Management Area.~~

~~(a) Open season:~~

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

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

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

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

~~5. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.~~

~~6. Fishing and frogging – Throughout year.~~

~~7. Trapping – December 1 through January 4 in the still hunt portion of the area only.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on hogs.~~

~~(c) Camping: Camping allowed only by permit from the St. Johns River Water Management District, and only at the designated campsite.~~

~~(d) General regulations:~~

~~1. Hunting with dogs other than bird dogs is prohibited west of County Road 325 and north of County Road 2082 during general gun season.~~

~~2. The taking of hogs by the use of dogs is prohibited.~~

~~3. Vehicles are prohibited year-round in the still hunt areas west of and including Old Rail Bed Road, south of County Road 346, and north of County Road 2082. Vehicles are restricted to established roads in the remaining portion of the area. Non-motorized bicycles are permitted, but may be ridden only on established roads.~~

~~4. During the general gun season, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted except west of C.R. 325.~~

5. Taking of wildlife by use of a gun on or from the rights-of-way of County Roads 325 and 346 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Hunting with dogs is prohibited during the archery and muzzleloading gun seasons.

7. Fires are prohibited on the area.

8. Horses are permitted only during periods closed to hunting. Horses may be ridden only on established roads.

~~(5)(6)~~ Osceola Wildlife Management Area.

(a) through (d) No change.

~~(6)(7)~~ Big Bend Wildlife Management Area – Tide Swamp Unit.

(a) Open season:

1. General gun – November 8 through January 4.

2. Archery – September 20 through October 19.

3. Muzzleloading gun – October 24-26.

4. Small game – January 5 through February 29.

5. Fishing and frogging – Throughout year.

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

7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

8. Spring turkey – March 20 through April 25.

9. Trapping – January 5 through March 1.

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

(c) Camping: Prohibited, except primitive overnight camping shall be permitted at designated sites at Piney Point, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) General regulations:

1. Possession or use of dogs other than waterfowl retrievers and bird dogs is prohibited.

2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31 all motorized vehicles shall be operated only on Dallus Creek Road ~~and~~; Hagen's Cove Road; ~~and Bradley Springs Road.~~

3. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken during the general gun, archery, muzzleloading gun, and spring turkey seasons.

4. During the archery, muzzleloading gun, general gun, and spring turkey seasons no person shall enter or exit the area except through the designated check stations on the Dallus Creek Road and Tide City Mainline.

5. Fires are prohibited.

6. Taking of wildlife by use of a gun on or from the right-of-way of County Road 361 is prohibited as provided by Rule 68A-4.008, F.A.C.

7. The use of all-terrain vehicles (ATVs) is prohibited.

8. During the archery, muzzleloading gun, general gun, and spring turkey seasons hunters shall obtain a daily hunt permit, issued at either check station, when entering the area and retain it in their possession while on the area.

9. During the first phase of the mourning dove season, doves may be hunted but only on Saturdays and only on designated dove hunt areas (fields).

10. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., and on Saturdays during the mourning dove season established by Rule 68A-13.008, F.A.C.

11. Dove hunting in the special dove hunt area (dove field) is permitted only on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C. Hunters requesting access to the dove field during all phases of the mourning dove season must secure and have in possession while on the area a dove field permit from the Dallus Creek Check Station. Thirty (30) dove field permits will be issued on a first-come, first-served basis beginning one (1) hour before legal shooting hours. As a dove hunter leaves the field, this permit may be issued to another hunter by the check station attendant. All doves taken must be checked at the check station. Dove hunters must have a regular 9-day quota hunt permit if hunting during the first 9 days of the general gun season.

~~(7)(8)~~ Big Bend Wildlife Management Area – Spring Creek Unit.

(a) through (d) No change.

~~(8)(9)~~ Big Bend Wildlife Management Area – Hickory Mound Unit.

(a) through (d) No change.

~~(9)(10)~~ Big Bend Wildlife Management Area – Jena Unit.

(a) through (d) No change.

~~(10)(11)~~ Big Bend Wildlife Management Area – Snipe Island Unit.

(a) through (d) No change.

~~(11)(12)~~ PCS Phosphate Wildlife Management Area.

(a) through (d) No change.

~~(12)(13)~~ Raiford Wildlife Management Area.

(a) through (d) No change.

~~(13)(14)~~ Cedar Key Scrub Wildlife Management Area.

(a) through (d) No change.

~~(14)(15)~~ Andrews Wildlife Management Area.

(a) through (d) No change.

~~(15)(16)~~ Big Shoals Wildlife Management Area.

(a) through (d) No change.

~~(16)(17)~~ Twin Rivers Wildlife Management Area.

(a) through (d) No change.

~~(17)(18)~~ Twin Rivers Wildlife Management Area – Blue Springs Unit.

(a) through (c) No change.

~~(18)(19)~~ Jennings Forest Wildlife Management Area.

(a) through (d) No change.

~~(19)(20)~~ Holton Creek Wildlife Management Areas.

(a) through (d) No change.

~~(21)~~ Steinhatchee Falls Wildlife Management Area.

~~(a) Open season:~~

~~1. Archery—September 20 through October 5.~~

~~2. Muzzleloading gun—October 24-26.~~

~~3. General gun—November 8-16.~~

~~4. Small game—November 29 through December 14.~~

~~5. Spring turkey—March 20 through April 4.~~

~~6. Fishing—Throughout the year.~~

~~(b) Legal to take: Antlered deer, wild hogs, gray squirrel, rabbit and all legal fish. Bearded turkey may be taken only during the archery and spring turkey season. Migratory game birds may be taken only during the small game seasons. There shall be no bag or size limit on wild hogs.~~

~~(c) Camping: Prohibited during periods open to hunting. During periods closed to hunting, camping is allowed only with a permit from the landowner.~~

~~(d) General regulations:~~

~~1. Fires are prohibited.~~

~~2. Hunting with dogs is prohibited.~~

~~3. Vehicles may be operated only on designated portions of named or numbered roads.~~

~~4. The use of tracked vehicles, airboats, motoreycles, horses and all terrain vehicles is prohibited.~~

~~5. During periods closed to hunting, access shall be restricted to daylight hours only.~~

~~6. Entry into or exit from the area at locations other than the entrances designated on the hunt map is prohibited.~~

~~7. Wild hogs may not be transported alive from the area.~~

~~(20)(22)~~ Goethe Wildlife Management Area.

(a) through (d) No change.

~~(21)(23)~~ San Pedro Bay Wildlife Management Area.

(a) through (d) No change.

~~(22)(24)~~ Citrus Wildlife Management Area.

(a) through (d) No change.

~~(23)(25)~~ Flying Eagle Wildlife Management Area.

(a) through (d) No change.

~~(24)(26)~~ Potts Wildlife Management Area.

(a) through (d) No change.

~~(25)(27)~~ Homosassa Wildlife Management Area.

(a) through (d) No change.

~~(26)(28)~~ Croom Wildlife Management Area.

(a) through (d) No change.

~~(27)(29)~~ Chassahowitzka Wildlife Management Area.

(a) through (d) No change.

~~(28)(30)~~ Devil's Hammock Wildlife Management Area.

(a) through (d) No change.

~~(29)(31)~~ Mallory Swamp Wildlife Management Area.

(a) through (d) No change.

~~(30)(32)~~ Middle Aucilla Wildlife Management Area.

(a) through (d) No change.

~~(31)(33)~~ Little River Wildlife Management Area.

(a) through (d) No change.

~~(32)(34)~~ Troy Springs Wildlife Management Area.

(a) through (d) No change.

~~(33)(35)~~ Bayard Wildlife Management Area.

(a) through (d) No change.

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, 5-25-03, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-27
 RULE CHAPTER TITLE: Rules Relating to Endangered or Threatened Species

RULE NO.: 68A-27.004
 RULE TITLE: Designation of Threatened Species; Prohibitions; Permits

NOTICE OF WITHDRAWAL

Consideration of this proposed amendment of Rule 68A-27.004, F.A.C., as originally published in the April 25, 2003 issue of the Florida Administrative Weekly, has been withdrawn by the Fish and Wildlife Conservation Commission.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-27
 RULE CHAPTER TITLE: Rules Relating to Endangered or Threatened Species

RULE NO.: 68A-27.005
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

NOTICE OF WITHDRAWAL

Consideration of this proposed amendment of Rule 68A-27.005, F.A.C., as originally published in the April 25, 2003 issue of the Florida Administrative Weekly, has been withdrawn by the Fish and Wildlife Conservation Commission.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-24.0055
 RULE TITLE: Commercial Requirements
 NOTICE OF ADDITIONAL CHANGES

The Fish and Wildlife Conservation Commission additional announces changes to the proposed amendment of Rules 68B-24.002, 68B-24.004, 68B-24.0055, and 68B-24.006, F.A.C., as published in the April 25, 2003 issue of the Florida Administrative Weekly, with previous changes published in the May 9, 2003 issue. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on May 28, 2003, in Kissimmee, Florida. Only the proposed amendment of Rule 68B-24.0055, F.A.C., was changed, as follows:

68B-24.0055 Commercial Licensing Requirements.

(1) Section 370.14, Florida Statutes, requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. "Harvest for commercial purposes" means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

(2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610 (7-03), Commercial Dive Permit Application), incorporated herein by reference. The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003. Commercial dive permits will not be issued to or renewed for applicants who own one or more trap certificates. Effective January 1, 2005, no new commercial dive permits will be issued and no commercial dive permit will be renewed or replaced except those that were active during the 2004-2005 fishing season.

(3) In Monroe County:

(a) Beginning August 6, 2003, persons harvesting lobster commercially by diving shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day. For purposes of this paragraph, persons shall be considered to be harvesting lobster by diving if they are harvesting pursuant to a saltwater

products license with a restricted species endorsement and crawfish license or trap number and are simultaneously in possession of any artificial underwater breathing apparatus or gear.

(b) Beginning in the 2004-2005 fishing season, the daily harvest and possession limit in paragraph (a) shall apply to persons possessing a valid commercial diver permit issued pursuant to subsection (2).

(c) Except as provided in paragraph (d), no more than 250 spiny lobsters shall be possessed aboard or landed from any vessel regardless of the number of commercial harvesters on board harvesting pursuant to this subsection.

(d) During the 2003-2004 fishing season, on any vessel from which spiny lobster are harvested commercially by diving, a vessel possession limit of 500 spiny lobsters shall apply if there are at least two commercial divers on board each of whom must possess valid 2002-2003 and 2003-2004 saltwater products licenses, with restricted species endorsement and a valid crawfish endorsement applicable for both years. This documentation must match the individual diver's identity and be presented upon request.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-01, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68B-35	Pompano, African Pompano, and Permit
RULE NOS.:	RULE TITLES:
68B-35.002	Definitions
68B-35.003	Size and Bag Limits; Prohibition of Sale
68B-35.004	Gear Specifications and Prohibited Gear
68B-35.005	Commercial Pompano Harvest Requirements; Pompano Endorsement Criteria; Pompano Special Activity License Criteria; State Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase

NOTICE OF CONTINUANCE

Consideration of these proposed amendments to Rule Chapter 68B-35, F.A.C., as originally published in the April 25, 2003 issue of the Florida Administrative Weekly, has been continued by the Fish and Wildlife Conservation Commission to its next regular meeting, to be held September 3-5, 2003, at Clarion Suites Resort, 20 Via DeLuna, Pensacola Beach, Florida.