

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 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:

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations. (Sections 458.347(7)(c), 458.331(1)(g),(x), 456.072(1)(e),(s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine
1. Failure to document required HIV/AIDS CME. (Section 456.033, F.S.)	\$250 fine
2. Failure to document required domestic violence or end-of-life and palliative health care CME. (Section 456.031, F.S.)	\$250 fine
3. Failure to document required prevention of medical errors CME. (Section 456.013(7), F.S.)	\$250 fine
4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.	\$500 fine
5. Documentation of some, but not all, 100 hours of required CME for license renewal.	\$25 fine for each hour not documented
(b) through (f) No change.	
(4) through (7) No change.	

Specific Authority 456.077, 458.309, 458.347(7)(g), (12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g), (12) FS. History—New 3-3-02, Amended 5-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-154.525 RULE TITLE: Standard and Basic Benefit Plans

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 16, April 18, 2003, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-10 RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification Program

RULE NO.: 14-10.0052 RULE TITLE: Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

NOTICE OF CHANGE

SUMMARY: The notice of rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 48, November 22, 2002. A public hearing was requested and held on December 18, 2002. Notice of a second hearing was published in Section III of Florida Administrative Weekly, Vol. 29, No. 7, dated February 14, 2003. The second hearing was held on April 3, 2003, as scheduled.

The complete text of the proposed rule, as changed following the two public hearings is as follows:

14-10.0052 Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs.

(1) "Comprehensively Enacted Zoning" means ordinances or other laws adopted by the county or municipal government with authority over the development and use of a parcel of land, pertaining to and designating the currently allowable uses on the parcel, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes. The term does not include actions taken primarily to permit signs as defined in section (3) of this rule.

(2) For purposes of this rule, "parcel" shall mean all the contiguous lands under the same ownership and the same land use designation adopted pursuant to Chapter 163, Florida Statutes.

(3) The Department shall consider the following criteria when determining whether commercial or industrial zoning applicable to a parcel of land was adopted primarily to permit the erection or maintenance of signs:

(a) Whether the uses allowed by the applicable zoning ordinance or law include commercial or industrial uses in addition to signs. The following uses are not recognized as commercial or industrial use for the purposes of these criteria:

- 1. Agricultural, forestry, ranching, grazing, farming, or related activities, including wayside fresh produce stands.
- 2. Transient or temporary activities.
- 3. Railroad tracks and minor sidings.
- 4. Communication towers.
- 5. Electric transmission, telephone, telegraph, or other communications services lines.
- 6. Ditches, sewers, water, heat, or gas lines.
- 7. Pipelines, tanks, or pumps.
- 8. Fences.
- 9. Drainage ponds or water retention facilities.
- 10. Canals.
- 11. Roads.
- 12. Signs.

(b) Whether the size of the parcel would be sufficient to conduct the commercial or industrial uses allowed on the parcel under the applicable county or municipal government building and development code requirements for commercial or industrial activities, including setback requirements, parcel size and dimension requirements, and parking requirements.

(c) Whether the parcel is located contiguous to other properties zoned or used for commercial or industrial activities.

(d) Whether there is public access to the parcel sufficient to conduct the commercial or industrial uses allowed on the parcel.

(e) Whether the public statements and materials published in connection with any zoning decision affecting the parcel, including all public records pertaining to the zoning decision, indicate the zoning decision was taken primarily to permit the erection or maintenance of signs.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-98	Highway Traffic Safety Program
RULE NOS.:	RULE TITLES:
14-98.005	Application and Award Procedures
14-98.008	Forms

NOTICE OF CHANGE

SUMMARY OF CHANGE: The proposed amendment is to incorporate by reference a revised Form 500-065-01, Rev. 06/03. The following changes to the form resulted from a review by the Joint Administrative Procedures Committee.

1. Form 500-065-01, Part V, Paragraph 3: The reference to 287.134(3)(b) is being changed to (3)(a) and the inserted language is being updated to show current statutory language.

2. Form 500-065-01, Part V, Paragraph 7: The following sentence is being deleted in its entirety: "Changes made prior to getting written approval shall be subject to the denial of reimbursement."

3. Form 500-065-01, Part V, Paragraph 31: The following sentence is being deleted in its entirety: "The head of the agency shall request approval from the Safety Office to hire the individual(s) selected for the new position(s) prior to the start date."

Notice was published in Florida Administrative Weekly, Vol. 29, No. 31, August 1, 2003.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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 CORRECTIONS

RULE NOS.:	RULE TITLES:
33-209.101	Staff Development – Definitions
33-209.1015	Training Development and Delivery
33-209.102	Minimum Training Requirements
33-209.103	Firearms Training and Other Certification Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 33, (August 15, 2003), issue of the Florida Administrative Weekly: (Substantial rewording of Rule 33-209.101 follows. See Florida Administrative Code for present text.)

33-209.101 Staff Development – Definitions.

For the purposes of this chapter:

(1) "Academy", ~~where used herein,~~ means the Florida Corrections Academy, within the Department of Corrections, which is a certified criminal justice training school.

(2) "Alternate Firearms", ~~where used herein,~~ refers to the 9mm pistol, shotgun, or rifle issued or authorized by the Department of Corrections for use by correctional officers while on duty.

(3) "Automated Training Management System (ATMS II)", ~~where used herein~~, means the statewide training and certification database maintained by the Florida Department of Law Enforcement (FDLE) for all certified officers.

(4) "Certified Firearms Instructor", ~~where used herein~~, refers to an individual certified by the CJSTC and designated by the department to teach commission-approved basic, advanced, and specialized firearm training courses.

(5) "Circuit Administrator", ~~where used herein~~, means a Department of Corrections employee who is the administrator in charge of a circuit's ~~community facilities~~.

(6) "Commission Approved Firing Range", ~~where used herein~~, refers to a firing range that is approved for use in teaching CJSTC basic, advanced, and specialized firearm courses as outlined in paragraph 11B-21.005(1)(d), F.A.C.

(7) "Correctional Officer", ~~where used herein~~, means a Department of Corrections employee in the Correctional Officer occupational ~~class~~ series.

(8) "Correctional Officer Basic Recruit Firearms Training Course", ~~where used herein~~, refers to the 60 hour training program approved by the CJSTC to teach officers how to handle firearms safely and how to fire them accurately.

(9) "Correctional Probation Officer", ~~where used herein~~, means a Department of Corrections employee in the Correctional Probation Officer occupational ~~class~~ series ~~assigned to community supervision~~.

(10) "Correctional Probation Officer Basic Firearms Training Course", ~~where used herein~~, refers to the 44 hour training program approved by the CJSTC to teach correctional probation officers how to handle firearms safely and how to fire them accurately.

(11) "Course of Fire", ~~where used herein~~, refers to the specific directions given by firearm instructors to an officer to fire a firearm such as number of rounds to be fired, from what position, and at what type of target.

(12) "Criminal Justice Standards and Training Commission (CJSTC)", ~~where used herein~~, refers to the Governor-appointed commission that oversees minimum employment and training standards for all law enforcement officers, correctional officers and correctional probation officers in Florida.

(13) No change.

(14) "Electronic Firearms System", ~~where used herein~~, refers to a computer-assisted firearms simulator utilizing a laser marking system to track and identify target hits. The system is used indoors in controlled settings and designed to improve basic marksmanship skills and reduce live fire training cost. These machines are used to conduct specialized and advanced courses approved by the Criminal Justice Standards and Training Commission.

(15) "Firearms Initial Qualification", ~~where used herein~~, refers to the academic and performance test approved by the CJSTC to measure firearms proficiency.

(16) "Firearms Pre-Qualification Training", ~~where used herein~~, refers to the training provided by the department to prepare for annual firearms re-qualification.

(17) Firearms Qualification and Authorization Card, ~~where used herein~~, means the document issued to correctional probation officers who have been authorized by the department to carry a firearm. The card will expire the following year, on the last day of the month the card was issued, unless written documentation of re-qualification is submitted to authorizing entity prior to the expiration date. Form DC3-223 is used for this purpose. Form DC3-223 is incorporated by reference in Rule 33-302.104, F.A.C.

(18) "Firearms Re-qualification", ~~where used herein~~, refers to the academic, performance test, and course of fire approved by the department to annually measure proficiency with firearms.

(19) "Florida Department of Corrections Training Database (DTD)", ~~where used herein~~, refers to the single, official, filing system for all training attendance for employees of the department.

(20) "In-service Training", ~~where used herein~~, means all training approved by the office of staff development in the Bureau of Human Resources or the CJSTC for all Department of Corrections employees and other specified personnel to enhance their knowledge, skills and abilities for the jobs they perform. All approved training except orientation training and pre-employment firearms training shall be recorded toward the department's annual in-service training requirement.

(21) "Mandatory Retraining", ~~where used herein~~, means the training or education required to maintain active certification by the CJSTC as a Correctional Officer or Correctional Probation Officer. This requirement must be met from successfully completed law enforcement advanced courses, career development courses, specialized courses, agency in-service courses, or courses at colleges, community colleges and vocational-technical centers, all of which must be approved by the Commission for mandatory retraining. Advanced and career development courses taken for salary incentive pay cannot be counted for mandatory retraining.

(22) "Mission Essential Skills, Knowledge and Abilities", ~~where used herein~~, refers to those skills, knowledge and abilities required to execute the organization's core process.

(23) "Orientation Training", ~~where used herein~~, means the training approved by Staff Development for all new Department of Corrections employees and other specified personnel to orient them to the department's operations.

(24) "Primary Firearm", ~~where used herein~~, refers to the revolver issued or authorized by the department for use by a correctional officer or correctional probation officer in the course of their duties.

(a) No change.

(b) The primary firearm for ~~senior~~ inspectors is the approved weapon designated by the Office of the Inspector General.

(c) No change.

(25) "Range Master", ~~where used herein~~, refers to the CJSTC firearms certified instructor who meets the eligibility requirements and is responsible for all facets of firearm training on the firing range. Staff development, institutions, or circuits may designate more than one range master at each facility.

(26) "Regional Training Coordinator", ~~where used herein~~, refers to the staff development employee who has overall responsibility for managing training programs in a particular geographic location.

(27) "Remedial Firearms Training", ~~where used herein~~, refers to training provided by the department for an officer to increase proficiency or accuracy with firearms after individual deficiencies have been demonstrated.

(28) "Staff Development", ~~where used herein~~, means the office, located within the Office Bureau of Human Resources of the Department of Corrections, responsible for development and management of training, within the Department of Corrections.

(29) "Training", ~~where used herein~~, means an organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or training center, an institution of higher learning, during professional meetings, or through contract service or closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager, or official; physical training; or other instruction programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion.

(30) "Training Year", ~~where used herein~~, is defined as the period from July 1 of one year through June 30 of the following calendar year.

(31) "Warden", ~~where used herein~~, means the Department of Corrections employee who is the administrator in charge of a correctional institution.

(32) "Weapons Qualification Card", ~~where used herein~~, means the document issued to correctional officers who have been authorized by the department to carry a firearm. The card will expire the following year, on the last day of the month the card was issued, unless written documentation of re-qualification is submitted to authorizing entity prior to the expiration date. Form DC6-277 is used for this purpose. Form DC6-277 is incorporated by reference in Rule 33-209.103, F.A.C.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.001, Amended _____.

33-209.1015 Training Development and Delivery.

(1) No change.

~~(2)(1)~~ The Office of Staff Development in the Office Bureau of Human Resources will develop the department's master training plan. The master training plan will be reviewed and updated annually based on an annual needs assessment which identifies current job related training needs. In addition, the plan will provide for on-going written evaluations of all departmental training courses including orientation, pre-service, in-service, mandatory, and specialized training. The plan will also identify resources to facilitate career development and provide a formal evaluation of the training program.

~~(3)(2)~~ No change.

~~(4)(3)~~ No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New _____.

33-209.102 Minimum Training Requirements.

The following minimum training requirements are for the effective operation of the Department:

(1) No change.

(2) All new employees assigned to community corrections and institutions ~~institutional facilities~~ shall successfully complete a minimum of 40 hours of orientation training prior to their first job assignment. This training shall include pre-employment or basic recruit firearms training and qualification for untrained Correctional Officer recruits as specified in subsection 33-209.103(1), F.A.C.

(3) through (10) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 FS. History--New 8-26-87, Amended 7-4-88, Formerly 33-25.002, Amended _____.

(Substantial rewording of Rule 33-209.103 follows. See Florida Administrative Code for present text.)

33-209.103 Firearms Training and Other Certification Requirements.

(1) No change.

(2) Initial Firearms Qualification.

(a) through (c) No change.

(d) All correctional probation officers authorized to use a firearm will successfully complete the CJSTC approved 44 hour correctional probation basic firearms training course and the department-approved 16 hour correctional probation basic firearms training phase II course prior to being authorized to carry a firearm. Any correctional probation officer who has already completed the CJST approved 44 hour correctional probation basic firearms training course must complete the department approved 16 hour phase II course by December 1, 2005 within 24 months from the effective date of this rule revision.

(e) through (f) No change.

~~(3)(2)~~ Firearms Re-qualification.

(a) All staff authorized to carry a firearm must be provided the opportunity to prepare for annual firearm re-qualification by participating in firearms pre-qualification training ~~if requested.~~

1. through 4. No change.

(b) through (e) No change.

~~(4)(3)~~ Remedial Firearms Training.

(a) through (c) No change.

(d) In the event a correctional officer fails to qualify after remedial firearms training, the range master will notify the warden.

1. No change.

2. A correctional officer who fails to successfully complete annual firearms requalification after remedial firearms training has been provided shall be charged with failure to maintain minimum employment qualifications and shall be removed from the correctional officer occupational series. The only exceptions are cases of temporary total disability or pregnancy complications, as certified by a medical doctor, for which the warden is authorized to extend the requalification deadline when the warden determines that an extension would be in the best interest of the department. The warden will assign the officer to a training facility within ten days from the date of failure to qualify.

~~3. The correctional officer will be enrolled in specialized individual training prior to reassignment out of the correctional officer series or termination.~~

(e) No change.

~~(5)(4)~~ Approved Firearms and Ammunition.

(a) No change.

(b) A correctional probation officer will use one of the following types of firearms when qualifying:

1. through 2. No change.

~~3. Factory new .38 caliber special ammunition at standard velocity, or Plus P velocities with either 125 to 158 grain hollow point;~~

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

(c) No change.

(5) through (6) renumbered (6) through (7) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Amended 11-1-90, Formerly 33-25.003, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.203 Control of Contraband

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. 33, (August 15, 2003), issue of the Florida Administrative Weekly:

33-602.203 Control of Contraband.

(1) through (4) No change.

(5)(a) No money shall be given directly to or received by an inmate assigned to a work release center unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate's account that has not been drawn from the inmate's bank fund or that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$100 ~~75~~ in work release centers shall be considered contraband and shall be confiscated and deposited in the general revenue fund.

(b) through (8) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-7.010 Daily Three Pool
NOTICE OF CORRECTION

Notice is hereby given that the Notice of Proposed Rulemaking for the above rule which appeared in Vol. 29, No. 35, Florida Administrative Weekly, August 29, 2003, should read as follows:

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. – 4:00 p.m., October 1, 2003
PLACE: Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco Conference Room, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-17.001 Continuing Education Required for License Renewal

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 17, April 25, 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 Type I
 Wildlife Management Areas

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rule 68A-9.004, F.A.C., as published in Vol. 29, No. 30, July 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 September 3, 2003, in Pensacola Beach, Florida. The proposed rule amendments, as changed, will 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
- 7. Relay – \$275
- 8. Ft. McCoy – \$200
- 9. Gulf Hammock – \$275
- 10. Grove Park – \$325

(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

- 7. Relay – 300
- 8. Ft. McCoy – 150
- 9. Gulf Hammock – 400
- 10. Grove Park – 200

(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, 3-31-03, _____

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-15.065 Specific Regulations for Type I
 Wildlife Management Areas –
 Northeast Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rule 68A-15.065, F.A.C., as published in Vol. 29, No. 30, July 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 September 3, 2003, in Pensacola Beach, Florida.

The rule is changed to read as follows:

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

- (1) No change.
- (2) Ft. McCoy Wildlife Management Area.

- (a) Open season:
- 1. General gun – November 8 through January 4.
 - 2. Small game – January 5-25.
 - 3. Archery – September 20 through October 19.
 - 4. Muzzleloading gun – October 24-26.
 - 5. Spring turkey – March 20 through April 25.

6. Fishing and frogging – Permitted during periods in which hunting is allowed.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during archery or muzzleloading gun seasons and during the first 9 days of the general gun season.

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

(d) General regulations:

1. Only tents, trailers or self-propelled camping vehicles may be used for camping.

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

3. Persons operating vehicles shall enter and exit only at designated entrances.

4. Hunting with dogs is prohibited, except bird dogs may be used during the small game season.

5. The area is closed to public access except during periods when hunting is allowed.

6. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads or Gooski Road is prohibited as provided by Rule 68A-4.008, F.A.C.

7. The possession of center-fire rifles is prohibited during spring turkey season.

8. Access is permitted only by individuals possessing a valid recreational user permit, except as provided by s. 372.57, F.S.

(3) through (9) No change.

(10) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November 8 through January 4.

2. Archery – September 20 through October 19 (Fridays, Saturdays and Sundays only).

3. Muzzleloading gun – October 24-26.

4. Small game – January 5 through February 29.

5. Spring turkey – March 20 through April 25.

6. Fishing and frogging – Permitted during periods open to hunting.

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

(c) Camping: Permitted only during periods open to hunting except during small game season. Camping is permitted only at designated campsites ~~by permit from The Plum Creek Timber Company.~~

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

2. Vehicles or horses may be used only on named or numbered roads.

3. The area is closed to public access except during periods when hunting is allowed.

4. Possession of centerfire rifles (other than muzzleloading) or pistols is prohibited.

5. Camping equipment may be brought onto the area only during the weekend before the archery season and during periods when hunting is allowed on the area.

6. Access is permitted only by individuals possessing a valid recreational user permit, except as provided by s. 372.57, F.S.

(11) through (35) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 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, 5-1-03, 7-1-03, _____.

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 CHANGE

The Fish and Wildlife Conservation Commission announces changes to proposed amendments for Rule Chapter 68B-35, F.A.C., as published in Vol. 29, No. 17, April 25, 2003 issue of the Florida Administrative Weekly, with a Notice of Continued Hearing published in Vol. 29, No. 31, August 1, 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 September 4, 2003, in Pensacola Beach, Florida. The proposed rule amendments have been changed to read as follows:

68B-35.002 Definitions.

As used in this rule chapter:

(1) through (2) No change.

(3) “Fork length” means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(4) through (7) No change.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.002, Amended _____.

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits.

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a fork length less than 11 1/4 inches, or greater than 20 inches, except that a person harvesting pursuant to the bag limit specified in paragraph (2)(a) of this rule may harvest and possess one pompano or permit greater than 20 inches in fork length. No person shall purchase, sell, or exchange any pompano or permit with a fork length less than 11 1/4 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) No change.

(2) Bag Limits.

(a) Except for persons harvesting pompano or permit pursuant to a valid saltwater products license with a restricted species endorsement, persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b)(e), F.A.C., no person shall harvest in or from state waters more than a total of 6 1/4 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 6 1/4 such fish. ~~No more than one (1) of such fish shall exceed 20 inches length.~~

(b) No change.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, _____.

68B-35.004 Gear Specifications and Prohibited Gear.

(1) through (2) No change.

(3) Except as provided in this subsection, no person shall simultaneously possess aboard any vessel in state waters any pompano together with any gill or entangling net.

(a) Such possession is allowed by persons who have harvested pompano in adjacent federal Exclusive Economic Zone (EEZ) waters and who possess a valid saltwater products license with a restricted species endorsement and a pompano endorsement issued pursuant to subsection 68B-35.005(1), F.A.C., only in the following areas of state waters:

~~1. In the area of state waters between 25°09' North Latitude and 26°00' North Latitude, between Cape Sable and Hurricane Pass.~~

~~2. In specified state waters, upon designation by the Executive Director of the Commission, after a total of at least 1,500 pounds of pompano have been landed on two different observer trips where pompano are caught, by a person taking pompano pursuant to subsection 68B-35.005(2), F.A.C., harvested with a gill or entangling net in federal EEZ waters adjacent to such specified state waters on each trip.~~

~~(b) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters and who possess a valid Pompano Special Activity License issued pursuant to subsection 68B-35.005(2), F.A.C.~~

~~(b)(e) Such possession is allowed by persons who have harvested pompano in adjacent federal EEZ waters as an incidental bycatch in gill or entangling nets fished for other species, which persons possess a valid saltwater products license with a restricted species endorsement and provided that the amount of all pompano aboard such vessel at any time does not exceed the harvest, possession, and landing limit specified in paragraph 68B-35.005(2)(c), F.A.C. +00 individual fish.~~

~~(c)(d) Paragraphs (a) and (b), and (e) shall not apply to any person or vessel returning from federal EEZ waters that stops to fish in state waters or otherwise fails to meet all requirements of Section 370.092, Florida Statutes.~~

(4) Each pompano gill or entangling net possessed in state waters or used in federal EEZ waters pursuant to subsection (3) shall meet the following specifications, except that the mesh size requirement in paragraph (c) shall not apply to the exception in paragraph (3)(b)(e):

(a) Such net shall not be less than 400 yards in length, along the cork line and along the lead line.

(b) Such net shall be at least 70 meshes deep at its shallowest point.

(c) Such net shall have a mesh size of at least 4 1/2 inches stretched mesh, throughout the net.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) FS. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.004, Amended 11-1-01, _____.

68B-35.005 Commercial Pompano Harvest Requirements: Pompano Endorsement Criteria; ~~Pompano Special Activity License Criteria;~~ State and Federal Waters Pompano Daily Harvest Limits and License Requirements for Sale or Purchase.

(1) No change.

~~(2) POMPANO SPECIAL ACTIVITY LICENSE (PSAL) The Fish and Wildlife Conservation Commission intends to issue PSALs to qualified commercial fishers to allow them to use gill and entangling nets for an exploratory fishery to harvest pompano in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, for the sole purpose of establishing that a federal waters fishery exists in specific areas. No person shall be issued a PSAL without first meeting each of the following criteria and conditions:~~

~~(a) The applicant must possess a Vessel Saltwater Products License with a Restricted Species Endorsement.~~

~~(b) The applicant must own a commercially registered vessel no smaller than 22 feet in documented length, except in the case of a vessel with the primary power mounted forward of the center point of the vessel, the vessel shall not be smaller than 25 feet in documented length.~~

~~(c) The applicant must have documented landings of pompano of at least 2,000 pounds from state waters or from federal EEZ waters during any continuous 24-month period.~~

~~(d) No applicant shall receive a PSAL who, in the previous three license years, has been charged with violating any provision of Article X, Section 16 of the State Constitution, Section 370.092 or 370.093, Florida Statutes, or subsection 68B-4.0081(2), F.A.C., and who has received a judicial disposition other than acquittal or dismissal on such charges.~~

~~(e) Any person issued a PSAL must agree to notify the Division of Law Enforcement, by submission of a float plan, at least 24 hours prior to all exploratory fishing trips pursuant to the license. The licenseholder shall submit a trip report, after all exploratory fishing trips using the trip ticket record, to the Division of Marine Fisheries within 72 hours of completion of each trip. The licenseholder must agree to take an FWC observer aboard once she/he has used the PSAL to determine the extent of the fishery. The PSAL will contain a condition requiring notification of FWC's Marine Research Institute at least 48 hours prior to any trip the licenseholder intends to allow placement of an observer on board the vessel. The named licenseholder/vessel owner must always be on board during exploratory fishing trips.~~

~~(f) PSALs will be issued at any time during the fishing year and they will be valid for a period of six (6) months. The licenseholder may apply for a single six-month extension of the PSAL. If during that extension, no federal waters gill or entangling net fishery is established pursuant to subparagraph 68B-35.004(3)(a)2., F.A.C., the licenseholder is barred for a period of one year from the expiration of the extension from applying for another PSAL.~~

~~(g) The licenseholder must acknowledge that violation of any of the terms or conditions stated in the license may result in the revocation of the license or denial of a requested extension.~~

~~(2)(3) STATE AND FEDERAL WATERS DAILY COMMERCIAL HARVEST LIMITS – Persons harvesting pompano in state and federal waters pursuant to a saltwater products license with a restricted species endorsement, but who do not possess a pompano endorsement, shall be subject to a daily harvest and landing limit of 250 individual pompano; provided, however, that no more than 250 pompano harvested pursuant to this subsection shall be possessed aboard any vessel at any time. Such persons are subject to the gear limitations of paragraph 68B-35.004(2)(b), F.A.C.~~

(a) No person shall sell more than 250 individual pompano per day, unless such person possesses either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement. Pompano shall only be harvested with a gill or entangling net in federal EEZ waters specified in paragraph 68B-35.004(3)(a), F.A.C., and shall only be sold by a person harvesting such pompano pursuant to a Pompano Endorsement.

(b) No wholesale dealer shall purchase more than 250 individual pompano per day from any person who does not possess and present to the dealer either a valid PSAL or a valid Pompano Endorsement, in addition to a saltwater products license with a restricted species endorsement.

(c) Persons harvesting pompano as incidental bycatch pursuant to paragraph 68B-35.004(3)(b), F.A.C., shall be subject to a daily harvest, landing, and possession limit of 100 pompano.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 370.021(3) F.S. History—New 11-1-01, Amended _____.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Procedures for Awarding Prizes

RULE NO.: 53ER03-46

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER02-61, F.A.C., and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-46 Procedures for Awarding Prizes.

(1) For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), Florida Statutes, will be deemed satisfied upon the claimant meeting the following requirements:

(a) Online Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for