

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS ARE NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF FINANCIAL SERVICES

RULE TITLE: Special Purpose Homeowners Insurance

RULE NO.: 4-166.045

PURPOSE, EFFECT AND SUMMARY: The rule implements Section 624.4071, F.S. which was repealed by Ch. 2003-261, Laws of Florida, Section 1978, necessitating repeal of the rule. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.4071 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., February 3, 2004

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee Roddenberry, Bureau Chief, Bureau of P&C Insurer Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, E-mail roddenberry1@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

4-166.045 Special Purpose Homeowners Insurance Company (SPHIC); Notice Requirements.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.4071 FS. History—New 11-19-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee Roddenberry, Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Director, Office of Insurance Regulation

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control

RULE CHAPTER NO.: 5E-13

Regulations

RULE TITLES: Definitions

Eligibility for State Aid Approved

Program and/or Aid

Certified Budgets, Filing

State Aid Basis and Availability

District or County Use of Funds

Program Directors, Employment and

Classification

Penalty for Failure to Comply with Public Law

92-516, the Federal Insecticide, Fungicide,

and Rodenticide Act (FIFRA) of the U.S.

Environmental Protection Agency

and their Rules

Demonstrable Increase or Other Indicator of

Arthropod Population Level

Aircraft Application for the Control of Adult

Arthropods

Protection of Natural Resources and of the

Health, Safety, and Welfare of Arthropod

Control Employees and the General Public

Criteria for Licensure or Certification of

Applicators

PURPOSE, EFFECT AND SUMMARY: The purpose and

effect of the rule development is to amend Rule 5E-13, F.A.C.,

to address changes to Statute and to develop modifications for

the required Mosquito Control State Approved Program forms.

The subject area to be addressed is modification of Mosquito

Control State eligibility and reporting requirements.

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 SOERC, or to provide a proposal for

a lower cost alternative must do so within 21 days of this

notice.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.201, 388.261, 388.271, 388.281,

388.341, 388.361(11), 388.411 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., February 24, 2004

PLACE: Osceola County Extension Office, Osceola Heritage Park, 1921 Kissimmee Valley Lane, Kissimmee, Florida, (321)697-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steven Rutz, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-13.021 Definitions.

(1) "Approved Mosquito Control Agency" – any county or district in current compliance with Sections 388.101 or 388.241, 388.261(2), 403.088(1), 388.162, 388.271, 388.341, Florida Statutes and Rule 5E-13.032, Florida Administrative Code.

(2) "District" – any defined area of the state or a county established for express purpose of controlling arthropods within said boundaries under the provisions of Chapter 388, F.S. or other legislative acts. These rules shall apply only to districts participating under Chapter 388, F.S., except as provided in Sections 388.323, F.S. and 388.281, F.S.

(3) "Arthropods" – those insects of public health or nuisance importance, including all mosquitoes, biting and non-biting midges, dog flies, filth ~~house~~ flies, and biting yellow flies, and sand flies.

(4) "Certified budget" – district or county budget for control of arthropods attested to by the clerk of the circuit court, notary public of the state of Florida, secretary of the board of commissioners or any other person duly authorized by law under the official seal of the district or county.

(5) through (12) No change.

(13) "Labeling" – all labels and all other written, printed, or graphic matter:

(a) Accompanying the pesticide or device at any time; or

(b) To which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, ~~Education and Welfare,~~ and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

(14) through (19) No change.

(20) "Director" – a qualified person responsible for the planning and direct supervision of a district as defined under Section 388.011(5)~~2~~, F.S., who directs the execution of a county or district mosquito control program and oversees its day-to-day activities.

(21) through (23) No change.

(24) "Public land management agency" – any federal, state, or county agency that may be responsible for the management of such public lands as parks, wildlife management areas, preserves, fishing grounds, sea shores, etc., including but not limited to the department, the Florida Department of Environmental Protection, Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, and Trustees of the Internal Improvement Trust Fund.

(25) through (26) No change.

(27) "Tentative" Annual Certified Budget – budget that will be submitted to the mosquito control board for the county and/or district for approval for the upcoming fiscal year.

(28) "Landing rate count" – a method of determining adult mosquito levels by counting all mosquitoes that land on the visible portion of lower body during a one minute period. Results are expressed as numbers of mosquitoes per minute.

(29) "Direct supervision" – supervisor must be in immediate verbal contact, either directly or by electronic means, including, but not limited to, cell phones, radios and computers.

Specific Authority 388.361 FS. Law Implemented 388.361, 388.4111 FS. History–New 1-1-77, Formerly 10D-54.21, Amended 2-10-87, Formerly 10D-54.021, Amended 3-14-94, _____.

5E-13.022 Eligibility for State Approved Program and/or Aid.

(1) A district or county may be eligible to receive state aid for control of arthropods when it provides the following: ~~an item in its~~ annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

(2) No change.

(3) Participating districts or counties that do not want to receive state aid but want to remain or become a state approved program may be eligible when they provide the following: an annual budget for such purpose; a contract agreement with the department; a Section 215.97, F.S., attestation statement; a detailed work plan budget; and complies with provisions of Section 388.271(1), F.S.

Specific Authority 388.361 FS. law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History–New 1-1-77, Formerly 10D-54.22, 10D-54.022, Amended _____.

5E-13.027 Certified Budgets, Filing.

(1) Not later than September 15 each district or county shall submit to the department two (2) copies of a certified budget on form DACS 130617, Annual Certified Budget for Arthropod Control, (3/95). Differences in amounts shown on the approved detailed budget and certified budget must be explained by accompanying requests for approval of changes to be made in the detailed budget. The certified budget shall show all estimated cash carry-over amounts as a beginning

cash balance. When the estimated cash carry-over amount in any fund is found to be less than the actual cash carry-over amount, a budget amendment shall be submitted to budget the additional amount of funds. However, only local fund carry overs re-budgeted by October 30th will be matched. The department shall make an adjustment in funding amounts payable to the district or counties in the last 3 quarters of current fiscal year and provide notification to each district or county of any distribution changes due to the re-budget. A written request for extension of the September 15 deadline will be authorized provided the request is based on the existence of a documented urgent, non-routine situation, and a "tentative" Annual Certified Budget signed by the director is received by the department prior to the September 15 deadline that applies. Deadline failures will result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

(2) Budget amendments on form DACS 130613 (3/95), entitled "Arthropod Control Budget Amendment," shall be prepared and submitted to the department prior to over-expending state funds in any account or expending state funds in non-budgeted accounts. Budget amendments must be explained by accompanying requests for approval of changes to be made in the detailed budget. Department approval of the amendment(s) must be received before such expenditures are made. Copies of this form may be received from the department's Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

(3) Not later than thirty (30) days after the end of each month, each district or county shall submit a monthly financial report to the department. Failure to meet the deadlines will delay the quarterly installment and/or result in re-distribution of state aid to other existing state approved programs.

(4) No change.

(5) A district or county shall submit monthly chemical reports of accomplishments and an inventory of chemicals on department prescribed forms in a standardized format designated by the department to the department not later than thirty (30) days after the end of each month.

(6) No change.

(7) Forms DACS 130617, Annual Certified Budget for Arthropod Control (3/95) and DACS 130613 Arthropod Control Budget Amendment (3/95), are hereby incorporated by reference. Copies may be obtained from the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Magnolia Center I, Tallahassee, Florida 32301 P. O. Box 210, Jacksonville, Florida 32231-0042.

Specific Authority 388.361 FS. law Implemented 388.201, 388.271, 388.341 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 1-1-77, Formerly 10D-54.27, 10D-54.027, Amended 7-5-95, _____.

5E-13.030 State Aid Basis and Availability.

(1) A district or county shall be eligible to receive state funds on a dollar-for-dollar matching basis not to exceed ~~\$120,000~~ ~~\$30,000~~ for any one county for any one year provided they meet the requirements of Section 388.261(1), Florida Statutes. Tentative allocations and payments shall be made on the basis of local funds budgeted. If total expenditures of local funds of a district or county for the year are under ~~\$120,000~~ ~~\$30,000~~ and are less than the budgeted sum, a minus adjustment shall be made in the allocation ~~and the payment of state funds in the manner described in subsection 5E-13.030(3), F.A.C.~~

(2) A county or district shall, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount not to exceed ~~\$50,000~~ ~~\$30,000~~ per year for up to 3 years provided the district or county has a new ~~or expanded~~ mosquito control program which serves an area not previously served by the county or district. The total state funding provided for an expanded district will be calculated using the fund allocation formula applied to existing programs, but shall not be more than \$50,000 annually. As with existing programs, following the receipt and review of a district or county annual financial budget submitted in compliance with Section 388.261(1), F.S., the amount of state funds earned by a district or county for that fiscal year will be based on the amount legislatively authorized and released by the Executive Office of the Governor.

~~(3) In addition to all other state funds, every approved mosquito control agency shall be eligible to receive Mosquito Control/Waste Tire Abatement Grant funds as set forth in Section 403.709(2)(c), F.S., these funds are to be used for the specific purpose of abating and providing mosquito control relating to waste tire sites, other waste debris sites and similar sites identified by local mosquito agencies as mosquito breeding areas. Each county with a mosquito control program like that described above shall receive a minimum of \$15,000. Any remaining funds shall be distributed to participating counties on the basis of county population. If more than one local mosquito control district exists in a county, the funds shall be prorated between the districts based on the population served by each district.~~

~~(3)(4)~~ For purpose of budgeting state funds in any fiscal year districts or counties shall calculate amounts of state funds available to them based on estimates provided by the department. Tentative allocations and payments shall be made on the basis of matchable local funds budgeted.

~~(4)(5)~~ Following receipt and review of a district or county annual financial report submitted in compliance with Section 388.271(1) F.S. Subsection 5E-13.029(2), F.A.C., the amount of state funds earned by a district or county for that fiscal year shall be determined by the department based on release of funds by the Executive Office of the Governor. That amount is arrived at by dividing the total money appropriated by the

~~number of participating counties or districts.~~ Any eligible county or district budgeting an amount less than that calculated, will have its share reduced to an amount equivalent to that budgeted. Additional funds made available by such a reduction will be divided evenly between the remaining counties or districts. Any over or under allocation of funds will be considered in computing state funds payable to the district or county the succeeding fiscal year. Districts or counties shall be notified of such adjustments in amount of funds to be allocated and if necessary shall amend amount of state funds budgeted. The department shall determine the amount of state funds available following receipt and approval of certified budgets for fiscal year beginning October 1. Following the determination of funds available, if necessary, the department shall make an adjustment in amounts of money payable to the district or counties in the last 3 quarters of current fiscal year. Districts or counties shall be notified of the amount of money payable to them and if necessary shall amend amounts of state funds budgeted.

~~(5)(6)~~ The amount of state funds available to a district or county for any fiscal year shall be paid in quarterly installments.

Specific Authority 388.361 FS. law Implemented 388.261 FS History--New 1-1-77, Formerly 10D-54.30, 10D-54.030, Amended 3-14-94,_____.

5E-13.031 District or County Use of Funds.

(1) ~~When purchasing Prior to advertising for the purchase of equipment with state funds,~~ the district or county shall jointly determine with the department the type and size of equipment necessary to perform the work planned. The district or county shall submit complete specifications to the department for all equipment to be purchased ~~when the cost will exceed six thousand (\$6,000) dollars per unit, and shall receive an approved copy of said specifications before advertising for bids.~~

(2) through (3) No change.

(4) Proceeds from sale or rental of property purchased with district or county local or state funds shall be deposited and credited to State funds.

(5) through (6) No change.

(7) Local and state funds shall be deposited in banks designated as depositories of public funds in accordance with provisions of Section 658.60 ~~659.24~~, F.S.

Specific Authority 388.361 FS. Law Implemented 388.281 FS. History--New 1-1-77, Formerly 10D-54.31, 10D-54.031, Amended 3-14-94,_____.

5E-13.032 Program Directors, Employment and Classification.

(1) through (3) No change.

(4) The following minimum director classifications are based upon amount of local funds budgeted for the fiscal year in which they are initially employed and for which they assume responsibilities of administration.

(a) Director I –

Local budget ~~\$30,000.00~~ ~~40,000.00~~ to ~~\$249,999.99~~ ~~39,999.99~~
State aid ~~\$15,000.00~~ to ~~\$24,999.99~~.

Minimum qualifications for Director I position:

High school graduate with minimum of three (3) years of training and field experience in control of mosquitoes, or three (3) years experience in managing a comparable program, or a graduate of four (4) year college or university with a degree in the basic sciences or engineering.

(b) Director II –

Local budget ~~\$250,000.00~~ ~~40,000~~ to ~~\$999,999.99~~.
State aid ~~\$25,000~~ to ~~\$49,999.99~~.

Minimum qualifications for Director II position:

Graduate of four (4) year college or university with a degree in the basic sciences or engineering. Requirements for college degree shall be waived upon proof of a satisfactory work experience record of four (4) years duration directing or assisting in directing a work program in the mosquito or arthropod control field of comparable size and budget to that of the District or County were the application is pending.

(c) Director III –

Local budget ~~\$1,000,000.00 and over~~.
State aid ~~\$50,000.00 and over~~.

Minimum qualifications for Director III position: Graduate of four (4) year college or university with a degree in the basic sciences or engineering and two years work experience in mosquito control.

(5) When a mosquito control program director's position is to be filled, the applicant shall take and pass a written Director Certification Examination prior to appointment or within six months of employment. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs. A passing score of 75% or higher will be required for certification. The applicant must hold a valid Public Health Pest Control license in order to take the Director Certification Exam. Director Certification Exam scores shall be valid for a period of four (4) years from the date of issuance. Re-examination is not required as long as the qualified director remains in the same directorship position. Certification holders who have not found employment as a program director during this four year period, must retake the Director Certification Exam in order to re-qualify for the position. When a qualified director transfers to another district or program, they must re-take and pass the Director Certification Exam within 6 months of reassignment to the new directorship position only if their Director Certification has expired.

(6) The name and qualifications of a new program director must be forwarded to the department no later than forty five (45) day from employment date. Failure to do so may result in delay or loss of state aid which may be re-distributed to other existing state approved programs.

Specific Authority 388.361 FS. Law Implemented 388.162 FS. History--New 1-1-77, Formerly 10D-54.32, Amended 2-10-87, Formerly 10D-54.032, Amended 3-14-94, 7-5-95, _____.

5E-13.034 Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U. S. Environmental Protection Agency and their Rules.

(1) No change.

(2) Certification of applicators may be suspended, revoked, or renewal thereof denied, by the Department, its successor agency or programs, upon one or more of the following grounds:

(a) through (f) No change.

(g) Failure of the certified applicators to maintain for a period of at least ~~two~~ three years operational records containing information on kinds, amounts, uses, dates, and places of application of restricted use of pesticides.

(3) through (4) No change.

Specific Authority 388.361 FS. Law Implemented 388.361 FS., Section 11, Chapter 91-428, Laws of Florida. History--New 1-1-77, Formerly 10D-54.34, 10D-54.034, Amended _____.

5E-13.036 Demonstrable Increase or Other Indicators of Arthropod Population Level.

(1) Mosquito and other arthropod control programs will insure that the application of pesticides are made only when necessary by determining a need in accordance with specific criteria that demonstrate a potential for a mosquito-borne disease outbreak or numbers of disease vector mosquitoes sufficient for disease transmission or defined levels of, or a quantifiable increase in numbers of pestiferous mosquitoes or other arthropods as defined by Section 388.011(1), F.S. A large population of adult mosquitoes must be demonstrated by a quantifiable increase in, or sustained elevated mosquito population level, in order to determine a need for the application of adulticides. These levels must be detected by the following standard surveillance methods. At least one of the following criteria will be met and documented by records:

~~(1) When a large population of adult mosquitoes is demonstrated by either a quantifiable increase in, or a sustained elevated, mosquito population level as detected by standard surveillance methods including citizen complaints.~~

~~(a)(2) When~~ Where adult mosquito populations build to levels exceeding 25 mosquitoes per trap night or 5 mosquitoes per trap hour during crepuscular periods.

~~(b)(3) When service requests for mosquito arthropod control from the public have been confirmed one or more recognized surveillance methods by landing rate counts or trap counts.~~

~~(c)(4) When landing rate counts counts as determined by normal surveillance methods in the daytime exceed 5 per minute for stable flies (dog flies) on beaches and bay shores.~~

~~(2)(5)~~ Aircraft applications of mosquito adulticides along beaches and bay shores shall be justified only when there is a demonstrable three-fold increase over a base population.

~~(3)(6)~~ Surveillance records shall be kept at least three (3) years to document need for adulticide applications.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(a) FS. History--New 2-10-87, Formerly 10D-54.036, Amended 3-14-94, 7-5-95, _____.

5E-13.037 Aircraft Application for the Control of Adult Arthropods.

(1) No change.

(2) Once the decision to apply an adulticide by aircraft is made, the following will apply:

(a) No change.

(b) Adulticides selected shall be those labeled for aircraft application ~~in accordance with paragraph 5E-13.046(6)(b), F.A.C.,~~ to provide adequate control of the problem mosquitoes or other arthropods and when used in accordance with widespread and commonly recognized practice it will not cause unreasonable adverse effects on the environment. Adulticide labels will be strictly followed.

(c) through (f) No change.

(3) No change.

Specific Authority 388.361 FS Law Implemented 388.361(2)(a) FS., Section 11, Chapter 91-428, Laws of Florida. History--New 2-10-87, Formerly 10D-54.037, Amended _____.

5E-13.039 Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public.

(1) No change.

(2) To protect the health, safety and welfare of mosquito arthropod control employees and the general public, applicators certified in public health pest control ~~or health related pest control~~ will supervise no more than 5 ~~45~~ uncertified employees and shall provide instructions and training to those employees to include the following:

(a) through (g) No change.

(3) A signed statement attesting that this instruction was provided by the certified applicator supervisor to each unlicensed applicator shall be kept on file and made available to the department upon request.

Specific Authority 388.361 FS. Law Implemented 388.361(2)(d) FS., Section 11, Chapter 91-428, Laws of Florida. History--New 2-10-87, Formerly 10D-54.039, Amended _____.

5E-13.040 Criteria for Licensure or Certification of Applicators.

(1) No change.

(2) Licensing and exemptions. All persons who apply an arthropod control pesticide, unless they operate under the direct supervision of a licensed applicator, as defined in subsection 5E-13.021(29), F.A.C., shall apply to the department for certification and be licensed as a Public Health Pest Control ~~an arthropod control pesticide~~ applicator by the

department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property.

(3) Certification Standards. Competency standards for the certification of Public Health Pest Control applicators will be determined by passing the Public Health Pest Control examination, which demonstrates a practical knowledge of the principles of mosquito control an examination that demonstrates a practical knowledge of the principles and practices of arthropod control and the safe use of pesticides and a category examination which demonstrates a knowledge of vector disease transmission as it relates to and influences application programs and vector-disease transmission. A passing grade of 70 percent, or above, will be required on this examination administered by the department. In addition, applicants must pass the General Standards (Core) exam, to demonstrate a knowledge of pesticide use and safety. A passing grade of 70 percent, or above, will be required on this examination administered by the department.

(4) Recertification. All persons licensed in Public Health Pest Control ~~certified~~ shall provide evidence of continued competency prior to license ~~certificate~~ renewal ~~by examination~~ ~~or~~ by accrual of not less than 16 hours of continuing education credit during each 4 year licensure period. Each certificate holder shall complete a minimum of 2 hours of approved continuing education on legislation, safety, pesticide labeling, mosquito biology, and mosquito control techniques, or pass an examination given by the department. Failure to meet continuing education requirements or to pass an examination on the topics detailed above, shall result in the non renewal of the license, and applicators must retake and pass both the Public Health Pest Control and the General Standards (Core) examinations to obtain a new license a certificate. Courses or programs to be considered for credit shall contain one or more of the following topics:

(a) The law and rules of the state pertaining to mosquito control.

(b) Precautions necessary to safeguard life, health, and property in the conducting of mosquito control and the application of pesticides.

(c) Mosquitoes, their habits, identification, and relative importance as to nuisance and vectors of disease.

(d) Currently accepted practices in the conducting of measures for the control of adult and larval forms of mosquitoes and surveillance techniques.

(e) How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels on pesticides used in mosquito control.

(5) through (6) No change.

~~(7) All applicators performing public health pest control shall be licensed by January 1, 1988.~~

~~(7)(8)~~ Public Health Pest Control applicators shall keep accurate records so that monthly activity reports relative to pesticide application, source reduction, water management, biological control and surveillance activities can be assessed by the department. Pesticides use records shall include the name of applicator, pesticide and amount used, how applied, where applied, rate of application, date and time of application. These reports shall be retained for a period of 3 years and be made available to the department upon request.

~~(8)(9)~~ Aerial applicators who apply an arthropod control pesticide, shall apply to the department for certification and be licensed as a Public Health Pest Control Aerial applicator by the department whether such pesticides used are classified as general use or restricted use, except those applicators controlling arthropods upon their own individual residential or agricultural property. Aerial applicators shall demonstrate a practical knowledge of the principles and practices of aerial pest control and the safe application of pesticides by aerial delivery means. Such competence will be demonstrated by passing the Aerial, Public Health Pest Control Applicator, and General Standards (Core) examinations in an aerial applicator examination administered by the department. There shall be no provision for an unlicensed aerial applicator to operate under the supervision of a licensed aerial applicator. In addition, aerial applicators conducting mosquito control operations must be certified in Public Health Pest Control as outlined above.

~~(10) All new mosquito control directors shall demonstrate competence in all the areas as heretofore described for Public Health Pest Control certification. In addition, a director must demonstrate an understanding of budgetary planning and mathematical calculations for mixing and applying pesticides. Directors shall demonstrate their knowledge of the above by passing an examination administered by the department.~~

Specific Authority 388.361 FS. Law Implemented 388.361(4) FS. History—New 2-10-87, Formerly 10D-54.040, Amended 3-14-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Steve Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

DEPARTMENT OF LAW ENFORCEMENT**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Certification and Employment

or Appointment

11B-27

RULE TITLE: RULE NO.:

Moral Character

11B-27.0011

PURPOSE AND EFFECT: To expand and clarify the definition of moral character violations and revise the basis for which the Commission initiates presentation of cases for Probable Cause Determination.

SUMMARY: To add the offense of intentional abuse of a Temporary Employment Authorization; to add recantation as a defense to a violation involving perjury or a false statement; and to clarify the method used to initiate the presentation of a case for determination of probable cause.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12(7), 943.1395(7) FS.

IF REQUESTED, IN WRITING, WITHIN 21 DAYS 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., Tuesday, January 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by calling: (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4)(a) through (b) No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 6. No change.

7. Conduct that subverts or attempts to subvert the State Officer Certification Examination process pursuant to subsections 11B-30.009(1)-(3), F.A.C.

8. through 12. No change.

13. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S.

(d) No change.

(5) Recantation, pursuant to Section 837.07, F.S., shall be a defense to any violation, involving perjury or a false statement, pursuant to subsection (4) of this rule section.

~~(6)(5)~~ The employing agency shall forward to the Commission the agency's investigative report pursuant to procedures established in Rule 11B-27.003, F.A.C., when an allegation has been made that an officer has failed to maintain good moral character, as defined in subsection (4) of this rule section, and has been sustained by the employing agency, or an act of conduct by the officer has resulted in the officer's arrest. The report shall be forwarded immediately upon separation of the officer from employment, or, if the officer is not separated from employment, within 45 days from the date an allegation has been sustained, as set forth in this rule section.

~~(7)(6)~~ Commission staff's decision to initiate presentation of a case for a Commission Probable Cause Determination shall be based upon the following conditions:

(a) Whether the allegations against the officer constitute a violation of subsection (4) of this rule section or Section 943.13(4), F.S. The severity of the violation.

(b) Whether there is evidence of probable cause to support the filing of a complaint; and The existence of any pecuniary benefit realized by the officer as a result of the misconduct.

(c) Whether a Letter of Acknowledgement is warranted pursuant to subsections 11B-27.004(7)-(10), F.A.C. Evidence of any intent by the officer to harm, deceive, or defraud.

~~(d) In cases involving false statements the materiality of the false statements.~~

~~(e) The disciplinary action taken by the employing agency.~~

~~(f) Previous disciplinary action or acknowledgement taken by the Criminal Justice Standards~~

~~(8)(7)~~ Forms referenced in this rule chapter may be obtained on the following web site: [http://www.fle.state.fl.us/CJST/rules and policies/forms/index.html](http://www.fle.state.fl.us/CJST/rules_and_policies/forms/index.html) or by contacting the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attention: Bureau of Standards, Forms Liaison.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Manager Vickie Marsey Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 17, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 7, 2003

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment
or Appointment

RULE CHAPTER NO.:

11B-27

RULE TITLE: Probable Cause Determination

RULE NO.:

11B-27.004

PURPOSE AND EFFECT: Revises penalty options and adds new rule language to establish criteria for issuing Letters of Acknowledgement.

SUMMARY: Allows the Probable Cause Panel to make a penalty recommendation or enter into a settlement agreement and adds guidelines that the Panel must follow when issuing a Letter of Acknowledgment to a respondent if a previous Letter of Acknowledgment has been issued.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.1395 FS.

LAW IMPLEMENTED: 943.1395 FS.

IF REQUESTED, IN WRITING, WITHIN 21 DAYS 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., Tuesday, January 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by calling: (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.004 Probable Cause Determination.

At the conclusion of the preliminary investigation and when the reports and documents are received as directed by Sections 943.139 and 943.1395, F.S., a determination of probable cause shall be made before the Commission initiates proceedings to take disciplinary action against the certification of an officer.

(1) through (3) No change.

(4) After considering all evidence, a majority vote of the Probable Cause Panel shall determine whether or not probable cause exists to file an administrative complaint pursuant to Section 120.60(5), F.S., charging a violation of Chapter 943, F.S., or Rule Chapter 11B-27, F.A.C. If the case is presented for imposition of a penalty, the Panel is authorized to make a penalty recommendation to the Commission, or to direct Commission staff to offer a settlement agreement in the case.

(5) through (8) No change.

(9) Commission staff:

(a) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Acknowledgement within three years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(b) Shall not issue a Letter of Acknowledgement to a respondent who has been issued a Letter of Guidance within five years prior to the date of receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(c) Shall not issue a Letter of Acknowledgement to a respondent who has been disciplined by the Commission within eight years prior to the receipt of the information described in paragraph 11B-27.003(2)(b), F.A.C.

(9) through (13) renumbered (10) through (14) No change.

Specific Authority 943.03(4), 943.12(1), 943.1395 FS. Law Implemented 943.1395 FS. History—New 12-13-92, Amended 1-19-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Manager Vickie Marsey, Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment

RULE CHAPTER NO.:

or Appointment

11B-27

RULE TITLE: Revocation or Disciplinary Actions;

RULE NO.:

Disciplinary Guidelines; Range of

Penalties; Aggravating and

Mitigating Circumstances

11B-27.005

PURPOSE AND EFFECT: Revisions to this rule chapter clarify certain disciplinary violations and the criteria for determining the penalties of suspension and revocation to include disciplinary guidelines for individuals employed on a Temporary Employment Authorization.

SUMMARY: To allow disciplinary action for an officer who does not comply with the Temporary Employment Authorization requirements; to revise the penalty recommendation for felony violations of aggravated assault, aggravated battery, and false statements; to revise the penalty recommendation for misdemeanor violations of false reports and statements, and prostitution or lewdness; to expand the definition of violations that do not constitute a crime for unprofessional relationship with an inmate; to add a new violation for other unprofessional relationship with an inmate and the recommended penalty; to expand the penalty range for unlawful use of a controlled substance; to revise the aggravating and mitigating circumstances allowed when deviating from the disciplinary guidelines; and to add disciplinary guidelines for individuals employed on a Temporary Employment Authorization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 working days of this notice.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12(3), 943.1395(8) FS.

IF REQUESTED, IN WRITING, WITHIN 21 DAYS 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., Tuesday, January 27, 2004

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad A, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this program are requested to please advise the Department at least five days prior to the workshop by calling: (850)410-7900 (Voice) or (850)656-9597 (TDD).

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) Pursuant to the provisions of Section 943.1395(8), F.S., disciplinary proceedings shall be conducted as prescribed in Chapter 120, F.S., Administrative Procedures Act, and Rule Chapter 28, F.A.C., Uniform Rules of Procedure, when there is a determination of probable cause that a certificate holder,

hereinafter referred to as a "certified officer," has failed to maintain compliance with: Pursuant to Section 943.1395(8), F.S., should there be a determination of probable cause that a certificate holder, hereinafter referred to as a "certified officer," has failed to maintain compliance with Section 943.13(4) or (7), F.S., or has failed to comply with a lawful order of the Commission previously entered in a disciplinary hearing, the Commission's revocation or disciplinary proceedings shall be conducted pursuant to Chapter 120, F.S., Administrative Procedure Act, and Chapter 28, F.A.C., the Uniform Rules of Procedure.

(a) Section 943.13(4), or (7), F.S.; or

(b) An order of the Commission previously issued during a disciplinary hearing; or

(c) The Temporary Employment Authorization requirements (TEA) pursuant to Section 943.131, F.S.

(4)(a) The Commission sets forth in paragraphs (5)(a)-(d), of this rule section, a range of disciplinary guidelines from which disciplinary penalties shall be imposed upon certified officers who have been found by the Commission to have violated Section 943.13(7), F.S. The purpose of the disciplinary guidelines is to give notice to certified officers of the range of penalties or prescribed penalties that shall be imposed for particular violations of Section 943.13(7), F.S., absent aggravating or mitigating circumstances, as provided in subsection (6) of this rule section. The disciplinary guidelines are based upon a "single count violation" of each provision listed. All penalties at the upper range of the sanctions set forth in the guidelines (i.e., suspension or revocation), include lesser penalties (i.e., reprimand, remedial training, or probation), that may be included in the final penalty at the Commission's discretion.

(b) In determining a penalty that may be imposed by the Commission, when a penalty guideline recommendation includes "suspension," the Commission is authorized to consider the number of days of employment suspension imposed upon the officer by the employing agency for retroactive or parallel inclusion in the length of a certification suspension imposed by the Commission. When a penalty guideline recommendation includes "prospective suspension," no such inclusion is authorized.

(5) No change.

(a) For the perpetration by the officer of an act that would constitute any felony offense, pursuant to paragraph 11B-27.0011(4)(a), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from suspension of certification to revocation. Specific violations and penalties that shall be imposed, absent mitigating circumstances, include the following:

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. Aggravated assault (784.021, F.S.)	<u>Prospective suspension</u> <u>to r</u> Revocation
2. Aggravated battery (784.045, F.S.)	<u>Prospective suspension</u> <u>to r</u> Revocation
3. through 5. No change.	
6. Introduction of contraband into a jail or prison (944.47 and 951.22, F.S.) <u>involving a</u> <u>firearm, concealed weapon,</u> <u>controlled substance, currency,</u> <u>or a tool or implement useful in</u> <u>an attempt to escape from custody</u>	Revocation
7. No change.	
8. False Statements (837.021, 837.05(2), F.S.)	<u>Prospective suspension</u> <u>to r</u> Revocation
(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:	

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. through 3. No change.	
False reports and statements (817.49, 837.012, 837.05(1), 837.06, 944.35, F.S.)	<u>Prospective suspension</u> <u>to r</u> Revocation
5. through 7. No change.	
8. Prostitution or lewdness (796.07, F.S.)	<u>Prospective suspension</u> <u>to r</u> Revocation
9. through 12. No change.	
(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:	

<u>Violation:</u>	<u>Recommended Penalty Range:</u>
1. through 4. No change	
5. Unprofessional relationship with an inmate, detainee, probationer or parolee, or community controllee <u>that</u> <u>subsequently impairs the</u> <u>officer's ability to perform</u> <u>necessary duties and</u>	Revocation

<u>responsibilities fairly and</u> <u>objectively or that jeopardizes</u> <u>the security of the correctional institution.</u>	
<u>6. Other unprofessional</u> <u>relationship with an inmate,</u> <u>detainee, probationer or parolee,</u> <u>or community controllee</u>	<u>Probation of</u> <u>certification with</u> <u>training to suspension</u>
<u>7.6- False statements during</u> <u>the employment application</u> <u>process</u>	Suspension of certification to revocation
<u>8.7- Subverting the State</u> <u>Officer Certification</u> <u>Examination Process</u>	Revocation
<u>9.8- Subverting</u> <u>Commission-approved</u> <u>training or employing</u> <u>agency promotional</u> <u>examination process</u>	Suspension of certification to revocation
<u>10.9- Any overt, conspicuous,</u> <u>or public act of sexual or</u> <u>simulated sexual nature which</u> <u>is likely to be observed by others</u>	Suspension of certification to revocation
<u>11.10- Willful failure of the</u> <u>agency administrator to</u> <u>comply with Chapter 943,</u> <u>F.S., as it pertains to the</u> <u>Commission or Commission rules</u>	Suspension of certification to revocation
<u>12.11- Making a false</u> <u>statement(s) of fact, under</u> <u>oath, as to misconduct</u> <u>related to an agency duty,</u> <u>as defined in subparagraph</u> <u>11B-27.0011(4)(c),(12), F.A.C.,</u> <u>with the intent to mislead or deceive</u>	Suspension of certification to revocation
<u>13.12- Conduct that subverts</u> <u>or attempts to subvert the</u> <u>Basic Abilities Test process</u> <u>pursuant to paragraphs</u> <u>11B-35.0011(1)(a)-(e), F.A.C.</u>	Revocation

(d) Notwithstanding subsection (4) of this rule section, for
the unlawful use by a certified officer of any controlled
substances specified in Section 893.13, F.S., or Rule
11B-27.00225, F.A.C., pursuant to paragraph
11B-27.0011(4)(d), F.A.C., the action of the Commission,
absent clear and convincing evidence of complete
rehabilitation and substantial mitigating circumstances, shall
be to impose a penalty ranging from prospective suspension to
of revocation.

(6) The Commission shall be entitled to deviate from the
disciplinary guidelines in this rule section, upon a showing of
aggravating or mitigating circumstances by evidence presented
to the Commission, if pursuant to Section 120.57(2), F.S., or to
an Administrative Law Judge, if pursuant to Section 120.57(1),

F.S., prior to the imposition of a final penalty. The Commission shall base a deviation from the disciplinary guidelines upon a finding of one or more of the following:

(a) Aggravating circumstances:

1. through 3. No change.

4. The number and severity of prior disciplinary actions taken against the certified officer by the Commission, provided the officer was previously disciplined by the Commission within the preceding eight years or received a Letter of Guidance within the preceding five years to include a prior Letter of Guidance or Letter of Acknowledgment.

5. through 11. No change.

12. Whether the certified officer has previously received a Letter of Acknowledgment within the preceding three years.

(b) Mitigating circumstances:

1. through 6. No change.

7. The recommendation of a Probable Cause Panel to impose a penalty below the penalty guideline.

8. Effort of the officer to retract a false statement prior to the close of the disciplinary or criminal investigation.

(7) through (9) No change.

(10) Temporary Employment Authorization (TEA). Individuals employed on a TEA, pursuant to Section 943.131, F.S., are subject to the following discipline by the Commission:

(a) If the Commission issues a probationary period to an individual employed on a TEA, such individual shall be eligible for certification pending successful completion of the terms and conditions of the probationary period.

(b) If the Commission issues a suspension period to an individual employed on a TEA, such individual shall not be eligible for certification until the completion of the suspension period.

(c) If an individual commits a revocable offense the Commission shall deny the individual's request for certification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Grace A. Jaye, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-7676

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Program Manager Vickie Marsey
Florida Department of Law Enforcement, Criminal Justice Professionalism Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Real Property Acquisition
RULE CHAPTER NO.: 14-102

RULE TITLE: Real Property Acquisition
RULE NO.: 14-102.0011

PURPOSE AND EFFECT: Rule 14-102.0011, F.A.C., is being repealed. This is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The rule does not have a specific statutory grant of remaking authority.

SUMMARY: Rule 14-102.0011, F.A.C., is being repealed.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 73.015, 337.25 FS.

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.

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-102.0011 Real Property Acquisition.

Specific Authority 334.044(2) FS. Law Implemented 73.015, 337.25 FS. History--New 4-10-97, Amended 2-20-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 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 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 Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

Manner of Application 64B3-6.001

Documentation for Licensure 64B3-6.002

Personnel Licensure – Temporary Permit 64B3-6.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board decided to include the Department's website address, require certain notarized copies, clarify that the one temporary permit is good for not longer than one year and that an applicant may not work after failing the exam.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-6.001 Manner of Application.

(1) All persons applying for licensure shall submit an application signed under oath to the Board on Form #DH-MQA3000 10/99, Application for Clinical Laboratory Licensure which is incorporated by reference herein and which can be obtained from the Department or the web address www.doh.state.fl.us/mqa. The application must be accompanied by the appropriate application fee required by Rule 64B3-9.001, F.A.C.

(2) through (3) No change.

Specific Authority 456.013, 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History—New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00, 3-24-02, _____.

64B3-6.002 Documentation for Licensure.

The following is a list of acceptable documents which shall be submitted to the Board as appropriate for the type of license sought in order to show eligibility for the license:

(1) Official transcript sent directly from the institution.

(2) Notarized ~~Certified~~ copy of high school diploma.

(3) Certified copy of a diploma, training certificate or Department of Defense form DD-214 or any other document which verifies pertinent education and experience.

(4) Notarized ~~Certified~~ copy of certificate of attendance or notarized documentation of continuing education required pursuant to Chapter 64B3-7, F.A.C., training required pursuant to Chapters 64B3-5 and 64B3-3, F.A.C., ~~and HIV/AIDS continuing education, and the 2-hour course on medical error prevention approved pursuant to Chapter 64B3-11, F.A.C.~~

(5) No change.

(6) Foreign credentials evaluation which includes a breakdown of all college level courses by credit hours and subject sent directly to the board office by one of the following evaluators:

(a) No change.

(b) American Society ~~for~~ of Clinical Pathology ~~Pathologists~~ Board of Registry.

(c) through (m) No change.

(7) Individuals with a baccalaureate degree in accredited medical technology programs from accredited institutions in the Philippines ~~and Puerto Rico~~ need only submit official transcripts sent directly by the institution to the Board office. No foreign credentials evaluation is necessary.

(8) Applicants ~~For applicants~~ with a degree from a regionally accredited U.S. college or university whose major is not a chemical or biological science may submit an evaluation of the applicant's academic record from the chairperson of a chemical or biological science department of a regionally accredited U.S. college or university to demonstrate that the applicant's education is equivalent to a U.S. degree in the chemical or biological sciences.

Specific Authority 483.805(4) FS. Law Implemented 483.815, 483.823 FS. History—New 1-9-94, Amended 7-13-94, Formerly 61F3-6.002, Amended 12-28-94, 5-29-95, Formerly 59O-6.002, Amended 8-27-97, 10-14-02, _____.

64B3-6.003 Personnel Licensure – Temporary Permit ~~Prerequisite~~.

(1) The Department shall issue one ~~a~~ temporary license to an applicant who has met the qualification requirements for initial examination for a period not to exceed one year.

(2) An applicant who fails an examination shall no longer be permitted to work and shall not receive a second temporary license to be employed at that licensure level. Such applicants may, however, apply to retake the examination but shall requalify as specified in Rule 64B3-7.004, F.A.C.

(3) No change.

Specific Authority 483.805(4) FS. Law Implemented 456.013, 483.813, 483.815, 483.823 FS. History—New 6-6-85, Formerly 10D-41.71, Amended 7-4-89, Formerly 10D-41.071, 61F3-6.003, Amended 8-1-95, Formerly 59O-6.003, Amended 8-27-97, 9-16-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

Inactive Status and Reactivation of Inactive
Clinical Laboratory License 64B3-8.002

Renewal of Clinical Laboratory Training
Program License 64B3-8.003

Renewal of Clinical Laboratory Personnel
Continuing Education Provider License 64B3-8.004

Delinquent License 64B3-8.005

PURPOSE AND EFFECT: The Board proposes to update the
existing rule text.

SUMMARY: A licensee may go inactive at any time as
provided by statute, and other grammatical corrections.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

Any person who wishes to provide information regarding the
statement of estimated costs, or provide a proposal for a lower
cost regulatory alternative must do so in writing within 21 days
of this notice.

SPECIFIC AUTHORITY: 456.013, 456.036, 483.805(4),
483.807(1), 483.811(2), 483.819, 483.821 FS.

LAW IMPLEMENTED: 456.013, 456.036, 483.807, 483.811,
483.813, 483.815, 483.817, 483.821, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE HELD AT A TIME,
DATE AND PLACE TO BE PUBLISHED IN THE NEXT
AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULES IS: Joe Baker, Jr., Executive Director,
Board of Clinical Laboratory Personnel, 4052 Bald Cypress
Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-8.002 Inactive Status and Reactivation of Inactive
Clinical Laboratory Personnel License.

(1) A clinical laboratory personnel licensee may elect at
~~any time the time of license renewal~~ to place the license into an
inactive status by filing with the Board a complete application
for inactive status and paying the inactive status fee of Rule
64B3-9.006, F.A.C. For the purpose of this section, a complete
application shall be a renewal form provided by the
Department on which the licensee affirmatively elects inactive
status.

(2) An inactive status licensee may change to active status
at any time provided the licensee meets the continuing
education requirements in Rule 64B3-11.001, F.A.C. The
licensee shall be requested to provide copies of all continuing
education hours; and

(a) ~~Pay~~ Pays the active status fees of Rule 64B3-9.004,
F.A.C.; and

(b) ~~Pay~~ Pays the reactivation fee of Rule 64B3-9.005,
F.A.C.; and

(c) ~~Pay~~ Pays, if applicable, the change of status fee of Rule
64B3-9.010, F.A.C.

Specific Authority 456.036, 483.805(4), 483.819 FS. Law Implemented
456.036, 483.817 FS. History—New 2-22-94, Formerly 61F3-8.002, Amended
12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended 9-12-99, 5-16-00,
5-15-03, _____.

64B3-8.003 Renewal of Clinical Laboratory ~~Personnel~~
Training Program License.

(1) through (2) No change.

(3) The training program renewal application shall include
~~state~~ the following:

(a) through (b) No change.

~~(4) The training program shall state any changes in the
director, instructors, program, curriculum, and affiliates during
the past biennium.~~

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.811 FS.
History—New 2-22-94, Formerly 61F3-8.003, Amended 12-3-96, Formerly
59O-8.003, Amended 12-21-99, _____.

64B3-8.004 Renewal of Clinical Laboratory Personnel
Continuing Education Provider License.

(1) through (2) No change.

~~(3) The provider shall indicate any changes in the written
plan required by subsection 64B3-11.003(4), F.A.C.~~

~~(4) Providers of multiple continuing education courses
shall be authorized by the Board to submit only sample course
offerings identified by the Board.~~

Specific Authority 456.013, 483.807(1), 483.821 FS. Law Implemented
456.013, 483.807, 483.821 FS. History—New 2-22-94, Formerly 61F3-8.004,
Amended 12-3-96, Formerly 59O-8.004, Amended 12-21-99, _____.

64B3-8.005 Delinquent ~~Status~~ License.

(1) No change.

(2) The delinquent ~~status~~ licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. ~~Failure~~ ~~The failure~~ by the delinquent ~~status~~ licensee to cause the license to become active or inactive before the expiration of the biennium in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(3) The delinquent ~~status~~ licensee who applies for active or inactive license status shall:

(a) Pay either the active status fee of Rule 64B3-9.004, F.A.C., or the inactive status license fee of Rule 64B3-9.006, F.A.C., the delinquent ~~status~~ license fee of Rule 64B3-9.011, F.A.C., and, if applicable, the change of status fee of Rule 64B3-9.010, F.A.C.; and

(b) No change.

Specific Authority 456.036, 483.805(4) FS. Law Implemented 456.036 FS. History—New 12-26-94, Amended 12-3-96, Formerly 59O-8.005, Amended 12-21-99, 5-15-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:

Reactivation Fee

Duplicate License Fee

Change of Status

Delinquency Fee

Unlicensed Activity Fee

RULE NOS.:

64B3-9.005

64B3-9.009

64B3-9.010

64B3-9.011

64B3-9.012

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board simplifies and clarifies the various fee charges such as the change of status fee should not be called a processing fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.025, 456.036, 483.805, 483.807 FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.065, 483.807 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 RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-9.005 Reactivation Fee.

~~The fee for reactivation is \$50. The reactivation fee is the renewal fee for the license as a director, supervisor, technologist, technician, laboratory personnel training program and continuing education provider plus \$50 for reactivation.~~

Specific Authority 456.025, 483.807(1) FS. Law Implemented 456.025, 483.807 FS. History—New 12-7-93, Formerly 61F3-9.005, 59O-9.005, Amended _____.

64B3-9.009 Duplicate License Fee.

~~The fee for a duplicate license is \$25. If a duplicate license is requested, the fee is \$25 to be paid before issuance of the duplicate license.~~

Specific Authority 456.025(7), 483.805(4), 483.807 FS. Law Implemented 456.025(7) FS. History—New 12-7-93, Formerly 61F3-9.009, 59O-9.009, Amended _____.

64B3-9.010 Change of Status.

A licensee shall pay a change of status ~~processing~~ fee of \$50.00 when the licensee applies for a change in licensure status at any time other than during licensure renewal. ~~The renewal period shall begin ninety (90) days prior to the end of the biennium and shall end on the last of the biennium.~~

Specific Authority 456.025, 456.036, 483.807(1) FS. Law Implemented 456.025, 456.036, 483.807 FS. History—New 12-26-94, Formerly 59O-9.010, Amended 7-15-99, _____.

64B3-9.011 Delinquency Fee.

The fee for a delinquent ~~status~~ licensee applying for active or inactive status shall be \$100.

Specific Authority 456.025, 456.036, 483.807(1) FS. Law Implemented 456.025, 456.036, 483.807 FS. History—New 12-26-94, Formerly 59O-9.011, Amended 5-26-98, 9-6-00, _____.

64B3-9.012 Unlicensed Activity Fee.

An unlicensed activity fee of \$5 shall be assessed on the behalf of the Department, as part of initial licensure and each subsequent renewal, in addition to the current licensure and renewal fees.

Specific Authority 483.805(4) FS. Law Implemented 456.065 FS. History—New 5-26-98, Amended 9-6-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Continuing Education	64B3-11.001
Requirements for Continuing Education Programs	64B3-11.003
Procedures for Approval of Provider Programs	64B3-11.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board reorganizes text and makes grammatical improvements to these rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013, 483.805, 483.807, 483.821 FS.

LAW IMPLEMENTED: 456.013, 483.807, 483.821 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 RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-11.001 Continuing Education.

(1) In order to renew a clinical laboratory personnel license, a minimum of 24 contact hours of continuing education shall be earned during each biennium including a minimum of one (1) contact hour for each of the categories in which the individual is licensed, and one (1) contact hour of continuing education on HIV/AIDS. Also, as a part of the 24 continuing education hours, each licensee shall take a Board approved 2-hour course relating to the prevention of medical

errors, which shall include root-cause analysis, error reduction and prevention, and patient safety. Directors and supervisors are required to obtain one (1) contact hour of continuing education in administration and supervision. As part of the minimum of 24 contact hours of continuing education, each licensee shall be required to take a one (1) hour course on Florida laws and rules governing clinical laboratory personnel or attend a public meeting of the full Board at which disciplinary actions are addressed. A telephone conference call meeting of the Board will not satisfy this requirement.

(2) A licensee may choose to surrender licensure in a given category by submitting a written request to the Board at the time of renewal in lieu of meeting the 1-hour continuing education requirement for that category.

(3) The licensee shall retain the original continuing education certificates of attendance received from approved ~~or alternate~~ providers for a minimum of four years.

(4) No change.

(5) A licensee intending to use a course offered by a state or federal government agency or a regionally accredited educational institution is responsible for maintaining documentation to verify the date, location, attendance, and subject matter of such course. Only agencies of the state or federal government that offer courses in those subject areas listed in subsection 64B3-11.002(1), F.A.C., shall be deemed as alternate providers. A licensee that intends to use a course offered by such an alternate provider toward his or her continuing education requirements is responsible for maintaining documentation to verify the date, location, attendance, and subject matter of such course.

(6) In order to count for continuing education credit, courses intended for use as continuing education taken at a regionally accredited college or university must be submitted to the Board and shall be:

(a) through (c) No change.

(d) One ~~Credited as one~~ semester hour equals 15 contact hours and one quarter hour equals 10 contact hours.

(7) No change.

(8) Licensed clinical laboratory personnel who teach Board approved continuing education may claim three hours of continuing education credit for each hour of prepared lecture. These hours, however, may be claimed only once per biennium during which the person teaches the program. Continuing ~~No continuing~~ education credit shall not be claimed by ~~granted to a~~ school faculty for member ~~merely as credit for the faculty member's~~ regular teaching assignments.

(9) No change.

Specific Authority 456.013, 483.821 FS. Law Implemented 456.013, 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 59O-11.001, Amended 3-19-98, 12-13-99, 3-20-01, 10-13-02, 3-18-03, _____.

64B3-11.003 Requirements for Continuing Education Programs.

Programs seeking Board approval shall meet the following requirements:

(1) through (3) No change.

~~(4) Providers shall submit the long range plan document for the program.~~

(5) through (6) renumbered (4) through (5) No change.

Specific Authority 456.013(7), 483.805(4), 483.821 FS. Law Implemented 456.013(7), 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 59O-11.003, Amended 12-13-99, 4-16-01, 10-12-03, _____.

64B3-11.004 Procedures for Approval of Provider Programs.

The provider seeking approval:

(1) Shall apply to the Department using form DH 1052, (7/97), incorporated by reference herein and available by request to the Board ~~Executive Director~~, and submit the application fee set forth in Rule 64B3-9.001, F.A.C., prior to the first course being offered.

(2) through (6) No change.

Specific Authority 456.013, 483.807(1), 483.821 FS. Law Implemented 456.013, 483.807, 483.821 FS. History—New 2-22-94, Formerly 61F3-11.004, Amended 12-4-95, Formerly 59O-11.004, Amended 4-9-00, 10-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:

Citations 64B3-12.002

Terms of Probation 64B3-12.003

Mediation Offenses 64B3-12.004

Notice of Noncompliance 64B3-12.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: Citation offenses include a 60-day period for correction of the violation; except continuing education violation corrections may take 6 months. Three new offenses are added to citation offenses. The Board adds to mediation offenses and notices of noncompliance. Inappropriate and out-of-date references are removed from notices of noncompliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.805(4), 483.827 FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.827 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 RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-12.002 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to 60 days, and impose whatever obligations will remedy the offense, except that up to six months shall be permitted with regard to the completion of continuing education credit hours.

(2) No change.

~~(3) The citation may be served upon the licensee by hand delivery or certified mail at the licensee's last known home address. If service by certified mail fails because the licensee has relocated without leaving a forwarding address, then the Department shall endeavor to give the subject actual or constructive notice of the pending disciplinary action as permitted by law.~~

~~(3)(4)~~ The Board designates the following ~~initial~~ offenses as citation violations, which shall result in a penalty of \$250:

(a) Failure to renew license during which time the person continues to practice up to 60 days in violation of Rule 64B3-8.001, F.A.C.

(b) Issuing a bad check to the Department in violation of Rule Chapter 64B3-9, F.A.C. for payment of licensure or renewal.

(c) Failure to notify the Department of a change of address within 60 days as required by Rule 64B3-1.006, F.A.C.

(d) Failure to respond to a continuing education audit as required by Rule 64B3-11.001(7), F.A.C.

(e) Failure to pay required fees and/or fines in a timely manner as required by Rule Chapter 64B3-9, F.A.C.

(f) Failure to comply with continuing education requirements pursuant to Rule 64B3-11.001, F.A.C.

(g) Failure to report to the Board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction as required by Section 456.072(1)(w), F.S.

(h) Failure to report to the Board in writing within 30 days of action taken against a license to practice by another jurisdiction as required by Section 483.825(1)(k), F.S.

(i) Failure to comply with a portion of a Final Order of the Board due to negligence pursuant to Section 383.825(1)(n), F.S.

(5) through (6) renumbered (4) through (5) No change.

(6) The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued.

Specific Authority 456.077(1),(2), 483.805(4), 483.827 FS. Law Implemented 456.077(1),(2), 483.827 FS. History—New 8-3-93, Formerly 61F3-12.002, 59O-12.002, Amended 4-10-01, 9-9-02, _____.

64B3-12.003 Terms of Probation.

Any licensee determined to have violated the provisions of Chapter 483, F.S., and the rules adopted thereunder may be ordered to serve probationary terms including any or all of the following:

(1) through (2) No change.

(3) The licensee's probation shall be subject to the following terms and conditions:

(a) Probationer shall comply with all state statutes and rules pertaining to clinical laboratory personnel in Chapters 456, ~~Part II~~, and 483, Part III, F.S., and the rules of the Board.

(b) through (c) No change.

(d) Probationer shall practice only under the supervision of a clinical laboratory person licensed under Chapter 483, Part III, F.S., to be approved by the Board or its designee. Probationer shall have the supervising person with the Probationer at the Probationer's first probation appearance before the Board. Prior to approval of the supervising person by the Board or its designee, the Probationer shall provide to the supervising person a copy of the administrative complaint filed in this case. A failure of the Probationer or the supervising person to appear at the scheduled Board meeting shall constitute a violation of the Board's Final Order. Prior to the approval of the supervising person by the Board or its designee, Probationer shall submit to the Board or its designee a current curriculum vitae and description of the current practice from the proposed supervising person. Said materials shall be received in the Board office no later than 14 ~~fourteen~~ (14) days before Probationer's first scheduled probation appearance. Probationer shall be responsible for ensuring that the supervising person submits the required reports. The responsibilities of the supervising person shall include:

1. through 4. No change.

5. Report to the Board any violations by the Probationer of Chapters 456 and 483 Part III, F.S., and the rules promulgated pursuant thereto.

(e) Probationer shall submit quarterly reports to the Board. The reports shall include:

1. through 6. No change.

7. Notarized copies of a number of records which reflect the practice and performance of the Probationer within the previous 30 ~~thirty (30)~~ days with all identification of patient suitably obliterated, if appropriate.

(f) through (l) No change.

(4) Probationer shall pay an administrative fine in the amount set by the Board and comply with Rule 64B3-12.006, F.A.C.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.079, 483.827 FS. History—New 8-3-93, Formerly 61F3-12.003, 59O-12.003, Amended 1-28-99, _____.

64B3-12.004 Mediation Offenses.

The Board designates the following violations of its practice act as being appropriate for mediation where the subject has an explanation and a differing view from the complainant as to the nature or extent of the violation as provided in Section 456.078, F.S., as these violations ~~they~~ are economic in nature or can be remedied by the licensee:

(1) Failure of the licensee to comply with Rule 64B3-12.006, F.A.C., or with a Final Order with regard to the time limitation for the payment of fines or costs under Section 383.825(1)(n), F.S. and

(2) Failure of the licensee to timely respond to a continuing education audit as required by Rule 64B3-11.001(7), F.A.C.

(3) Issuing a bad check to the Department in violation of Rule Chapter 64B3-9, F.A.C.

(4) Failure to notify the Department of a change of address within 60 days as required by Rule 64B3-1.006, F.A.C.

(5) Failure to complete continuing education in a specialty area solely because the subject contends that he or she was unaware that according to the Board's records the subject is still licensed in that specialty area, provided that the subject has not been actively practicing in that specialty area during the biennium, as required by Rule 64B3-11.001, F.A.C.

Specific Authority 456.078, 483.805(4) FS. Law Implemented 456.078 FS. History—New 9-21-94, Formerly 59O-12.004, Amended 1-28-99, _____.

64B3-12.005 Notice of Noncompliance.

(1) In accordance with Section 456.073(3), F.S., and Section 120.695, F.S., when a complaint is received, the Department shall issue a notice of noncompliance as a first response to a minor violation of a rule may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Failure of a licensee to take action in correcting the violation within the 15 days after notice may result in either the

issuance of a citation when appropriate or the institution of regular disciplinary proceedings. "Minor violations" as used in Section 456.073(3), F.S., and Section 120.695, F.S., are defined as follows:

(a) ~~Violations of subsection 64B3-10.003(8), F.A.C.,~~

(b) ~~Violations of subsection 64B3-11.001(2), F.A.C.~~

(2) ~~In accordance with Section 120.695, F.S., the Department shall issue a notice of noncompliance as a first enforcement action against a licensee for a minor violation of a rule. Pursuant to Section 120.695(2)(b), F.S., the Board designates the following rules for which a violation would be a minor violation of a rule for which a notice of noncompliance is issued:~~

(a) ~~Violations of subsection 64B3-10.003(8), F.A.C.,~~

(b) ~~Violations of subsection 64B3-11.001(2), F.A.C.~~

(2) Failure to notify of a change of address within 60 days as required by Rule 64B3-1.006, F.A.C.

(3) Issuing a bad check to the Department in violation of Rule Chapter 64B3-9, F.A.C.

Specific Authority 120.695, 456.073(3), 483.805(4) FS. Law Implemented 120.695, 456.073(3) FS. History--New 12-4-95, Formerly 59O-12.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES: RULE NOS.:
Community Child Care Coordinating Agencies 65C-21.001
Fee Schedule 65C-21.003

PURPOSE, EFFECT AND SUMMARY: The rule modifications contained in this document will repeal the subsidized child care rule which establishes provisions for Community Child Care Coordinating Agencies and a fee schedule for subsidized child care.

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: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 391, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-21.001 Community Child Care Coordinating Agencies.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-26-00, Repealed _____.

65C-21.003 Fee Schedule.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-26-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Bellamy Woodcock, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 391, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
Definitions 68A-1.004

PURPOSE AND EFFECT: Several wildlife management areas are managed under a regulation limiting deer harvest to those animals with a specific number of antler points on one antler. One purpose of the proposed change is to establish an enforceable definition for an antler point. The other purpose is to amend the definitions of the Commission's regions to reflect the new regional boundary alignment. The effect of both these changes will be to clarify definitions.

SUMMARY: The proposed rule changes would define an antler point as any antler projection that is at least one inch in length and clarify the new regional boundary alignment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$285 for administrative preparation and \$78 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, 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 (8) No change.

(9) Antler point – Any antler projection that is at least one inch in length.

(9) through (60) renumbered (10) through (61) No change.

(62)(61) Regions – The following geographical portions of the state:

(a) Southwest Region: Charlotte, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk and Sarasota counties.

(b) North Central Region: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Madison, Nassau, Suwannee, Taylor and Union counties.

(c) Northwest Region: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton and Washington counties.

(d) South Region: Broward, Collier, Dade, Glades, Hendry, Martin, Monroe, Okeechobee, Palm Beach and St. Lucie counties.

(e) Northeast Region: Brevard, Deval, Flagler, Indian River, Lake, Marion, Nassau, Orange, Osceola, Putnam, Seminole, Sumter, St. Johns and Volusia counties.

(62) through (89) renumber (63) through (90) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Florida Fish and Wildlife Conservation

Commission Grants Program

68A-2.015

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish general guidelines for the Commission's grants program authorized by Section 370.023, F.S. and Chapter 372, F.S. The effect of the proposed rule will be to explain the administrative process for soliciting and receiving grant applications, the selection process, and overall administration of grants.

SUMMARY: The proposed rule establishes general guidelines for the Commission's grants program administration as statutorily required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$250 for administrative preparation and \$250 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: 370.023 FS.; Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: 370.023 FS.; Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-2.015 Florida Fish and Wildlife Conservation Commission Grants Program.

(1) Introduction and Scope. It is the intent of the Florida Fish and Wildlife Conservation Commission, pursuant to statutory authority under Section 370.023, Florida Statutes, to administer a program to provide grants to eligible agencies, educational facilities, organizations, or persons in order to promote programs and activities important to understanding and managing the natural resources of the State of Florida. Projects awarded shall address fish, wildlife, or habitat management, conservation, recreation, boating safety, boating improvements and conservation education. Grants may be awarded to meet the program objectives of the Commission.

(2) Definitions. The following terms, as used in this section and any guidelines developed pursuant to this section, shall mean:

(a) "Agency" means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government.

(b) "Commission" means the Florida Fish and Wildlife Conservation Commission, which is a "state awarding agency" for purposes of the Single Audit Act, Section 215.97, F.S.

(c) "Educational facility" means public or non-public colleges, universities, nature centers, museums, zoos, aquariums, or similar institutions.

(d) "Grant" means an award of financial assistance to a qualified recipient pursuant to a written agreement and in accordance with the applicable provisions of the Commission's Grants Program.

(e) "Grantee" means a grant recipient and a "recipient" for purposes of the Single Audit Act, Section 215.97, F.S.

(f) "Grants committee" means a committee established within the division, office, institute or program of the Commission administering the grant program. Each Grants Committee will consist of members appointed by the Executive Director or his/her designee.

(g) "Guidelines" means a written document, which is incorporated by reference into this rule containing procedures and policies, and which, in conjunction with this rule, shall govern the administration of the grant program.

(h) "Local governmental entity" means a county, municipality, or special district or unit of government (other than a district school board or community college), which independently exercises any type of governmental function.

(i) "Nonprofit organization" means any corporation, trust, association, cooperative, or other organization that is qualified under Section 501 (c) 3 of the IRS code, or 1) is operated primarily for scientific, educational service, or charitable purpose in the public interest; 2) is not organized primarily for profit; 3) uses net proceeds to maintain, improve, or expand the operations of the organization; and 4) has no part of its income or profit distributable to its members, directors, or officers.

(j) "Person" means individuals, associations, partnerships, and corporations, unless the context should otherwise require.

(k) "Pre-qualification" means that Commission staff will conduct a review and approve an applicant's overall capabilities to perform the duties and responsibilities required by the grant program. The review may include, but is not limited to, consideration of the following: experience, curriculum vitae, quality and timeliness of past performance, compliance with scientific standards, and professional accreditation of the applicant.

(l) "Scope of work" means a document approved by a Grants Committee containing the description of the scientific, managerial, or educational merits of the proposed project and its benefit to the conservation and management of Florida's natural resources and which defines the objectives, methods, project schedule and budget, deliverables, and details of payment (including but not limited to method, type, and frequency).

(3) General Program Criteria and Requirements. The following criteria shall apply to all Commission grant programs:

(a) Eligibility. Because the Commission implements a variety of grant programs, eligible applicants for each shall be identified in detailed written program guidelines and rules. In general, applicants may include other state agencies and local government entities, educational facilities, organizations, or persons. Interested parties should review specific program guidelines to determine eligibility.

(b) Grant Types. The Commission may solicit applications for the following types of grants:

1. Targeted. Due to the nature of a project, a grant may be targeted to a specific pre-qualified applicant that possesses the specialized knowledge, skills and capabilities required to perform the scope of the work.

2. General. Due to the diversity of the Commission's programs and activities, grants may be available for projects in a broadly defined area where specific information required by the Commission has not been fully identified, and any potential and eligible applicant for the grant program may submit proposals.

3. Limited Request For Proposals. Grants may be available for projects for which the most likely applicant has not been already identified, but for which specific detailed qualifications or knowledge are required. In such cases, the Commission will issue a Limited Request for Proposals (LRFP) to solicit

proposals from pre-qualified applicants who registered with the grant program. The Grants Committee shall determine which pre-qualified applicants will be notified based on previous experience and input from Commission staff. Pre-qualified applicants will be notified of LRFPs that fall within their area of expertise or specialty.

(c) Application. The Commission shall publish a notice to the public announcing the availability of grants and specifying the application submittal period and any other pertinent application information in electronic postings or via any other advertisement method identified in the program guidelines. Each Program will have an application form, which must be submitted by the applicant within the timeframe specified by the notification.

(d) Evaluation and Selection. In addition to any other provisions set forth in this rule, each program shall develop and distribute the evaluation criteria upon which project selection shall be based and which shall be contained in the program guidelines. Each eligible application shall be evaluated on the basis of the criteria. Each Program shall have a Grants Committee responsible for reviewing all applications and providing recommendations to the Commission.

(e) Grant Program Match. Any matching requirements, including acceptable forms of match and ineligible match sources, shall be clearly defined and set forth by each program in the guidelines. In general, acceptable match types may include, but are not limited to cash, equipment, in-kind contributions and donations.

(f) Agreements. The following procedures shall apply to the development and execution of agreements for grant awards:

1. Price and Cost Analysis. Each grant program shall specify in its guidelines the specific policies for determining fair and reasonable project costs and clearly define allowable project costs.

2. Negotiation and Development. Prior to an agreement being executed, the Commission shall notify each grantee of the type of agreement selected for a grant award. The type of agreement selected will ensure that the best delivery of service and the best value for the expenditure of State resources is received, and shall include sanctions for non-performance. Each agreement shall have a clearly established scope of work or project statement appended to the agreement.

3. Type. Agreements may specify grant compensation as Fixed Price (full payment amount is pre-set based upon a pre-approved detailed budget, satisfactory performance, and receipt by the Commission of all required reports and deliverables), Cost Reimbursement (payment will vary by the amount of actual expenditures documented by the Grantee), or a combination thereof.

4. Execution. The Commission may enter into an agreement to award available funds based on the final recommendations provided by the Grants Committee as

approved by the Executive Director or his/her designee. Agreements may be executed with a retroactive start date of no more than 60 days provided that approval is granted from the Executive Director or his/her designee that it is in the best interest of the Commission and State to do so. The Executive Director or his/her designee will execute agreements for grant awards.

5. Special Award Conditions. Additional conditions may be attached to the grant agreement as needed if:

a. An applicant has a history of unsatisfactory performance or non-conformance on a previous award, an applicant cannot provide proof of a management system that meets minimum standards for accounting or project management, or the Commission finds it necessary to impose such conditions to ensure the timely delivery of the services; or

b. Additional conditions are necessary to ensure proper compliance with Commission policy, State or Federal law; or

c. Additional conditions are recommended by the Grants Committee as necessary or appropriate to achieve the goal of the grant or grant program.

(g) Pre-qualification. Grant programs may develop and maintain a list of pre-qualified applicants. No pre-qualification review is required for:

1. State agencies;

2. Persons or non-profit organizations named in Florida Statute as eligible to receive Commission grant funds;

3. Persons or non-profit organizations named in appropriation bills of the Florida Legislature to whom funds are directed;

4. Local, county, state, and federal research entities;

5. Public universities, and independent non-profit colleges or universities located within Florida and accredited by the Southern Association of Colleges and Schools;

6. Persons named in revenue grants received by the Commission who will act in a sub-recipient or vendor role;

7. Nonprofit organizations with scientific, environmental or natural resource missions.

(4) Grant Administration and Post Award. The following administration and post award conditions for grants shall apply to each program:

(a) Monitoring. The Commission shall actively monitor grantee performance and compliance during the period of performance of the grant. Monitoring may include, but is not limited to review and evaluation of progress reports, project audits for compliance with the conditions of the agreement, State law, allowable expenditures, and site visits.

(b) Funding. Appropriations for grant programs arise from state authorized discretionary expenditures and federal aid to address Commission program needs. The amount of available

funding will vary by fiscal year and is limited to annual legislative appropriations less current or ongoing program obligations for multiyear agreements and administration.

(c) Payments. The Commission shall make payments for performance under a grant in accordance with all applicable state financial guidelines for eligible project costs as defined by specific grant program guidelines and the grant agreement. The following conditions also apply:

1. Costs must be incurred between the effective date and the project completion date identified in the agreement, except for any pre-project costs or match funds contributed by the grantee and specifically identified in the agreement;

2. Sufficient documentation must be provided with each payment request to satisfy pre-audit reviews of the project costs and performance, payments are otherwise fixed in the agreement;

3. The Commission will not provide funding in excess of the grant amount, unless a contingency for additional costs is included in the agreement or an amendment to the agreement is executed.

(d) Closeout. Procedures for the proper completion and termination of an agreement shall include but not be limited to:

1. Submission by the grantee, receipt and approval by the project manager of all deliverables required by the agreement;

2. A post-audit of project costs to be completed by the project manager, which shall include a determination for any disallowed costs and Florida Single Audit Act compliance;

3. Recommendations for project cost adjustments for disallowed costs that must be reimbursed by the grantee to the program.

(e) Reimbursement to the State. Each grantee shall have no more than 60 days to submit additional pertinent documentation justifying any expenditure which has been identified by a Commission audit as not consistent with the grant program. Any payments for expenditures which are not consistent with the grant program shall be reimbursed to the Commission.

(f) The Commission and any grantees or subgrantees shall comply with the Single Audit Act, Section 215.97, F.S.

(5) Nongame Wildlife Grants Program grants shall meet all additional program requirements set forth in the Florida Nongame Wildlife Grants Program Guidelines (dated December 2003), which are hereby incorporated by reference. The guidelines are available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(6) Florida Artificial Reef Program grants shall meet all requirements and guidelines set forth in F.A.C. Rule 68E-9.

(7) Derelict Vessel Removal Grant Program grants shall meet all requirements of F.A.C. Rule 68D-16.029.

(8) Florida Boating Safety Grant Program grants shall meet all requirements of F.A.C. Rules 62D-5.031-.039.

(9) Florida Boating Improvement Program grants shall be similar to eligible projects determined under the program administered by the Department of Environmental Protection and established in Rules 62D-5.031-62D-5.036, F.A.C.

Specific Authority 370.023 FS. Art. IV, Sec. 9, Fla. Const. Law Implemented 370.023 FS. Art. IV, Sec. 9, Fla. Const. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Prohibitions

RULE NO.: 68A-4.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts black bears, foxes, raccoons, and sandhill cranes and thereby creates a public nuisance. The effect will be to reduce habituation of these species to humans, thereby reducing the potential for property damage, livestock depredation, and disease transmission.

SUMMARY: The proposed rule would prohibit intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts black bears, foxes, raccoons, and sandhill cranes and thereby creates a public nuisance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$123 for administrative preparation and \$94 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Parkway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.001 General Prohibitions.

(1) through (2) No change.

(3) Intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts feeding black bears, foxes, raccoons, or sandhill cranes and thereby creates a public nuisance is prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-4.01, Amended 4-1-96, Formerly 39-4.001, Amended 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Possession and Release of Live Mallards

RULE NO.: 68A-4.0052

PURPOSE AND EFFECT: The purpose of the proposed rule change is to specifically prohibit possession of mallards other than by those appropriately permitted and to require caging that will reduce accidental release and interaction of captive mallards with wild waterfowl. The rule would explicitly prohibit the release of mallards other than by licensed hunting preserves, and for dog and raptor training and field trials. These restrictions, combined with education/public-relations

efforts and enforcement, should greatly reduce the number of captive-reared mallards released in Florida and their threat to Florida's mottled duck population.

SUMMARY: This rule restricts the possession and release of mallards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule change will cost the agency approximately \$1,410 for administrative preparation and \$108 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Parkway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-4.0052 Possession and Release of Live Mallards.

(1) No person shall possess, import, sell or otherwise transfer, or release live mallards (*Anas platyrhynchos*), except as provided in this section and other applicable rules of the Commission. For the purposes of this section, "mallard" includes all *Anas platyrhynchos* and fertile hybrids thereof except the white variety of *Anas platyrhynchos* commonly known as "Pekin" ducks.

(2) Live mallards may only be sold or transferred to, imported by, or possessed by:

(a) Persons licensed pursuant to s. 372.661, F.S., and permitted to release mallards pursuant to Rule 68A-12.010, F.A.C.

(b) Persons permitted to possess mallards pursuant to Rules 68A-6.002, 68A-9.002, or 68A-9.006, F.A.C.; or

(c) Persons licensed pursuant to ss. 372.16 or 372.921, F.S.

(3) Live mallards may only be sold by persons licensed pursuant to ss. 372.16 or 372.921, F.S.

(4) Mallards shall be caged as specified in Rules 68A-6.0023 and 68A-6.004, F.A.C. In addition, persons other than those permitted pursuant to Rule 68A-12.010, F.A.C., shall meet the following requirements:

(a) All cages and enclosures containing mallards capable of flight shall be covered at the top to prevent escape, and

(b) East of Jefferson County, cages and enclosures containing flightless mallards shall be covered at the top to prevent interaction with wild waterfowl.

(5) Mallards may only be released pursuant to Rule 68A-12.010, F.A.C., or for bona fide dog training, raptor training for falconry purposes, or field trials provided that persons releasing mallards for dog training, raptor training, or field trials shall return the birds to possession or caging as soon as possible after release.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Quota Hunt Permits and Special-Opportunity

Permits – Application; Selection; Issuance 68A-5.005
PURPOSE AND EFFECT: The purpose of the proposed rule change is to increase the opportunity for hunters to harvest turkeys and improve the process for distributing mobility-impaired quota permits. The effect of the change would be to allow the issuance of more than one spring turkey quota permit per applicant after the first Friday in January and distribute mobility-impaired quota permits more equitably.

SUMMARY: Proposed changes would allow the issuance of one additional spring turkey quota permit per applicant after the first Friday in January after an appropriate application has

been submitted. Proposed changes would create a random drawing for the distribution of mobility-impaired quota permits after the fourth Friday in August.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$75 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) No change.

(2) Selection – Unless other procedures are set forth in the application for a particular hunt or in specific area regulations, selection of quota hunt permits and special-opportunity permits shall be as provided in this rule.

(a) through (c) No change.

(d) In those situations in which the authorized number of quota permits exceeds the applications received during the initial period, recipients of such permits shall be selected on a first-come, first-served basis. After the application for a permit is received, except that excess mobility-impaired permits shall be issued by random selection from all applications received during the period beginning on the day after the fourth Friday in August and ending 10 days thereafter.

(e) through (m) No change.

(3) Issuance.

(a) through (b) No change.

(c) No person shall be eligible for issuance of more than one spring turkey, one airboat, one youth hunt or one track quota hunt permit, except that persons may apply for one additional spring turkey quota permit after the first Friday in January.

(d) No change.

(e) No person shall be eligible for issuance of more than one mobility-impaired quota permit until after the fourth ~~third~~ Friday in August, at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(f) An applicant whose name appears on more than one regular or more than one special quota hunt application before or on the first Friday in October shall be rejected. An applicant whose name appears on more than one mobility-impaired quota hunt application before or on the fourth ~~third~~ Friday in August shall be rejected. An applicant whose name appears on more than one spring turkey quota hunt application before or on the first Friday in January shall be rejected. An applicant whose name appears on ~~more than one spring turkey~~ or more than one youth hunt quota application shall be rejected. An applicant who submits more than one airboat or track quota hunt application for the same airboat or track vehicle will have his/her applications rejected.

(g) through (i) No change.

(j) No person shall be eligible for issuance of more than one spring turkey quota permit until after the first Friday in January; at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(4) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

Hunting Regulations for Ducks,
Geese, and Coots

RULE NO.:

68A-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking ducks, geese, and coots in conformance with federal regulations. Rule wording would be changed to open the statewide 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 \$103 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) Open season:

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

2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January.

3. Pintail and canvasback season – The first phase and the first 21 days of the second phase as specified in this paragraph (1)(a).

(b) through (e) No change.

(f) Limits: The possession limit for ducks and coots shall be two days' bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross' geese.

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 and the Youth Waterfowl Hunt), one canvasback (only during the canvasback season and the Youth Waterfowl Hunt), one black duck, 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. Light geese: The daily bag limit for light geese is 15.

3. Coots: The daily bag limit for coots is 15.

(g) No change.

(2) General restrictions:

(a) The taking of harlequin ducks, ~~canvasbacks~~, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. The taking of pintails or canvasbacks is prohibited except during pintail and canvasback season and the Youth Waterfowl Hunt.

(b) No change.

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Hunting Regulations for Migratory Birds
Other than Ducks and Coots

RULE NO.:

68A-13.008

PURPOSE AND EFFECT: The proposed change would move days during which crow hunting is allowed from the beginning of the second phase of the crow season to the end of the first phase. The effect will be to make cooler days available for hunting and further separate the crow hunting season from the peak of the crow nesting period.

SUMMARY: The proposed change would move days during which crow hunting is allowed from the beginning of the second phase of the crow season to the end of the first phase. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$90 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m., each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots.

The Commission has approved the following regulations and bag limits for taking crows and migratory game birds other than ducks and coots:

(1) through (4) No change.

(5) Crow:

(a) Open season:

1. First phase – Opening ~~the second Saturday of~~ November 11 (Veterans Day) and closing February 18 ~~71 days thereafter~~.

2. Second phase – On Saturdays and Sundays only starting the second Saturday in August ~~May~~ through 78 ~~476~~ days thereafter.

(6) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-17-89, Amended 8-9-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Formerly 39-13.008, Amended 7-1-01, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

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 the proposed changes would be to establish or revise general regulations for all Wildlife Management Areas (WMAs). The effect of the proposed changes would be: 1) to allow the possession of pet dogs, kept under physical restraint; 2) to prohibit the unauthorized introduction of animals and non-native plants on WMA's where the Commission is lead manager; and 3) to prohibit public access, by administrative action, to areas posted as "Closed to Public Access."

SUMMARY: The proposed changes would establish or revise general regulations for all WMAs; allow for the possession of pet dogs; prohibit the unauthorized introduction of non-native animals and plants on WMAs where the Commission is lead manager; and prohibit public access to areas of WMA's posted as "Closed to Public Access."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (6) No change.

(7) Dogs:

(a) through (b) No change.

(c) Dogs may be possessed, under physical restraint only. ~~No person shall possess any dog~~ during any period in which the taking of wildlife by the use of dogs is prohibited ~~provided that dogs not normally used for hunting and kept under restraint may be possessed.~~

(d) Dogs on leashes may be used for trailing wounded game unless otherwise prohibited under specific area regulations.

(8) through (10) No change.

(11) Release of animals wildlife: No person shall release any species of the animal kingdom on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by specific area regulations or written authorization from the executive director. ~~No person shall release wildlife of any species on any wildlife management area unless authorized by permit from the executive director.~~

(12) Plants:

(a) through (c) No change.

(d) No person shall plant, propagate, introduce, or cause to grow any species of plant not native or indigenous to the wildlife management area on any wildlife management area where the Commission is the landowner or lead managing agency unless authorized by an approved comprehensive management plan or written authorization from the executive director.

(13) No change.

(14) Public access is prohibited in areas posted as "Closed to Public Access." ~~Such areas may be closed by posting because of resource protection, construction, management activities, public health or safety, agricultural disease, or contractual agreement for protection of threatened or endangered species or environmentally sensitive areas.~~

(15) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Timothy A. Breault

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Quota Permits; Antlerless Deer Permits;
Special-Opportunity Permits 68A-15.005

PURPOSE AND EFFECT: The purpose and effect of the
proposed rule is to revise or delete hunter quotas on wildlife
management areas (WMAs) and Wildlife and Environmental
Areas (WEAs); add new hunter quotas for recently established
WMAs and WEAs; and reincorporate the list of quotas by area
and hunt.

SUMMARY: The proposed rule would revise
mobility-impaired quotas to allow one person to assist
mobility-impaired hunters and participate in mobility-impaired
hunts on Holton Creek WMA (quota reduced from 40 to 20
permits); Blackwater WMA – Hutton Unit (30 permits); Three
Lakes WMA (quota reduced from 150 to 75 permits);
Seminole Forest WMA (quota reduced from 60 to 45 permits);
and Ralph E. Simmons WMA (quota reduced from 30 to 15
permits).

The proposed rule would revise quotas for Upper Hillsborough
WMA – muzzleloading gun and archery (150 permits issued
by special hunt application) 50 at check station deleted;
Hickory Hammock WMA – muzzleloading gun (language
clarification); Lake Marion Creek WMA – archery (quota
increased from 25 to 35 permits), muzzleloading gun (quota
increased from 25 to 35), general gun (quota increased from 25
to 35), and spring turkey (quota increased from 10 to 15); Potts
WMA – small game increase from 20 to 30 (each hunt); and
Picayune Strand WMA – muzzleloading gun (increased from
75 to 145), general gun (quota increased from 75 to 145, each
hunt), and spring turkey (quota increased from 35 to 65, each
hunt).

The proposed rule would eliminate the requirement for quota
hunt permits on the following areas: Osceola WMA – (during
the first nine days of general gun still hunt); Relay WMA –
muzzleloading gun; Triple N Ranch WMA – small game; and
Picayune Strand WMA – archery.

The proposed rule would establish new quota hunts on Lake
Wales Ridge WEA, Royce Unit – dove hunt (25 at check
station, no exemptions); Apalachee WMA – spring turkey (5
by spring turkey application, no exemptions); Steinhatchee
Springs WMA – muzzleloading gun (100 by special quota hunt
application and 100 at check station), general gun (100 by
regular quota hunt application and 100 at check station, first
nine days, no exemptions), and spring turkey (40 by spring
turkey quota hunt application and 40 at check station, each
hunt); Crew WEA, Corkscrew Marsh Unit – archery hog hunt
and muzzleloading gun hog hunts (deleted), archery (25 by
special quota hunt application, no exemptions), muzzleloading
gun (25 by special quota hunt application, no exemptions),
general gun (25 by regular quota hunt application, no
exemptions), and spring turkey (5 by spring turkey quota hunt
application, each hunt, no exemptions); Crew WEA, Flint Pen
Strand Units – 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
hunt application, no exemptions), and spring turkey (5 by
spring turkey quota hunt application, each hunt, no
exemptions); Canoe Slough WMA – archery (20 by special
quota hunt application, each hunt, no exemptions),
muzzleloading gun (20 by special quota hunt application, each
hunt, no exemptions), general gun (20 by regular quota hunt
application, each hunt, no exemptions), and spring turkey (10
by spring turkey quota hunt application, each hunt, no
exemptions); Dinner Island Ranch WMA – archery (30 by
special quota hunt application, each hunt, no exemptions),
muzzleloading gun (30 by special quota hunt application, each
hunt, no exemptions), general gun (30 by regular quota hunt
application, each hunt, no exemptions), dove hunt (100 at
check station, no exemptions), and spring turkey (15 by spring
turkey quota hunt application, each hunt, no exemptions);
Little Big Econlockhatchee WMA, Kilbee Unit – general gun
hog (10 by regular quota hunt application, no exemptions);
Buck Lake WMA – general gun hog (40 by regular quota hunt
application, no exemptions); Salt Lake WMA – archery (30 by
special hunt application, no exemptions), muzzleloading gun
(30 by special quota hunt application, no exemptions), general
gun (30 by regular quota hunt application, no exemptions),
general gun hog, (15 by regular quota hunt application, no
exemptions) and spring turkey (15 by spring turkey quota hunt
application, no exemptions); Homosassa WMA – small game
(30 at check station, no exemptions); Steinhatchee Springs
WMA – muzzleloading gun (100 by special quota hunt
application and 100 at check station, no exemptions), general
gun (100 by regular quota hunt application and 100 at check
station, no exemptions, first nine days), spring turkey (40 by

spring turkey quota hunt application and 40 at check station, each hunt, no exemptions). The proposed rule would convert the spring turkey quota hunts on Green Swamp and Arbuckle WMAs from issuance of quota hunt permits at the check station to issuance by spring turkey quota hunt application. The proposed rule would convert the archery and muzzleloading gun quota hunts on Upper Hillsborough WMA from split issuance of quota hunt permits (100 by application and 50 at check station) to issuance of all 150 permits by special quota hunt application.

CREW WEA – The proposed rule would expand the archery and muzzleloading gun hog hunts to archery and muzzleloading gun hunts where other game in addition to wild hogs would be legal to take.

The proposed rule would clarify quota hunt dates on Big Cypress WMA, Bear Island Unit – general gun; and Big Cypress WMA, Deep Lake Unit – second archery hunt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," effective July 1, 2004 ~~September 20, 2003~~, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, 7-1-03, 9-20-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.:

Areas – Southwest Region 68A-15.061

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region as follows:

Fred C. Babcock/Cecil M. Webb WMA – The proposed rule would revise the daily bag limit on hogs during the archery season from one per vehicle to one per quota hunt permit; revise legal to take as follows: only deer with one antler at least 5 inches in length visible above the hairline would be legal to take. This rule would replace the forked antler requirement. The proposed rule would allow access to the area during archery season at 5 a.m. and motorcycles to be used to access the shooting range from the check station.

Arbuckle WMA – The proposed rule would eliminate the third, 3-day spring turkey hunt.

Kicco WMA – The proposed rule would eliminate the last weekend of spring turkey hunting and allow hunters in possession of a valid quota hunt permit to operate motor vehicles on named or numbered roads. All-terrain vehicles would be prohibited.

Hickory Hammock WMA – The proposed rule would establish seasons for muzzleloading gun (October 30-31 and November 6-7) and revise legal to take as follows: only deer with at least one antler having three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule.

Hilochee WMA – The proposed rule would revise legal to take as follows: only deer with at least one antler having three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$150 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Green Swamp Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 2 ~~4~~.

2. Archery – September 25 ~~20~~ through October 24 ~~19~~, Fridays, Saturdays and Sundays only.

3. Small game – January 15 ~~10~~ through February 13 ~~8~~, Saturdays and Sundays only.

4. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May 7 ~~4~~ to June 19 ~~13~~. 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. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

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

3. No deer or hog shall be quartered or otherwise dismembered until checked and tagged.

4. Hunters may enter or exit the area at designated access points only during hours in which check stations are in operation.

5. Hunting with dogs (other than bird dogs) is prohibited.

6. No person shall operate a motorized vehicle except during established open seasons or by written permission of the Southwest Florida Water Management District. Motorized vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated bicycle trails. During the designated fishing and frogging season Tanic Grade, Powder Grade and Levee Road north of Main Grade will be closed to vehicle traffic. Designated unimproved roads are open only during the fishing and frogging season.

7. Tracked vehicles, airboats, motorcycles or all-terrain vehicles are prohibited. Horses are permitted with the written permission of the Southwest Florida Water Management District.

8. Camps shall be removed by 8:00 p.m., January 2 ~~4~~, April 24 ~~18~~ and June 19 ~~13~~ from the Rock Ridge campground and by February 13 ~~8~~ and April 24 ~~18~~ from the 471 campground.

9. Hunting during the small game season shall be permitted only in that portion of the area located in T24S, R23E, Sections 7, 8, 17, 18, 19, 20, 29, 30 and 32 and those portions of Sections 16, 21, 28 and 33 south of Bull Barn and west of Levee Roads; and T25S, R23E, Section 5 and those portions of Sections 4 and 9 south of Main, west of Levee and north of Tram Grades and those portions of Sections 7, 8 and 18 along the Withlacoochee River and bounded by state fence.

(2) Green Swamp Wildlife Management Area – West Unit.

(a) Open season:

1. Special-opportunity turkey – March 19-22 ~~20-23~~, March 28-31 ~~29~~ through April 1, April 2-5 ~~3-6~~, 11-14 ~~12-15~~ and 16-19 ~~17-20~~.

2. Special-opportunity archery – November 6-9 ~~1-4~~ and 25-28 ~~20-23~~.

3. Special-opportunity general gun – December 10-13 ~~5-8~~, 21-24 ~~16-19~~ and January 6-9 ~~1-4~~.

4. Special-opportunity hog-still – February ~~11-13~~ 6-8.
5. Special-opportunity hog-dog – February ~~23-25~~ 18-20.
6. Small game – January ~~14-16~~ 9-11 and ~~28-30~~ 23-25.
7. Fishing and frogging – Permitted throughout the year.
8. Trapping – Prohibited.

(b) through (d) No change.

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

(a) Open season:

1. General gun – October ~~30~~ 25 through November 7 ~~2~~.

2. Small game:

a. November ~~13-21~~ 8-16, and

b. November ~~24~~ 19 through January ~~16~~ 11 on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~26~~ 28.

3. Fishing and frogging – Throughout year.

4. Archery – September ~~11-12~~ 6-7.

5. Quail – Wednesday, Thursday, Saturday, and Sunday – November ~~17-21~~ 12-16, ~~24-28~~ 19-23, ~~December 1-5~~ 26-30, ~~8-12~~ December 3-7, ~~15-19~~ 10-14 and ~~22-26~~ 17-21.

(b) Legal to take:

1. General gun – deer, hog, fish and frogs only. Hogs may be taken only on the first day of the general gun season. Bag limit of one hog per quota hunt permit.

2. Small game – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Quail may be taken only during the quail season and only within assigned zones.

3. Archery – deer, hog, fish and frogs only. Bag limit of one hog per quota hunt permit ~~vehicle~~ per day.

4. 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.~~

5. Quail – all legal game (except deer, hog and turkey), fish, frogs and furbearers. Bag limit for quail is 6 per day. Quail may be taken in Zones A and B by daily quail permit issued on a first-come, first-served basis at the check station. The quota for daily quail permits shall be 10 permits, per zone, for Zones A and B (no exemptions). Daily quail permits for Zones A and B shall be non-transferable.

(c) No change.

(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. Users may enter the designated campsite at anytime. All users shall enter the remainder of the management area via Tucker Grade (I-75 side). During archery season, hunters shall enter the area no earlier than 5:00 ~~5:30~~ a.m. and shall exit no later than 9:00 p.m. During all other periods open to hunting, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m. During periods closed to hunting,

users shall enter the area no earlier than one-half (1/2) hour before sunrise and shall exit no later than one-half (1/2) hour after sunset.

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

a. General gun – October ~~30~~ 25 through November 7 ~~2~~, by walking hunters.

b. Small game season on Wednesdays and Thursdays only, by walking hunters, provided that the taking of quail is prohibited.

c. Field trial quail – January ~~29-30~~ 24-25.

d. Archery season – by walking hunters.

4. The use of motorcycles, all-terrain vehicles or airboats is prohibited, except that motorcycles may be used to access the shooting range along the most direct route on Tucker Grade between the shooting range and the check station.

5. Hunting camps may be set up after 8:00 a.m. October ~~22~~ 17 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 ~~18~~ 13 through February 13 ~~8~~. 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. During closed seasons vehicles may be operated only on named or numbered roads in the recreational area lying south of the northern boundaries of Sections 19, 20 and 21, Township 41S, Range 24E and west of the first north-south fence line east of the Seaboard Grade. The operation of vehicles is prohibited in Sections 13, 14, 23 and 24, Township 42S, Range 24E and the west 1/2 of Section 19, Township 42S, Range 25E.

8. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to camping shelters.

9. Persons may use the shooting range during periods when hunting is not allowed on the area, provided that access shall only be along the most direct route on Tucker Grade between the shooting range and the check station. Guns transported to the shooting range shall be unloaded and cased. Possession of a gun during periods when hunting is not allowed is prohibited except on the shooting range and that portion of Tucker Grade directly between the shooting range and the check station. During periods open to hunting, persons possessing a gun on that portion of the area other than the shooting range or that portion of Tucker Grade directly between the range and the check station shall comply with all stamp and license requirements specified in Section 372.57,

F.S., and Commission rules. Users shall not enter the shooting range before sunrise and shall exit the shooting range by sunset.

10. No person shall operate a vehicle off named or numbered roads, except during the general gun and small game seasons or when training bird dogs without guns in the recreation area during the bird dog training season.

11. Vehicular access for scouting shall be permitted one week prior to the archery season on named and numbered roads only.

12. During the quail season, shotguns shall be plugged to a three-shell capacity with a one-piece filler that cannot be removed without disassembling the gun.

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

(a) Open season:

1. General gun – October ~~30 25~~ through November ~~7 2~~.

2. Small Game – November ~~13 8~~ through January ~~16 44~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~26 28~~.

3. Muzzleloading gun – October ~~15-17 40-42~~.

4. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:

1. Archery – December ~~11-19 6-14~~ and January ~~8-16 3-11~~, Saturdays and Sundays only.

2. Muzzleloading gun – November 13 through December 5 ~~November 8-30~~, Saturdays and Sundays only.

3. Small game – January ~~22 47~~ through February ~~6 4~~, Saturdays and Sundays only.

4. Spring turkey – March ~~23-24 24-25~~, March ~~30-31 31~~ through April ~~1~~, April ~~6-7 7-8~~, ~~13-14 14-15~~ and ~~20-21 21-22~~.

5. Fishing and frogging – Permitted year-round.

(b) through (d) No change.

(6) Arbuckle Wildlife Management Area.

(a) Open season:

1. Archery – October ~~16 through November 5 41-34~~.

2. Muzzleloading gun – November ~~6-14 4-9~~.

3. General gun hog – November ~~20-28 45-23~~, Saturdays and Sundays only.

4. Spring turkey – March ~~22-24 23-25~~ and April ~~5-7 6-8~~ and ~~20-22~~.

5. Fishing – Permitted year-round. Frogging – Prohibited.

(b) through (d) No change.

(7) Kicco Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25 20~~ through October ~~24 49~~, Saturdays and Sundays only.

2. Muzzleloading gun – October ~~30 25~~ through November ~~7 2~~, Saturdays and Sundays only.

3. General gun hog – November ~~13 8~~ through December ~~12 7~~, Saturdays and Sundays only.

4. Small game – December ~~18 43~~ through January ~~9 4~~.

5. Spring turkey – March ~~19 20~~ through April ~~17 25~~, Saturdays and Sundays only.

6. Fishing, frogging and other recreational use – Permitted year-round.

(b) through (c) No change.

(d) General regulations:

1. Hunters in possession of a valid quota hunt permit may operate motor vehicles on named or numbered roads during the archery, muzzleloading gun, spring turkey, and general gun hog seasons. Vehicles must park in designated parking areas. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of motorized vehicles and airboats is prohibited. ~~Horses are prohibited except by written permission from the South Florida Water Management District.~~

2. Fires other than campfires at designated campsites are prohibited.

3. The possession or use of centerfire or rimfire rifles or pistols is prohibited.

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

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

6. No deer, turkey, or hog may be dismembered or quartered until checked and tagged at the check station.

7. Hunting with dogs is prohibited during the archery, muzzleloading gun and general gun seasons. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less is prohibited during the small game season.

8. The portion of the area north and east of River Ranch Road shall be open to hunting only during the general gun hog season.

(8) Hickory Hammock Wildlife Management Area.

(a) Open season:

1. Special-opportunity wild hog – September ~~18-19 43-44~~ and ~~25-26 20-21~~ and January ~~15-16 40-41~~.

2. Muzzleloading gun – October ~~30-31 25-26~~ and November 6-7.

3. General gun – November ~~13-14 8-9~~.

4. Small game – November ~~15 40~~ through January ~~9 4~~.

5. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., until noon.

6. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one-half hour before sunrise until noon.

7. Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.

8. Spring turkey – March ~~24-26~~ 25-27 and April 14-16 ~~15-17~~.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers except wild hogs may be taken only during the special opportunity wild hog hunts. Taking of antlered deer not having at least one ~~forked~~ antler with three or more points, one inch or more in length, and ~~having one or more antlers at least five inches in length visible above the hairline~~ is prohibited. ~~The forked antler shall have at least two points one inch greater in length.~~ The bag limit for antlered deer shall be one per quota hunt permit. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota permit.

(c) through (d) No change.

(9) Walk-in-the-Water Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 2-17~~ September 27 through October 12.

2. Muzzleloading gun – October ~~29-31~~ 24-26.

3. General gun hog – January ~~15-23~~ 10-18.

4. Small game – November ~~20-15~~ through December 12-7 and ~~February 5-20~~ January 31 through February 15.

5. Fishing – Permitted throughout the year. Frogging is prohibited.

(b) through (d) No change.

(10) Hilochee Wildlife Management Area.

(a) Open season:

1. Special-opportunity dove – The first, second, and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

2. Spring turkey – March ~~25-27~~ 26-28 and April 8-10 ~~9-11~~.

3. Muzzleloading gun – ~~November 5-7~~ October 31 through November 2.

4. General gun hog – ~~December 3-5~~ November 28-30, January ~~14-16~~ 9-11 and ~~21-23~~ 16-18.

5. Small game – January ~~28-23~~ through February 6-1.

6. Archery – October ~~22-24~~ 17-19.

7. Fishing – Permitted on Peat Lake, Little Peat Lake, Hidden Lake, Stock Lake, and Turtle Pond by those in possession of a Hilochee Fishing Permit. The possession of nets (except dip nets), fish traps, trotlines, set lines, minnow seines, cast nets, or bush hooks is prohibited. Fishing is permitted on Saturdays only and during daylight hours only. Ten fishing permits shall be available for each Saturday. Permits shall be nontransferable with no exemptions.

(b) Legal to take: All legal game, fish (as provided below), and furbearers. Taking of antlered deer not having one ~~forked~~ antler with three or more points, one inch or more in length,

~~and having one or more antlers at least 5 inches in length visible above the hairline~~ is prohibited. ~~The forked antler shall have at least two points one inch or greater in length.~~ There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. During the general gun hog season, only wild hogs may be taken. During the special-opportunity dove hunts, only mourning and white-winged doves may be taken.

1. No person shall kill or possess any largemouth bass from Peat Lake, Little Peat Lake, Stock Lake, Hidden Lake, and Turtle Pond. No person shall take, in any one day, more than 20 bluegill, 10 black crappie, or 6 catfish. No person shall kill or possess any bluegill less than 8 inches total length or black crappie less than 10 inches total length.

(c) through (d) No change.

(11) Lake Marion Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-27~~ 20-22 and October 1-3 ~~26-28~~.

2. Muzzleloading gun – October 30 through November 1 ~~25-27~~.

3. General gun – November ~~13-15~~ 8-10 and ~~19-21~~ 14-16.

4. Small game – December ~~10-12~~ 5-7 and ~~17-19~~ 12-14.

5. Spring turkey – March ~~19-21~~ 20-22, April ~~1-3~~ 2-4 and ~~15-17~~ 16-18.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(12) Avon Park Air Force Range Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ 20 through October ~~24~~ 19 in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – October ~~30~~ 25 through November 7-2 in areas and during days specified by the Installation Commander.

3. General gun – November ~~13~~ 8 through January ~~23~~ 18 in areas and during days specified by the Installation Commander.

4. Small game – ~~January 3~~ December 29 through ~~March 6~~ February 29 in areas and during days specified by the Installation Commander.

5. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25 in areas and during days specified by the Installation Commander.

6. Antlerless deer – November ~~20-26~~ 15-21 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) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.:

Areas – North Central Region 68A-15.062

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the North Central Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the North Central Region as follows:

Camp Blanding WMA – The proposed rule would revise legal to take as follows: only deer with three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule. The proposed rule would eliminate the shotgun only restriction during the supervised youth hunt season.

Big Bend WMA, Tide Swamp Unit – The proposed rule would permit primitive camping at Sponge Point and in the vicinity of Dallus Creek from September 11 through June 30 and permit dove hunting during portions of the dove hunting seasons that coincide with established hunting seasons for the area.

Big Bend WMA, Spring Creek Unit – The proposed rules would require hunters to check all game taken and permit dove hunting during portions of the dove hunting seasons that coincide with established hunting seasons for the area.

Big Bend WMA, Jena Unit – The proposed rule would allow camping, by permit, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11-June 30.

Big Shoals WMA – The proposed rule would allow camping, by permit from the Suwannee River Water Management District, during periods closed to hunting.

Twin Rivers WMA – The proposed rules would eliminate the requirement for a valid quota hunt permit to access the area and permit horses during periods open to hunting.

Jennings Forest WMA – The proposed rules would remove the restrictions on vehicles at night; eliminate the requirement for a valid quota hunt permit to access to the area; and permit horses during periods open to hunting.

Holton Creek WMA – The proposed rules would increase the bag limit to two deer and two turkeys per mobility-impaired quota hunt permit; allow only certified mobility-impaired hunters to take antlerless deer; allow one additional person per permit holder to participate in the hunt; and permit only one quota hunt permit to be utilized per individual per hunt.

Flying Eagle WMA – The proposed rule would permit vehicular access one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game hunts.

Potts WMA – The proposed rule would permit vehicular access one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game hunts.

Homosassa WMA – The proposed rule would prohibit access to the area from 1.5 hours after sunset to 1.5 hours before sunrise.

Mallory Swamp WMA – The proposed rules would restrict hunters to the still hunt area during the muzzleloading gun season; require a permit from the Suwannee River Water Management District for the use of all-terrain vehicles and motorcycles; and allow public access at night.

Little River WMA – The proposed rule would permit vehicles to be operated only on Little River and Powerline roads.

Bayard WMA – The proposed rules would eliminate duplicative regulations.

Steinhatchee Springs WMA – The proposed rules would establish open seasons for archery (September 25 through October 24); muzzleloading gun (October 29 through 31); general gun (November 13 through December 5); small game (January 22 through February 20); spring turkey (March 19 through April 10); and fishing and frogging (throughout the year). The proposed rules would prohibit trapping; establish all legal game, fish, frogs, and furbearers as legal to take; prohibit camping during periods when the area is open to hunting and permit camping by permit only from the Suwannee River Water Management District during periods closed to hunting; prohibit the possession or use of dogs other than waterfowl

retrievers and bird dogs; permit motorized vehicles to be operated only on named or numbered roads; prohibit the use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles; prohibit fires; prohibit horses during periods open to hunting and allow horses during periods closed to hunting, provided they are restricted to designated roads and trails; require hunters to check all game taken during the muzzleloading gun, general gun, and spring turkey seasons; and prohibit the taking or attempt to take wildlife or the display or use of gun on or from the rights-of-way of State Road 51 or County Road 357.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$150 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

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.

3. Archery – September 29 through October 1 ~~24-26~~ and October 6-8 ~~4-3~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November 13 ~~8~~ through January 9 ~~4~~ 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.

5. Muzzleloading gun – October 13-15 ~~8-10~~ and 20-22 ~~15-17~~, north of State Road 16 and County Road 215 and east of County Road 225 only.

6. Fishing – Permitted only on designated fish management areas.

7. Trapping – December 1 through January 9 ~~4~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) Legal to take: All legal game, fish and furbearers. Turkeys of either sex may be taken during the archery and muzzleloading gun seasons and the Monday, Tuesday and Wednesday before Thanksgiving Day. Taking of antlered deer not having at least one ~~forked~~ antler with three or more points, one inch or more in length, 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.~~ Antler restrictions shall not apply during the supervised youth hunt. During the supervised youth hunts, only wild hogs and one antlered or antlerless deer may be taken per youth.

(c) Camping: Prohibited.

(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; south of State Road 16 and north of Dade Road, 200; south of Impact Road, 120.

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

3. Guns or dogs (where legal) may be taken into the area one hour before sunrise and shall be removed each day of the hunting seasons by one hour after sunset.

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. Vehicles may be operated only on paved or graded roads in that portion of that area north of State Road 16 and east of County Road 225. The use of vehicles south of Dade Road, east of Whitamore Road and north of Impact Road is prohibited.

6. During the spring turkey quota hunts, hunters will be assigned to a zone and shall hunt only in the zone to which he is assigned. Persons assigned to Zone A shall use only Barker and Black Creek roads to enter and exit the area. Vehicles may be operated only on graded or paved roads. Hunters may enter the area at 5 a.m. each day and shall exit by 1 p.m. of each hunt day. During spring turkey hunts, only hunters participating in the hunt are permitted in the area.

7. Public access is prohibited in the designated dud area.

8. Hunting hogs by use of dogs is prohibited.

9. Only shotguns are permitted during the ~~supervised youth and~~ spring turkey seasons.

10. Shotguns are prohibited during the archery season.

11. Still hunters entering the area west of State Road 21, south of Dade 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. During the supervised youth hunt, only persons under 16 years of age but not younger than eight years of age, and under the supervision and in the presence of an adult, not younger than 18 years of age as provided in Section 790.22, F.S., may hunt.

13. The possession or consumption of intoxicating beverages or drugs is prohibited.

14. Fires are prohibited.

15. The use of all-terrain vehicles (ATVs) is prohibited, except as authorized by written permit from the Base Commander.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March 19-27 ~~20-28~~.

2. Archery – September 25 ~~20~~ through October 10 ~~5~~.

3. Muzzleloading gun – October 29-31 ~~24-26~~.

4. Fishing – Permitted throughout the year.

5. Small game – the Saturday before Thanksgiving through the second Sunday after Thanksgiving.

(b) through (d) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

3. Archery – September 25 ~~20~~ through October 24 ~~19~~.

4. Muzzleloading gun – November 5-7 ~~October 31 through November 2~~.

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

(b) through (d) No change.

(4) Lochloosa Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

3. Archery – September 25 ~~20~~ through October 24 ~~19~~.

4. Muzzleloading gun – October 29-31 ~~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.

(b) through (d) No change.

(5) Osceola Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Small game – January 10 through March 6 ~~5 through February 29~~.

3. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

4. Archery – September 25 ~~20~~ through October 17 ~~12~~.

5. Muzzleloading gun – October 22-29 ~~17-24~~ in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August 7 ~~2~~ through September 28 ~~23~~ in the dog hunt portion of the area only from sunset to sunrise.

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

8. Fishing and frogging – Throughout year.

9. Trapping – January 10 ~~5~~ through March 1.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Archery – September 25 ~~20~~ through October 24 ~~19~~.

3. Muzzleloading gun – October 29-31 ~~24-26~~.

4. Small game – January 10 through March 6 ~~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 19 ~~20~~ through April 24 ~~25~~.

9. Trapping – January 10 ~~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 Sponge Point and in the vicinity of Dallis Creek 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 Dallis Creek Road, 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 Dallis 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 Dallas 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) Big Bend Wildlife Management Area – Spring Creek Unit.

(a) Open season:

1. General gun – November 13 8 through January 2 4.

2. Archery – September 25 20 through October 24 19.

3. Small game – January 10 through March 6 5 through ~~February 29.~~

4. Spring turkey – March 19 20 through April 24 25.

5. Trapping – January 10 5 through March 1.

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. Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken, ~~during the archery, general gun and spring turkey seasons and on Saturdays during the mourning dove season established by Rule 68A-13.008, F.A.C.~~

2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31, motorized vehicles may be operated only on Spring Creek Road.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

~~4. During the general gun and spring turkey seasons and on Saturdays of the mourning dove season established by Rule 68A-13.008, F.A.C., hunters shall obtain a daily hunt permit from the check station and retain it in their possession while on the area.~~

~~4.5.~~ Fires are prohibited.

~~6. 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).~~

~~7. 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 first phase of the mourning dove season established by Rule 68A-13.008, F.A.C.~~

~~8. 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 Spring Creek Check Station. Ten (10) 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 permit if hunting during the first 9 days of the general gun season.~~

~~5.9.~~ Hunting raccoon and opossum as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only during the general gun and small game seasons.

~~6.10.~~ Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the ~~early experimental~~ duck season established by Rule 68A-13.003, F.A.C., and ~~during on Saturdays during the first phase of the~~ mourning dove season established by Rule 68A-13.008, F.A.C.

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

(a) Open season:

1. General gun – November 13 8 through January 2 4.

2. Small game – January 10 5 through March 6 ~~February 29.~~

3. Spring turkey – March 19 20 through April 24 25.

4. Archery – September 25 20 through October 24 19.

5. Early duck – Mondays, Wednesdays, and Saturdays on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

6. Duck and coot – Mondays, Wednesdays, Saturdays and the first day of each phase of the duck and coot season on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Throughout the year.

8. Trapping – January ~~10~~ ⁵ through March 1.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November ~~13~~ ⁸ through January ~~2~~ ⁴.

2. Spring turkey – March ~~19~~ ²⁰ through April ~~24~~ ²⁵.

3. Small game – January ~~10~~ ⁵ through ~~March 6~~ ^{February 29}.

4. Fishing and frogging – Permitted throughout the year.

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

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

7. Trapping – January ~~10~~ 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 the mouth of Sink Creek and south of Horseshoe Beach, by permit only from the Commission, for those individuals utilizing the Big Bend Saltwater Paddling Trail from September 11 through June 30 only. This permit shall be valid for through-paddlers only and shall be valid for one night only.

(d) No change.

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

(a) Open season:

1. Archery – September ~~25~~ ²⁰ through October ~~24~~ ¹⁹.

2. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶.

3. General gun – November ~~13 through December 5~~ ⁸⁻³⁰.

4. Small game – January ~~8~~ ³ through February ~~6~~ ¹.

5. Spring turkey – March ~~19~~ ²⁰ through April ~~10~~ ¹¹.

6. Trapping – January ~~8~~ ³ through March 1.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(11) No change.

(12) Raiford Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ ²⁰ through October ~~10~~ ⁵.

2. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶.

3. Archery and muzzleloading gun – November ~~13-21~~ ⁸⁻¹⁶.

4. Spring turkey – March ~~19-27~~ ²⁰⁻²⁸.

5. Fishing and frogging – During periods in which hunting is allowed.

(b) through (d) No change.

(13) Cedar Key Scrub Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13-21~~ ⁸⁻¹⁶.

2. Archery – September ~~25~~ ²⁰ through October ~~10~~ ⁵.

3. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶.

(b) through (d) No change.

(14) Andrews Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 1-3~~ ^{September 26-28} and ~~October 8-10~~ ³⁻⁵.

2. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶ and ~~November 5-7~~ ^{October 31 through November 2}.

3. General gun – November ~~19-21~~ ¹⁴⁻¹⁶.

4. Small game – January ~~7-9~~ ²⁻⁴ and ~~14-16~~ ⁹⁻¹¹.

5. Spring turkey – March ~~25-27~~ ²⁶⁻²⁸ and April ~~15-17~~ ¹⁶⁻¹⁸.

6. Supervised deer-hog youth hunt – October ~~16-17~~ ¹¹⁻¹² and ~~23-24~~ ¹⁸⁻¹⁹.

7. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(15) Big Shoals Wildlife Management Area.

(a) Open season:

1. Archery – September ~~27 through October 2~~ ²²⁻²⁷, ~~October 4-9~~ ^{September 29 through October 4} and ~~11-16~~ ^{October 6-11}.

2. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶ and ~~November 5-7~~ ^{October 31 through November 2}.

3. Small game – December ~~20-25~~ ¹⁵⁻²⁰ and ~~December 27 through January 1~~ ²²⁻²⁷.

4. Spring turkey – March ~~24-26~~ ²⁵⁻²⁷ and April ~~14-16~~ ¹⁵⁻¹⁷.

5. Fishing – Permitted throughout the year.

(b) No change.

(c) Camping: Prohibited during periods open to hunting. During periods closed to hunting, camping is by permit only from the Suwannee River Water Management District. Camping is permitted but only at designated sites and only with a permit from the Suwannee River Water Management District.

(d) No change.

(16) Twin Rivers Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ ²⁰ through October ~~10~~ ⁵.

2. Muzzleloading gun – October ~~29-31~~ ²⁴⁻²⁶.

3. General gun – November ~~13-23~~ ⁸⁻¹⁸.

4. Small game – ~~December 4-26~~ November 29 through December 21.

5. Spring turkey – March 25-27 ~~26-28~~ and April 15-17 ~~16-18~~.

6. Fishing – Throughout the year.

(b) through (c) No change.

(d) General regulations:

1. A quota permit shall be required for each hunter entering area. The quota has been divided proportionately between zones as follows: Archery, Muzzleloading Gun and General Gun, A-5, B-35, C-20; Spring Turkey, A-4, B-15, C-5.

2. Hunters shall check in and out at the check station on Highway 90 in Zone B during the archery, muzzleloading gun, general gun and spring turkey seasons and report all game taken.

~~3. During hunting periods, access will be restricted to individuals with valid quota hunt permits.~~

~~3.4.~~ During archery, muzzleloading gun, general gun and spring turkey seasons, no person shall hunt in any zone other than that for which he has a zone tag.

~~4.5.~~ Hunters shall obtain a zone tag when they check in at the check station and keep it in their possession while hunting on the area.

~~5.6.~~ Horses are permitted only during daylight hours on designated roads ~~and only during periods closed to hunting.~~

~~6.7.~~ Vehicles may be operated only during daylight hours and only on the following roads: Zone A – Spring Road (only during the period from the first Monday after the close of the spring turkey season through Labor Day) and Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, and Springs Road.

~~7.8.~~ All-terrain vehicles are prohibited on the area.

~~8.9.~~ Persons may enter and exit the area only on the following roads and trails: Zone A – Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, Springs Road, and the Florida Trail.

~~9.10.~~ Hunting with dogs is prohibited except during the small game season.

~~10.11.~~ Wild hogs may not be transported alive.

(17) No change.

(18) Jennings Forest Wildlife Management Area.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 10 ~~5~~.

2. Supervised small game – October 16-24 ~~11-19~~, east of Black Creek only.

3. Muzzleloading gun – October 29-31 ~~24-26~~.

4. General gun – November 13-28 ~~8-23~~.

5. Small game – January 14 ~~9~~ through February 13 ~~8~~, Fridays, Saturdays and Sundays only.

6. Spring turkey – March 19-22 ~~20-23~~ and 23-27 ~~24-28~~.

7. Fishing – Throughout the year.

(b) through (c) No change.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads. ~~During periods closed to hunting, vehicle use of these roads is restricted to daylight hours only.~~

2. Tracked vehicles, airboats, or all-terrain vehicles are prohibited.

3. Hunting with dogs is prohibited except that bird dogs are permitted during the small game season.

~~4. During all hunting periods, access shall be restricted to individuals with a valid quota hunt permit, except during the small game and supervised small game seasons.~~

~~4.5.~~ During periods closed the hunting, public access is permitted during daylight hours only. Horses are permitted on roads, firelines and designated trails only during periods closed to hunting and during small game and supervised small game seasons.

~~5.6.~~ Hunters shall check in and out at a check station when entering or exiting the area and shall report all game taken.

~~6.7.~~ During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

~~7.8.~~ The possession of guns is prohibited in or on permitted wildlife viewing structures.

~~8.9.~~ Bicycles are permitted throughout the year and shall be restricted to roads and firelines.

(19) Holton Creek Wildlife Management Areas.

(a) Open season:

1. Mobility-impaired general gun – October 15-17 ~~10-12, 29-31~~ 24-26, November 5-7 ~~October 31 through November 2 and December 17-19~~ ~~12-14~~.

2. Mobility-impaired spring turkey – March 25-27 ~~26-28~~ and April 15-17 ~~16-18~~.

3. Fishing – Throughout the year.

(b) Legal to take: Any deer (except spotted fawns), wild hogs, bearded turkey, gray squirrel and rabbit. The bag limit shall be two ~~one~~ deer and two ~~one~~ turkeys per mobility-impaired quota hunt permit. Only mobility-impaired hunters may take antlerless deer. No size or bag limit on hogs. All legal fish.

(c) No change.

(d) General regulations:

1. Hunters shall check in and out at the designated check station and report all game taken.

2. During hunting periods, access will be restricted to individuals with valid quota hunt permits and hikers using the Florida Trail.

3. Horses are permitted only during daylight hours on designated roads and only during periods closed to hunting.

4. Vehicles may be operated from one and one-half hours before sunrise until one and one-half hours after sunset and only on designated portions of named or numbered roads.

5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited except all-terrain vehicles may be used by certified mobility-impaired hunters during all hunts.

6. Persons may enter and exit the area only on Road 1 and the Florida Trail.

7. Hunting with dogs is prohibited.

8. All mobility-impaired hunters are required to attend a pre-hunt orientation meeting.

9. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired quota hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired quota hunt permit. During mobility-impaired hunts, hunting access will be restricted to certified mobility-impaired hunters with quota permits and one additional person per permit holder may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

(20) Goethe Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ ~~20~~ through October ~~10~~ ~~5~~.
2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
3. General gun (still hunt) – November ~~13-16~~ ~~8-11~~.
4. General gun (dog hunt) – November ~~17-21~~ ~~12-16~~.
5. Small game – November ~~27~~ ~~22~~ through December ~~12~~ ~~7~~.
6. Spring turkey – March ~~19-27~~ ~~20-28~~.
7. Fishing – Throughout the year.

(b) through (d) No change.

(21) San Pedro Bay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13~~ ~~8~~ through January ~~9~~ ~~4~~.
2. Small game – January ~~10~~ ~~5~~ through ~~March 6~~ ~~February 29~~.
3. Spring turkey – March ~~19~~ ~~20~~ through April ~~24~~ ~~25~~.
4. Archery – September ~~25~~ ~~20~~ through October ~~24~~ ~~19~~.
5. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – During periods the area is open.

8. Trapping – January ~~10~~ ~~5~~ through March 1.

(b) through (d) No change.

(22) Citrus Wildlife Management Area.

(a) Open season:

1. General gun – December ~~18-19~~ ~~13-14~~ and January ~~8-9~~ ~~3-4~~.
2. Small game – January ~~10~~ ~~5~~ through ~~March 6~~ ~~February 29~~.

3. Muzzleloading gun – December ~~11-12~~ ~~6-7~~ and January ~~1-2~~ ~~27-28~~.

4. Archery – November ~~13~~ through December ~~5~~ ~~8-30~~.

5. Fishing and frogging – Throughout year.

(b) through (d) No change.

(23) Flying Eagle Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 2-10~~ ~~September 27~~ through ~~October 5~~.
2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.
3. General gun – November ~~13-21~~ ~~8-16~~.
4. Small game – November ~~26-28~~ ~~21-23~~ and December ~~17-19~~ ~~12-14~~.
5. Spring turkey – March ~~19-22~~ ~~20-23~~ and ~~23-27~~ ~~24-28~~.
6. Early duck – In September, season established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited with the following exception: vehicular access is permitted one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game hunts.

2. Hunting with dogs is prohibited except that waterfowl retrievers and bird dogs are allowed during small game and early duck seasons.

3. The possession of centerfire and rimfire rifles is prohibited.

4. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads.

5. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.

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

7. No deer, wild hog or turkey shall be dismembered until checked at the check station.

8. During the early duck season, shooting hours are from one-half hour before sunrise until 12:00 noon each day.

(24) Potts Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~19-22~~ ~~20-23~~ and ~~23-27~~ ~~24-28~~.
2. Archery – October ~~9-17~~ ~~4-12~~.
3. Muzzleloading gun – ~~November 5-7~~ ~~October 31~~ through ~~November 2~~.
4. General gun hog-dog – November ~~19-21~~ ~~14-16~~.
5. Small game – December ~~10-12~~ ~~5-7~~, January ~~7-9~~ ~~2-4~~, and ~~February 4-6~~ ~~January 30~~ through ~~February 1~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District with the following exception: vehicular access is permitted one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game season.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

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

5. No game shall be dismembered until checked at the check station.

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

7. The name and address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(25) Homosassa Wildlife Management Area.

(a) Open season:

1. Small game – November 13 through December 5 ~~8-30~~ and December 25 ~~20~~ through January 2 ~~4~~.

2. General gun hog – February 10-13 ~~5-8~~ and 24-27 ~~19-22~~.

3. Special-opportunity spring turkey – March 19-25 ~~20-26~~ and April 2-8 ~~3-9~~.

4. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited. Hunting hogs with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated firelines.

3. Vehicles shall be parked within 25 feet of a named or numbered road.

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

5. Hunters shall enter and exit the area at designated entrances and register at the hunt headquarters.

6. Public access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

7. A special-opportunity hunt permit shall be required for every person entering the area during special-opportunity hunts.

8. The possession of centerfire rifles is prohibited.

(26) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October 29-31 ~~24-26~~.

2. General gun – November 13 through December 5 ~~8-30~~.

3. Small game – December 6 ~~4~~ through March 6 ~~February 29~~.

4. Spring turkey – March 22-24 ~~23-25~~, April 5-7 ~~6-8~~ and 19-21 ~~20-22~~.

5. Fox, raccoon and bobcat – December 16 ~~4~~ through March 13 ~~7~~. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited November 13 through December 5 ~~8-30~~. Hunting with dogs other than bird dogs is prohibited December 6-15 ~~4-10~~, 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, and thence bounded by said boundary fence. 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, all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. Horses are prohibited during the general gun and muzzleloading gun seasons. Horses may be ridden only on named or numbered roads or on designated horse trails.

4. The possession of firearms is prohibited at all times 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.

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

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(27) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25 20~~ through October ~~24 19~~.

2. Muzzleloading gun – October ~~29-31 24-26~~.

3. General gun – November ~~13 8~~ through January ~~9 4~~.

4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.

5. Fishing, frogging and other recreational use – Permitted year-round.

6. Small game – December 2 ~~November 27~~ through January ~~9 4~~.

7. Spring turkey – March ~~26-29 27-30~~ and March ~~30 31~~ through April ~~3 4~~.

(b) through (d) No change.

(28) Devil's Hammock Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-28 20-23~~, September 29 through October 3 24-28 and October 4-10 September 29 through October 5.

2. Muzzleloading gun – October ~~29-31 24-26~~.

3. General gun – November ~~13-16 8-11~~ and ~~17-21 12-16~~.

4. Small game – December ~~11-26 6-24~~.

5. Spring turkey – March ~~19-22 20-23~~ and ~~23-27 24-28~~.

6. Trapping – Prohibited.

7. Fishing – Permitted year-round.

(b) through (c) No change.

(29) Mallory Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25 20~~ through October ~~24 19~~.

2. Muzzleloading gun – October ~~30 25~~ through November ~~7 2~~ (still hunt area only).

3. General gun – November ~~13 8~~ through January ~~9 4~~.

4. Small game – January ~~10 5~~ through February ~~6 1~~.

5. Spring turkey – March ~~19 20~~ through April ~~3 4~~.

6. Duck and coot – During the duck and coot season and the early duck season in September established pursuant to Rule 68A-13.003, F.A.C.

7. Trapping – January ~~10 5~~ through March 1.

8. Fishing and frogging – Throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun season. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying west of Crapps Tower Grade and north of L.A. Bennett Grade, and in that portion of the area lying west of Crapps Tower Grade and south of Deserter's Hammock Road.

2. During the muzzleloading gun and general gun seasons, hunters shall check all game taken at the check station.

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited, except that all-terrain vehicles and motorcycles shall be allowed only by permit from the Suwannee River Water Management District. Horses are permitted only on roads and designated horse trails during daylight hours and only during periods closed to hunting.

4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.

~~5. Public access to the area shall be prohibited from one and one-half (1 1/2) hours after sunset to one and one-half (1 1/2) hours before sunrise.~~

~~5.6. Fires are prohibited.~~

~~6.7. Licensed trappers may possess .22 rimfire rifles or pistols from February 7 3 through March 1.~~

(30) Middle Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13 8~~ through January ~~9 4~~.

2. Muzzleloading gun – October ~~30 25~~ through November ~~7 2~~.

3. Small game – January ~~10 5~~ through ~~March 6 February 29~~.

4. Archery – September ~~25 20~~ through October ~~24 19~~.

5. Spring turkey – March ~~19 20~~ through April 24.

6. Trapping: Prohibited.

7. Fishing: Permitted throughout the year.

(b) through (d) No change.

(31) Little River Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-27 20-22~~, October 2-4 27-29 and 9-11 October 4-6.

2. Muzzleloading gun – October ~~29-31 24-26~~.

3. Small game – December 4-8 November 29 through December 3 and ~~25-29 December 20-24~~.

4. Fishing – Permitted throughout the year.

5. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. Vehicles may be operated only on Little River and the Powerline Roads road.

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.

(32) Troy Springs Wildlife Management Area.

(a) Open season:

1. Small game – November ~~13~~ 8 through January ~~9~~ 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) through (d) No change.

(33) Bayard Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ 20 through October ~~10~~ 5 and November ~~20-28~~ 15-23.

2. Muzzleloading gun – October ~~30~~ 25 through November ~~7~~ 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) through (c) No change.

(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.~~

~~10.11.~~ Hunting is prohibited in Area 1.

~~12. Hunt permits are transferable.~~

~~11.13.~~ Only shotguns may be used during the spring turkey season.

~~12.14.~~ Vessels may be used to access the area from the St. Johns River.

(34) Grove Park Wildlife Management Area (Alachua County).

(a) Open season:

1. Archery – September ~~25~~ 20 through October ~~24~~ 19.

2. Muzzleloading gun – October ~~29-31~~ 24-26.

3. General gun – November ~~13~~ 8 through January ~~9~~ 4.

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

5. Trapping – December 1 through January ~~9~~ 4.

6. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.

7. Fish and frogging – Throughout year.

(b) through (d) No change.

(35) Steinhatchee Springs Wildlife Management Area.

(a) Open season:

1. Archery – September 25 through October 24.

2. Muzzleloading gun – October 29 through 31.

3. General Gun - November 13 through December 5.

4. Small Game - January 22 through February 20.

5. Spring turkey – March 19 through April 10.

6. Trapping – Prohibited.

7. Fishing and frogging – Permitted throughout the year.

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

(c) Camping – Prohibited during periods when area is open to hunting. During periods closed to hunting, camping is by permit only from the Suwannee River Water Management District.

(d) General regulations:

1. The 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.

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

4. Fires are prohibited.

5. Horses are prohibited during periods open to hunting. During periods closed to hunting, horses shall be restricted to designated roads and trails.

6. Hunters shall check all game taken during the muzzleloading gun, general gun, and spring turkey seasons.

7. The taking or attempt to take wildlife or the display or use of a gun on or from the rights-of-way of State Road 51 or County Road 357 is prohibited as provided by Rule 68A-4.008, F.A.C.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

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 of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest Region as follows:

Apalachee WMA – The proposed rule would establish spring turkey season in Zones B and C [March 19 through April 24 (Fridays, Saturdays, and Sundays only)].

Apalachicola WMA – The proposed rule would permit camping on Northwest Florida Water Management District lands.

Blackwater WMA – The proposed rule would expand dove hunting opportunities in the field trial area from two to six days per week (first phase of dove season) and from one to three days (second and third phases); establish a new bird dog training season; and 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 (Hurricane Lake Road cutoff and Beaver Creek Road), where vehicles could be operated on established roads.

Blackwater WMA, Hutton Unit – The proposed rules would establish Mobility-impaired general gun seasons (January 28-30 and February 4-6) and bird dog training season (Monday through Friday in October, except during archery season); revise legal to take as follows: only deer with three or more points on one side would be legal to take; increase the bag limit for deer to two per mobility-impaired quota hunt permit, during the mobility-impaired hunt and permit the taking of antlerless deer by certified mobility-impaired hunters only; permit mobility-impaired hunters to use all-terrain vehicles on established roads, trails, and firebreaks during the mobility-impaired general gun season; and to restrict access 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 permit could be utilized per individual per hunt.

Joe Budd WMA – The proposed rule would permit vehicles to be operated only on named or numbered roads.

Robert Brent WMA – The proposed rule would revise legal to take as follows: only deer with three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule. The proposed rule would prohibit the taking or attempted taking of wildlife on, upon or from the rights-of-way of any named or numbered road.

Blue Water Creek WMA – The proposed rule would revise legal to take as follows: only deer with three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule.

Talquin WMA – The proposed rule would eliminate the 24-day small game season and permit fishing and other recreational uses during daylight hours only.

Tate's Hell WMA – The proposed rule accommodate the recent addition of 37,530 acres into the WMA and redefine the still hunt/dog hunt boundary to provide a still hunting buffer adjacent to residential areas (5,630 acres). The proposed rule will allow for 34,600 acres of dog hunting. The new still hunt area would include that portion of the WMA east of Whiskey George Creek and south of Dry Bridge Road, east of Car Body Road, south of River Road, east of Burnt Bridge Road from its intersection with River Road to the New River, south of New River and west of Carrabelle River.

Aucilla WMA – The proposed rule would permit wild hogs to be taken throughout general gun season and remove the size or bag limit on wild hogs; permit primitive camping (tents only) at designated sites along the Florida Trail; permit public access to the area north of U.S. Highway 98 and west of Wacissa River; and permit the hunting of wild hogs on that portion of the area south of U.S. 98.

Flint Rock WMA – The proposed rule would revise legal to take as follows: only deer with three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule. The proposed rule would permit wild hogs to be taken throughout general gun season and remove the size and bag limit on wild hogs.

Pine Log WMA – The proposed rule would remove the size and bag limit on wild hogs and allow hunting with bird dogs or retrievers.

Escambia River WMA – The proposed rule would prohibit camping in areas posted as “No Camping.”

Choctawhatchee River WMA – The proposed rule would prohibit hunting deer with dogs on those lands south of U.S. Highway 90 lying north of the pipeline right-of-way and east of the Choctawhatchee River (2,926 acres). This would impact approximately 7% of the dog hunt area.

Upper Chipola River WMA – The proposed rule would prohibit taking or attempting to take wild hogs with the aid of dogs

Econfina Creek WMA – The proposed rule would increase the bag limit of antlerless deer from one to two during the mobility-impaired hunts and permit one additional person per permit holder to participate in the hunt. Only one quota hunt permit could be utilized per individual per hunt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$150 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 DURING THE COMMISSION’S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Apalachee Wildlife Management Area.

(a) Open season:

1. General gun – November ~~25-28~~ ~~27-30~~ and December ~~11~~ ~~13~~ through February ~~13~~ ~~15~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).

2. Archery – October ~~16~~ ~~18~~ through November ~~14~~ ~~16~~.

3. Fishing and frogging – Throughout year.

4. Muzzleloading gun – November ~~19-21~~ ~~21-23~~.

5. Early duck – On Tuesdays, Thursdays, Saturdays and Sundays of the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – On Tuesdays, Thursdays, Saturdays and Sundays of the duck and coot season established in Rule 68A-13.003, F.A.C.

7. Dove – On Tuesdays, Thursdays, Saturdays and Sundays of the dove season established in Rule 68A-13.008, F.A.C.

8. Quail (Zone A) – December ~~21~~ ~~23~~ through January ~~9~~ ~~11~~ (Mondays, Wednesdays and Fridays closed to hunting).

9. Spring turkey (Zones B and C) – March 19 through April 24 (Fridays, Saturdays, and Sundays only).

(b) through (d) No change.

(2) Apalachicola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~25-28~~ ~~27-30~~ and December ~~11~~ ~~13~~ through February ~~2~~ ~~4~~.

2. Small game – November ~~13-24~~ ~~8-26~~, November 29 through December 10 ~~December 1-12~~ and February 3 through March 6 ~~5-29~~.

3. Spring turkey – March ~~19~~ ~~20~~ through April ~~24~~ ~~25~~.

4. Archery – October ~~16~~ ~~18~~ through November ~~14~~ ~~16~~.

5. Muzzleloading gun – November ~~19-21~~ ~~21-23~~.

6. Muzzleloading gun and archery – February ~~17-27~~ ~~19-29~~.

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

8. Fox, raccoon, opossum and bobcat – October 1 through ~~March 6~~ ~~February 29~~ 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 25 ~~27~~.

9. Trapping – February 3 ~~5~~ through March 1.

10. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 25-28 ~~27-30~~ and from December 11-22 ~~13-24~~. 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) Camping: Throughout year.

(d) General regulations:

1. Camping is permitted only on designated campsites during general gun season, except on Northwest Florida Water Management District lands where camping is permitted throughout the area.

2. Bird dogs may be trained from June 1 through March 6 ~~February 29~~. Deer dogs may be trained from October 30 ~~25~~ through November 18 ~~13~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. Dove hunting is permitted during the first phase of the established dove season.

4. During the November 13 ~~8~~ through March 6 ~~February 29~~ period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

5. Taking of wildlife by use of a gun on or from rights-of-way of State Road 267, 67, 375, 65, 299, 368, 369, 260, 373, 263, 379, 12 or that portion of County Road 22 east of the Ochlockonee River is prohibited as provided by Rule 68A-4.008, F.A.C.

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. Taking of deer is prohibited on or from the rights-of-way of State Road 375 and 50 yards outward from the rights-of-way.

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 25-28 ~~27-30~~ and December 11-15 ~~13-17~~.

2. Archery – October 16-31 ~~18~~ through November 2.

3. Muzzleloading gun – November 19-21 ~~21-23~~.

4. Small game – November 13-18 and 22-24 ~~8-16~~.

5. Spring turkey – March 19-20 ~~20-21~~ and April 1-3 ~~2-4~~.

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

7. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(4) Blackwater Wildlife Management Area.

(a) Open season:

1. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through February 2 ~~4~~.

2. Small game – November 13-24 ~~8-26~~, November 29 through December 10 ~~December 1-12~~ and February 3 through March 6 ~~February 5-29~~.

3. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

4. Archery – October 16 ~~18~~ through November 14 ~~16~~.

5. Muzzleloading gun – November 19-21 ~~21-23~~, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February 17-27 ~~19-29~~, in the still hunt area only (except in the field trial area). January 21-23 ~~16-18~~ in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March 13 ~~14~~, north of State Road 4 (except in the still hunt area).

8. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., (except on the field trial area).

9. Bird dog training – October 1 – 15.

~~10.9.~~ Fishing and frogging – Throughout year except on fish hatchery.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the January 21-23 ~~16-18~~ 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) Camping: Throughout year at designated campsites only.

(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 21-23 ~~16-18~~ archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Monday through Saturday and Wednesdays only), and the second phase of the dove season (Monday through Wednesday).

only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.

2. Hunting with dogs other than bird dogs and retrievers is prohibited in the still hunt area, which includes that portion of the area south of State Road 4 and that portion of the area north of State Road 4 and east of Hurricane Lake Road and Beaver Creek Highway and south of the Brake Fork Fireline, west of Eadie Cotton Road, south of Peaden Bridge Road, east of Sherman Kennedy Road, north of Mattie Kennedy Road and Kennedy Bridge Road, east of Bullard Church Road and east of Ashburn Fork Fireline; and that portion of the area west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road.

3. During fox, raccoon, opossum and bobcat season, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted.

4. Vehicles may be operated only on ~~established roads except south of State Road 4 and west of County Road 191 where vehicles may 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 (Hurricane Lake Road cutoff and Beaver Creek Road) where vehicles may be operated only on established roads.

5. Dogs are prohibited in the field trial area, except as specifically authorized by permit, or during the bird dog training season.

6. The discharge of any gun within 300 yards of a public campsite is prohibited.

7. Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

8. The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

9. Vehicles are prohibited on the Florida Gas Transmission Line and from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October 16-24 ~~18-26~~.

2. Muzzleloading gun – November 19-21 ~~21-23~~.

3. Quail – November 13-14 ~~8-9, 24-25~~ 19-20, December 4-5 ~~and 29-30, 13-14~~ 8-9, 18-19 ~~13-14, 27-28~~ 22-23, and January 1-2 ~~27-28~~.

4. General gun – January 15-23 ~~17-25~~.

5. Mobility-impaired general gun – January 28-30 and February 4-6.

~~6.5:~~ Spring turkey – March 19-21 ~~20-22~~, April 1-3 ~~2-4~~, and 15-17 ~~16-18~~.

~~7.6:~~ Fishing and Frogging – Throughout the year.

8. Bird dog training – Monday through Friday in October, except during archery season.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. The bag limit for quail is 12 per hunting group each day. A group for the purpose of quail hunting shall include up to three persons. Taking of antlered deer not having at least one ~~forked~~ antler with three or more points, one inch or more in length, and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. ~~The forked antler shall have at least two points one inch or greater in length.~~ The bag limit for antlered deer shall be one per quota hunt permit, except during the mobility-impaired hunts. Two deer (except spotted fawns) may be taken per mobility-impaired quota hunt permit. During the general gun for mobility-impaired season, only mobility-impaired hunters may take antlerless deer. ~~Antlerless deer may be taken by permit only.~~ During spring turkey season, the bag limit shall be one gobbler or bearded turkey per quota hunt permit. No size or bag limit on wild hogs.

(c) Camping – permitted at designated sites only.

(d) General Regulations:

1. During hunting seasons, vehicular access is permitted only by individuals possessing quota hunt permits. Vehicles may be operated only on named or numbered roads, except during the mobility-impaired hunts, and shall enter and exit only at the designated entrance as indicated on the hunt map.

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

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

4. Taking quail after 3:00 p.m. Central Standard Time is prohibited.

5. The possession or use of all-terrain vehicles is prohibited, except that mobility-impaired hunters may use all-terrain vehicles only on established roads, trails, and firebreaks during the mobility-impaired general gun season.

6. The possession or use of firearms other than shotguns is prohibited during the quail season.

7. During the mobility-impaired general gun hunts, 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 permit may be utilized per individual per hunt.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season.

1. Quail: November 13-16 ~~8-11~~, 18-21 ~~13-16~~, 25-28 ~~20-23~~, December 2-5 ~~27-30~~, 9-12 ~~4-7~~, 16-19 ~~11-14~~, 23-26 ~~18-21~~, December 30 through January 2-25 ~~28~~, January 6-9 ~~1-4~~, 13-16 ~~8-11~~, 20-23 ~~15-18~~, 27-30 ~~22-25~~, February 3-6 ~~January 29 through February 1~~, 10-13 ~~5-8~~, 17-20 ~~12-15~~ and 24-27 ~~19-22~~.

(b) through (d) No change.

(7) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December 10-12 through January 9-11 (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 14-30 ~~16 through February 1~~ (Fridays, Saturdays and Sundays only).

3. Small game – October 2-4 through December 5-7 (Saturdays and Sundays only).

4. Spring turkey – March 19-20 through April 24-25 (Saturdays and Sundays only).

5. Fishing and other recreational use – Permitted during daylight hours when hunting is not allowed.

(b) through (c) No change.

(d) General regulations:

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

2. Hunting with dogs is prohibited except that bird dogs and retrievers are permitted during small game hunts.

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

4. No person shall hunt in any zone other than that for which he has obtained a zone tag permit. All hunters shall wear zone tags visibly.

5. Only bows or muzzleloading guns may be used during spring turkey seasons.

6. Shotguns are prohibited during the archery season, and centerfire shotguns are prohibited during the archery and muzzleloading gun season.

7. No person shall enter the area during any period in which the entry gate is closed.

8. Entry into the area is prohibited from one-half hour before sunrise until one hour after sunrise and from one hour before sunset to one-half hour after sunset during the archery, and archery/muzzleloading gun seasons. During spring turkey season, entry is prohibited from one-half hour before sunrise until one hour after sunrise.

9. All persons entering or exiting the area may do so only at a designated entrance as indicated on the hunt map.

10. Guns are prohibited when the area is closed to hunting, except at the designated campsite.

11. Taking or attempting to take wildlife by use of a gun on or from the rights-of-way of High Bluff Road or County Road 268 is prohibited as provided by Rule 68A-4.008, F.A.C.

(8) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November 25-28 ~~27-30~~ and December 11-13 through February 2-4.

2. Small game – November 13-24 ~~8-26~~, November 29 through December 10 ~~1-12~~ and February 3 through March 6 ~~5-29~~.

3. Spring turkey – March 19-20 through April 24-25.

4. Archery – October 16-18 through November 14-16.

5. Muzzleloading gun – November 19-21 ~~21-23~~.

6. Archery and muzzleloading gun – February 17-27 ~~19-29~~.

7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout year.

9. Trapping – January 1 through March 1 by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 25-28 ~~27-30~~ and from December 11-22 ~~13-24~~. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, 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) Camping: Prohibited.

(d) General regulations:

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

2. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.

3. Vehicular access will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2 or Road 1 only.

4. Hunting with dogs other than bird dogs is prohibited.

5. Taking of wildlife by use of a gun on or from right-of-way of State Road 65 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.

7. Taking or attempting to take wildlife on, upon or from the rights-of-way of any named or numbered road ~~Roads 1 and 2~~ is prohibited.

(9) Blue Water Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 25-28 ~~27-30~~ and December 11-13 through February 2-4.

2. Small game – February 19 through March 6 ~~21-29~~ (Saturdays and Sundays only).

3. Archery – October 16-18 through November 14-16.

4. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
5. Archery and muzzleloading gun – February ~~3-16~~ 5-18.
6. Muzzleloading gun – November ~~19-21~~ 21-23.
7. Fishing and frogging – Prohibited except during designated hunting days and pre-hunt scouting periods.
(b) Legal to take: All legal game, fish, and furbearers. Taking of antlered deer not having at least one ~~forked~~ antler ~~with three or more points, one inch or more in length, 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) Point Washington Wildlife Management Area.
(a) Open season:
 1. General gun – November ~~25-28~~ 27-30 and December ~~11~~ 13 through February ~~2~~ 4.
 2. Small game – November ~~13-24~~ 8-26, ~~November 29 through December 10~~ 1-12 and ~~February 3 through March 6~~ 5-29.
 3. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
 4. Archery – October ~~16~~ 18 through November ~~14~~ 16.
 5. Muzzleloading gun – November ~~19-21~~ 21-23.
 6. Archery and muzzleloading gun – February ~~17-27~~ 19-29.
 7. Fishing and frogging – Throughout year.
 8. Trapping – January 1 through February 1.
 - (b) through (d) No change.
 - (11) Talquin Wildlife Management Area.
(a) Open season:
 1. General gun – November ~~26-28~~ 28-30 and December ~~11~~ 13 through January ~~2~~ 4 (Fridays, Saturdays and Sundays only).
 2. ~~Small game – January 9 through February 29 (Fridays, Saturdays and Sundays only).~~
 - 2.3. Archery – October ~~16~~ 18 through November ~~14~~ 16 (Fridays, Saturdays and Sundays only).
 - 3.4. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25 (Saturdays and Sundays only).
 - 4.5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
 - 5.6. Fishing and other recreational uses – Permitted during daylight hours ~~only when hunting is not allowed.~~
 - (b) through (d) No change.
 - (12) Ochlockonee River Wildlife Management Area.
(a) Open season:
 1. Archery and muzzleloading gun – November ~~26-28~~ 28-30 and December ~~11~~ 13 through January ~~2~~ 4 (Fridays, Saturdays and Sundays only).
 2. Small game – January ~~7~~ 9 through ~~March 6~~ February 29 (Fridays, Saturdays and Sundays only).
 3. Archery – October ~~16~~ 18 through November ~~14~~ 16 (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25 (Saturdays and Sundays only).
5. Fishing and other recreational uses – Permitted during daylight hours when hunting is not allowed.
(b) through (d) No change.
- (13) Tate's Hell Wildlife Management Area.
(a) Open season:
 1. General gun – November ~~25-28~~ 27-30 and December ~~11~~ 13 through February ~~2~~ 4.
 2. Small game – November ~~13-24~~ 8-26, ~~November 29 through December 10~~ 1-12 and February ~~3 through March 6~~ 5-29.
 3. Archery – October ~~16~~ 18 through November ~~14~~ 16.
 4. Muzzleloading gun – November ~~19-21~~ 21-23.
 5. Muzzleloading gun and archery – February ~~17-27~~ 19-29.
 6. Early duck – In September season as established by Rule 68A-13.003, F.A.C.
 7. Duck and coot – As established by Rule 68A-13.003, F.A.C.
 8. Dove – As established by Rule 68A-13.008, F.A.C.
 9. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
 10. Trapping – February 1 through March 1.
 11. Fishing and frogging – Throughout the year.
(b) through (c) No change.
 - (d) General regulations:
 1. Deer dogs may be trained from October ~~30~~ 25 through November ~~18~~ 13.
 2. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.
 3. Vehicles may be operated only on designated roads. Airboats, all-terrain vehicles and tracked vehicles are prohibited.
 4. In the still hunt area, which includes that portion of the area east of Whiskey George Creek and south of Dry Bridge Road, ~~east of Car Body Road, south of River Road, east of Burnt Bridge Road from its intersection with River Road to the New River, south of New River and west of Carrabelle River,~~ hunting with dogs other than bird dogs and retrievers is prohibited.
 5. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.
 - (14) Tate's Hell Wildlife Management Area – Womack Creek Unit.
(a) Open season:
 1. Archery – October ~~16-24~~ 18-26.
 2. Muzzleloading gun – November ~~19-21~~ 21-23.
 3. Small game – November ~~13~~ 8 through February ~~2~~ 4.

4. General gun still – November ~~25-28~~ 27-30 and December ~~11-19~~ 13-21.

5. General gun dog – December ~~22~~ 24 through January ~~3~~ 5.

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

7. Spring turkey – March ~~19-22~~ 20-23, March 31 through April 3 ~~1-4~~ and ~~7-10~~ 8-11.

8. Trapping – February 1 through March 1.

9. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(15) Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13~~ 8 through January ~~2~~ 4.

2. Small game – January ~~10~~ 5 through March 6 ~~February 29~~.

3. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.

4. Archery – September ~~25~~ 20 through October ~~24~~ 19.

5. Muzzleloading gun – October ~~29-31~~ 24-26.

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. Fishing and frogging – Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.

9. Trapping – January ~~10~~ 5 through March 1.

(b) Legal to take: All legal game, fish, frogs and furbearers. ~~Wild hogs may be taken only during the archery season, muzzleloading gun season, and the first 23 days of general gun season. No size or bag limit on wild hogs.~~ Antlerless deer may not be taken during the archery season.

(c) Camping: Prohibited, except primitive camping (tents only) is allowed at designated sites along the Florida Trail.

(d) General regulations:

1. The taking of wild hogs by the use of dogs is prohibited.

2. Hunting with dogs other than bird dogs or waterfowl retrievers is prohibited south of U.S. 98 and on those lands lying north of Goose Pasture Road east of the Aucilla River.

3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken.

4. ~~Public access is prohibited north of U.S. Highway 98 and west of the Wacissa River, other than during periods when public hunting is allowed, and seven days before each open hunting season except that portion of the area bounded on the west by Firebreak 14, on the east by the Wacissa River, on the north and west by the southern boundary of Section 11, the western boundary of Sections 12 and 1, and the northern boundary of Section 1, Township 3 South, Range 3 East, and on the south by the western and northern boundaries of Section~~

~~12, the eastern boundary of Section 1, Township 4 South, Range 3 East, and the northern boundary of Section 6, Township 4 South, Range 4 East, which will be open for public access throughout the year.~~

~~4.5:~~ Vehicles may be operated only on designated roads.

~~5.6:~~ During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

~~6.7:~~ 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.

~~7.8:~~ Fires are prohibited.

~~8.9:~~ The use of all-terrain vehicles (ATVs) is prohibited.

~~9.10:~~ Shotguns are permitted on the area during the early ~~experimental~~ duck season established by Rule 68A-13.003, F.A.C.

~~10.11:~~ Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.

~~11.12:~~ On that portion of the area south of U.S. 98, hunting shall be restricted to small game and wild hogs.

(16) Flint Rock Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October ~~29-31~~ 24-26.

2. General gun – November ~~13~~ 8 through January ~~2~~ 4.

3. Small game – January ~~10~~ 5 through March 6 ~~February 29~~.

4. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.

5. Archery – September ~~25~~ 20 through October ~~24~~ 19.

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. Fishing and frogging – Permitted during periods the area is open for access.

9. Trapping – January ~~10~~ 5 through March 1.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Taking of antlered deer not having at least one ~~forked~~ antler with three or more points, one inch or more in length, and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. ~~The forked antler shall have at least two points one inch or greater in length. Wild hogs may be taken only during the archery season, muzzleloading gun season and the first 23 days of general gun season. No size or bag limit on wild hogs.~~

(c) through (d) No change.

(17) Pine Log Wildlife Management Area.

(a) Open season:

1. Archery – October ~~16-31~~ 18 through November 2.

2. Muzzleloading gun – November ~~19-21~~ 21-23.

3. General gun – November ~~25-28~~ 27-30, January ~~22-25~~ 24-27, and January 26-30 28 through February 1.

4. Small game – December ~~4~~ 6-31.
5. Spring turkey – March ~~19~~ 20 through April ~~3~~ 4.
6. Fishing and frogging – Throughout the year.
- (b) Legal to take: All legal game, fish, frogs, and furbearers. No size or bag limit on wild hogs.
- (c) Camping: Permitted at designated sites only.
- (d) General Regulations:
 1. Vehicles may be operated only on named or numbered roads and shall enter and exit at designated entrances only.
 2. Hunting with dogs other than bird dogs or ~~and~~ retrievers is prohibited.
 3. The use of all-terrain vehicles is prohibited.
 4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 79 or County Road 2296 is prohibited as provided by Rule 68A-4.008, F.A.C.
 5. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 6. Firearms and crossbows are prohibited in the archery-only area, delineated as that portion of the area lying north of Pine Log Creek, south of Environmental Road, and west of State Road 79.
- (18) Eglin AFB Wildlife Management Area.
 - (a) Open season:
 1. Archery – October ~~16~~ 18 through November ~~14~~ 16 in areas and during days specified by the Installation Commander.
 2. Muzzleloading gun – November ~~19-21~~ 21-23 in areas specified by the Installation Commander.
 3. General gun – November ~~25-28~~ 27-30, December ~~11~~ 13 through February ~~6~~ 8 in areas and during days specified by the Installation Commander.
 4. Archery and muzzleloading gun – February ~~7-27~~ 9-29 in areas and during days specified by the Installation Commander.
 5. Small game – November ~~13~~ 8 through ~~March 6~~ 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 ~~19~~ 20 through April ~~24~~ 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) through (c) No change.
 - (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 ~~13~~ 8 through ~~March 6~~ 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.
- (19) Escambia River Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~25-28~~ 27-30 and December ~~11-31~~ 13-31.
 2. Archery – October ~~16~~ 18 through November ~~14~~ 16.
 3. Muzzleloading gun – November ~~19-21~~ 21-23.
 4. Archery and muzzleloading gun – January 1 through February ~~2~~ 4 and February ~~17-27~~ 19-29.
 5. Small game – November ~~13~~ 8 through ~~March 6~~ February 29.
 6. Spring turkey – March ~~19~~ 20 through April ~~24~~ 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 – Permitted throughout the year.
 - (b) Legal to take: All legal game, fish, frogs and furbearers.
 - (c) Camping: Permitted throughout the area (except where posted as no camping) 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) No change.
- (20) Tyndall AFB Wildlife Management Area.
 - (a) Open season:
 1. Archery – October ~~16~~ 18 through November ~~14~~ 16 during days specified by the Installation Commander.

2. Muzzleloading gun – November 19-21 ~~21-23~~.
3. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through February 16 ~~18~~ during days specified by the Installation Commander.
4. Supervised youth – November 20-21 ~~22-23~~, December 4-5 ~~6-7~~ and December 18-19 ~~20-21~~ (only in areas designated by the Installation Commander).
5. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~ during days specified by the Installation Commander.
6. Small game – November 13 ~~8~~ through March 6 ~~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 the year except in areas posted as closed.
 - (b) through (d) No change.
 - (21) Choctawhatchee River Wildlife Management Area.
 - (a) Open season:
 1. Archery – October 16 ~~18~~ through November 14 ~~16~~.
 2. Muzzleloading gun – November 19-21 ~~21-23~~.
 3. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through February 2 ~~4~~ except Holmes Creek Unit and East River Island.
 4. Small game – November 13 ~~8~~ through March 6 ~~February 29~~.
 5. Archery and muzzleloading gun – February 17-27 ~~19-29~~. Holmes Creek Unit and East River Island November 25-28 ~~27-30~~, December 11 ~~13~~ through February 2 ~~4~~ and February 17-27 ~~19-29~~.
 6. Spring turkey – March 19 ~~20~~ through April 24 ~~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) through (c) No change.
 - (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); also those lands south of U.S. Highway 90 lying north of the pipeline right-of-way and east of the Choctawhatchee River.

3. The use of all-terrain vehicles is prohibited.
- (22) Upper Chipola River Wildlife Management Area.
 - (a) Open season:
 1. Archery – October 16 ~~18~~ through November 14 ~~16~~.
 2. Muzzleloading gun – November 19-21 ~~21-23~~.
 3. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through January 1.
 4. Small game – November 13 ~~8~~ through March 6 ~~February 29~~.
 5. Archery and muzzleloading gun – February 19-20 ~~21-22~~ and 26-27 ~~28-29~~.
 6. Spring turkey – March 19 ~~20~~ through April 24 ~~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) through (c) No change.
 - (d) General regulations:
 1. Vehicles may be operated only on named or numbered roads.
 2. Taking or attempting to take deer or hogs with the aid of dogs is prohibited.
 3. The use of all-terrain vehicles is prohibited.
 - (23) Yellow River Wildlife Management Area.
 - (a) Open seasons except in the Grassy Point area:
 1. Archery – October 16 ~~18~~ through November 14 ~~16~~.
 2. Muzzleloading gun – November 19-21 ~~21-23~~.
 3. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through February 2 ~~4~~.
 4. Small game – November 13 ~~8~~ through March 6 ~~February 29~~.
 5. Archery and muzzleloading gun – February 17-27 ~~19-29~~.
 6. Spring turkey – March 19 ~~20~~ through April 24 ~~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 25-28 ~~27-30~~ and January 22-30 ~~24~~ through February 1.
 2. Archery – October 16-31 ~~18~~ through November 2.
 3. Muzzleloading gun – November 19-21 ~~21-23~~.
 4. Spring turkey – March 19-20 ~~20-21~~, April 2-3 ~~3-4~~ and 16-17 ~~17-18~~.

5. Small game – November 13-18 and 22-24 ~~8-20~~.

6. Fishing and frogging – Throughout the year.

(c) through (e) No change.

(24) Econfina Creek Wildlife Management Area.

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

1. Archery – October 16 ~~18~~ through November 14 ~~16~~.

2. Muzzleloading gun – November 19-21 ~~21-23~~.

3. General gun – November 25-28 ~~27-30~~ and December 11 ~~13~~ through February 2 ~~4~~.

4. Small game – November 13 ~~8~~ through March 6 ~~February 29~~.

5. Archery and muzzleloading gun – February 17-27 ~~19-29~~.

6. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

7. Raccoon – November 13 ~~8~~ through March 18 ~~19~~ and April 25 ~~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 – Permitted throughout the year.

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

1. General gun – November 26-28 ~~28-30~~, January 14-16 ~~16-18, 21-23 23-25~~, January 28-30 ~~30 through February 1~~ and February 2-4 ~~4-6~~.

2. Spring turkey – March 19-20 ~~20-21, 25-27 26-28~~, April 1-3 ~~2-4, 8-10 9-11, 15-17 16-18~~ and 22-24 ~~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 16-31 ~~18 through November 2~~.

2. Muzzleloading gun – November 19-21 ~~21-23~~.

3. General gun – November 25-28 ~~27-30~~, January 22-25 ~~24-27~~ and January 26-30 ~~28 through February 1~~.

4. Small game – December 4-19 ~~6-21~~.

5. Spring turkey – March 19-21 ~~20-22~~, April 1-3 ~~2-4~~ and 15-17 ~~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 two ~~one~~ per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates.

(e) No change.

(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. One additional person per permit holder may participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

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.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-1-03, 7-1-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Freshwater Fish and Wildlife****RULE TITLE:****RULE NO.:**

Specific Regulations for Wildlife Management

Areas – South Region

68A-15.064

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region as follows:

Corbett WMA – The proposed rules would permit the operation of vehicles on named or numbered roads or trails during archery and spring turkey seasons; and permit use of the Hungryland Boardwalk throughout the year.

Everglades WMA – The proposed rule would open that portion of conservation Area 2A south of the east-west trail to vehicles and airboats during the general gun-vehicle season and prohibit unauthorized motorized vehicles on all levees except the L-4, L-5, and that portion of the L-6 extending from the S-7 pump station north to Sportsman's Crossover.

Big Cypress, Deep Lake Unit WMA – The proposed rule would change the beginning date of the last archery quota hunt to December 22 through the last day of archery season.

Okaloacoochee Slough WMA – The proposed rules would delete reference to the 20-inch shoulder height restriction on wild hogs such that the statewide restriction of 15 inches will apply; clarify the rule that allows for vehicles to be operated on named or numbered roads outside of hunting season; and allow horses during periods when the area is open to hunting.

Fisheating Creek WMA – The proposed rules would permit hunters to access the area only from the Palmdale campground, except that special-opportunity turkey hunters could access the special-opportunity hunt area from the right-of-way U.S. 27, provided they check in and out at the check station; and prohibit all-terrain vehicles from being operated within the Palmdale campground.

Picayune Strand WMA – The proposed rule would eliminate the quota hunt permit requirements for archery season and maintain the harvest at one deer and one wild hog per hunter during the archery season.

Dinner Island Ranch WMA – The proposed rules would establish the open seasons for archery (September 11-17 and 18-26); muzzleloading gun (October 16-18); general gun (October 30 through November 2 and November 3-7); spring turkey (March 5-8 and 9-13); dove (Saturdays only during the mourning dove and white-winged dove season), and fishing and frogging (throughout the year). The proposed rules would

establish all legal game, fish, frogs and furbearers as legal to take; establish the bag limit for deer, turkey, and wild hogs as one per quota hunt permit, except that the taking of antlerless deer and turkey would be prohibited during archery season; permit camping only at designated campsites, using tents, trailers, or self-propelled camping vehicles; prohibit hunting with dogs, except bird dogs or retrievers used on the posted dove field during established dove hunts; prohibit the use of tracked vehicles, swamp buggies, airboats, motorcycles, or all-terrain vehicles, except that swamp buggies and all-terrain vehicles would be permitted during the archery, muzzleloading gun, and general gun seasons by individuals possessing a valid quota hunt permit; permit the operation of vehicles only on named or numbered roads, except during the archery, muzzleloading gun, and general gun seasons; permit operation of vehicles on named or numbered trails by individuals possessing a valid quota hunt permit; prohibit horses during periods open to hunting except during dove hunts on the established dove field; permit horses on named or numbered roads and designated equestrian trails only; require that hunters check in and out at a designated check station when entering and exiting the area and check all game taken; require that deer, hog or turkey shall not be dismembered until checked at a check station; prohibit fires except campfires; establish shooting hours for dove hunts from noon until sunset; require that hunters enter the posted field no earlier than one hour before shooting time and exit the posted dove field within one hour after sunset; require dove hunters to hunt from assigned stations in the posted dove field; permit transfer of hunt station assignments at the check station; and provide for issuance of dove field permits on a first-come, first-served basis at the check station on the day of each dove hunt.

Canoe Slough WMA – The proposed rules would establish the open seasons for archery (September 11-17 and 18-26); muzzleloading gun (October 16-18); general gun (October 30 through November 2 and November 3-7); spring turkey (March 5-8 and 9-13); and fishing and frogging (throughout the year). The proposed rules would establish all legal game, fish, frogs and furbearers as legal to take. The proposed rules would establish the bag limit for deer, turkey, and wild hogs as one per quota permit and prohibit the taking of antlerless deer and turkey during archery season. The proposed rules would prohibit camping; prohibit hunting with dogs; prohibit the use of tracked vehicles, swamp buggies, airboats, motorcycles, or all-terrain vehicles, except that swamp buggies and all-terrain vehicles could be operated during the archery, muzzleloading gun, and general gun seasons by individuals possessing a valid quota hunt permit; permit the operation of vehicles only on named or numbered roads, except during the archery, muzzleloading gun, and general gun seasons when operation of vehicles would be permitted on named or numbered trails by individuals possessing a valid quota hunt permit; prohibit horses during periods open to hunting; permit horses on named or numbered roads and designated equestrian trails only;

require that hunters check in and out at a designated check station when entering and exiting the area and check all game taken; require that deer, hog or turkey shall not be dismembered until checked at a check station; and prohibit fires.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$150 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(a) Open season:

1. General gun – November 6 + through January 2 ~~December 28~~.

2. Small game – January 3 ~~December 29~~ through February 13 ~~8~~.

3. Spring turkey – March 5 ~~6~~ through April 10 ~~11~~ (Saturdays and Sundays only).

4. Archery – August 28 ~~23~~ through September 19 ~~14~~.

5. Muzzleloading gun – October 2-17 ~~September 27 through October 12~~.

6. Raccoon season – January 3 ~~December 29~~ through February 13 ~~8~~.

7. Fishing and frogging – Permitted throughout the year except when area is closed to public access.

(b) through (c) No change.

(d) General regulations:

1. The use of rifles is prohibited within one-fourth mile of the Seaboard Coastline Railroad, the Pratt-Whitney fence and Mecca Farms.

2. The use or possession of airboats, tracked vehicles, motorized two-wheeled vehicles or all-terrain vehicles on the area is prohibited.

3. All persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. Camping is permitted from the beginning of archery season through general gun seasons, only on designated campsites. Campsites are available on a first-come, first-served basis. Each camper shall assure that their campsite is clean at all times. At least camping areas L and M (and 1/2 of B during archery season only) shall be designated for short-term camping, with camping being limited to no longer than three days. Campsites may be set up and occupied no earlier than 8:00 a.m. the day prior to the opening of archery season and all vehicles, camps, tents, and other camping equipment and litter removed no later than 24 hours after the close of the general gun season. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. Only tents, trailers, or self-propelled camping vehicles may be used for camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. For the remainder of the year when the area is open camping is permitted at designated campsites on Fridays, Saturdays, and Sundays only but campsites may not be left unattended for more than 24 hours.

5. During the archery season, vehicles may be operated only on named or numbered ~~improved and designated unimproved~~ roads or trails. During the spring turkey season, vehicles may be operated only on the Stumpers grade and on named or numbered ~~improved and designated unimproved~~ roads or trails west of and including the North and South grades.

6. During open periods other than designated hunting seasons, motorized vehicles may be operated only on the North, South, and Stumper's grades, on trail 6, and on the Tomato Field grade east of the Big Gopher canal.

7. No deer or hog shall be quartered, or dismembered in the hunt area or removed from the area unless checked at a check station.

8. Dogs shall be removed the last day of the small game season. Dogs other than bird dogs, dogs with a shoulder height of 15 inches or less, or raccoon dogs are prohibited after the last day of the general gun season. Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal to its junction with the Big Gopher Canal, then northeast along the Big Gopher Canal to its junction with the Tomato Field Grade, then east along the Tomato Field

Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.

9. Deer dogs and bird dogs may be trained beginning 14 days prior to the opening of the general gun season and ending 5 days prior to the opening of the general gun season. The possession of guns is prohibited.

10. Vehicles may be operated only on named or numbered improved and designated unimproved roads or trails within the still hunt area.

11. During raccoon season, firearms and dogs as specified in paragraph 68A-24.002(2)(b), F.A.C., may be used except in the still hunt area.

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

13. Unauthorized planting of trees and shrubs is prohibited.

14. Public access is permitted throughout the year except from the Sunday two weeks prior to the opening of archery season until 8:00 a.m. the day prior to the archery season. Hiking on the Florida Trail and use of the Hungryland Boardwalk is permitted throughout the year.

15. Fires other than campfires are prohibited.

16. Dogs, vehicles, firearms and crossbows are prohibited in the archery still hunt area, delineated as that portion of the area lying north of the Stumpers Grade, east of the powerline, south and west of Game Canal to the buggy bridge and west of the youth camp road to the intersection of the Stumpers Grade except that vehicles may be used on established roads to access parking lots at the youth camp, shooting range and nature interpretive center, and firearms and crossbows may be possessed at Commission functions specifically authorizing their use.

17. Hunting on or from the nature trail, boardwalk, entrance road or parking lot in the archery still hunt area is prohibited.

18. Archery equipment may be used for hunting during the established muzzleloading gun season in the archery still-hunt area. All legal to take regulations for muzzleloading gun season shall apply when using archery equipment during this time period.

(2) Holey Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 23-31 ~~18-26~~.

2. General gun – Vehicle, November 6-21 ~~1-16~~ (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August 28 ~~23~~ through September 19 ~~14~~.

4. Muzzleloading gun – October 2-17 ~~September 27 through October 12~~.

5. Migratory game birds – migratory game birds except crows during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) through (d) No change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 23-31 ~~18-26~~, Conservation Areas 3A North and 2 only. December 4 ~~November 29~~ through January 2 ~~December 28~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November 6-21 ~~1-16~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August 28 ~~23~~ through September 19 ~~14~~, Conservation Area 3A North only.

4. Muzzleloading gun – ~~September 27 through~~ October 2-17 ~~12~~, in Conservation Area 3A North only.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. Possession of guns on the levee bordering the Hillsboro Canal (L-39) is prohibited.

2. The possession of rifles or pistols is prohibited after the end of general gun-walk season in Conservation Area 3A, and after the general gun-vehicle season in Conservation Area 2 and the Francis S. Taylor Wildlife Management Area.

3. Vehicles and airboats are prohibited on tree islands, wildlife islands or tree strands. Vehicles and airboats are prohibited in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal.

4. During the archery, muzzleloading gun and general gun-walk seasons, only all-terrain vehicles are permitted for hunting. If an all-terrain vehicle is in motion, no person shall hunt from or occupy any platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle).

5. Access into Conservation Area 2A during the general gun-walk season is permitted only from the L-6 Levee.

6. During archery, muzzleloading gun, and general gun-walk seasons, airboats and other vehicles except all-terrain vehicles are prohibited in Conservation Area 3A North and

Conservation Area 2 during legal shooting hours. Archery equipment, muzzleloading guns, and guns may be transported on boats (other than airboats) and all-terrain vehicles in Conservation Area 3A North and Conservation Area 2 during the archery, muzzleloading gun and general gun-walk seasons respectively.

7. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits will be given to both tracked vehicle and airboat hunters. General gun-vehicle permits and tags are not transferable.

8. During the general gun-vehicle season, all deer taken shall be immediately tagged.

9. On Saturdays and Sundays during the general gun-vehicle season deer and hogs may not be quartered or dismembered or removed from the area until checked at a check station.

10. During the general gun-vehicle season, Conservation Areas 3A North, 3A South, that portion of 2A north of the east-west trail, 2B, 2, and the Francis S. Taylor Wildlife Management Area are closed during legal shooting hours to vehicles and airboats except those authorized by permit. Frogging (by airboat only) is permitted from one hour after sunset to one hour before sunrise.

11. Unauthorized motorized vehicles are prohibited on all the L-28 levees except the L-4, L-5, and that portion of the L-6 extending from the S-7 pump station north to Sportsman's Crossover.

12. Taking of wildlife by use of a gun on or from rights-of-way of State Road 84, U.S. 41 or U.S. 27 is prohibited as provided by Rule 68A-4.008, F.A.C.

13. Hunting with dogs is permitted only during the general gun-vehicle season except that retrievers may be used during waterfowl season.

14. During the general gun-vehicle hunt, walk hunting is prohibited.

15. Fires other than campfires are prohibited.

16. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun season. The erection of any permanent structure is prohibited.

17. Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays and camps may not be left unattended for more than 24 hours during this period.

18. Overnight camping is prohibited in areas posted as closed to camping.

19. The construction of docks of any type is prohibited.

20. No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

21. Dogs may be trained in Francis S. Taylor Wildlife Management Area beginning the first Saturday in October and ending nine days thereafter. The possession of guns in the Francis S. Taylor Wildlife Management Area during the dog training season is prohibited.

22. The display or use of a gun on or upon the L-4 or L-5 levees in a manner capable of taking wildlife is prohibited.

(e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 23-31 ~~18-26~~.

2. General gun – Vehicle (airboats and tracked vehicles only), November 6-21 ~~1-16~~ by quota permit only.

3. Archery – August 28 ~~23~~ through September 19 ~~14~~.

4. Muzzleloading gun – ~~September 27 through~~ October 2-17 ~~12~~.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. General gun – Twelve days prior to Thanksgiving day 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 Stairsteps, Bear Island, Turner River, Corn Dance, and Loop units.

2. Small game – The day following the close of general gun season through February 6 ~~1~~.

3. Archery – September 4 ~~August 30~~ through October 3 ~~September 28~~ in all units and twelve days prior to Thanksgiving day 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 9-24 ~~4-19~~, except in the Deep Lake Unit.

5. Spring turkey – March 5 ~~6~~ through April 10 ~~11~~.

6. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., except on the Bear Island and Deep Lake Units.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(6) No change.

(7) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September ~~11-17~~ ~~6-12~~ and ~~18-26~~ ~~13-21~~.
2. Muzzleloading gun – October ~~16-18~~ ~~11-13~~.
3. General gun – October ~~30 through November 2~~ ~~25-28~~ and ~~November 3-7~~ ~~October 29 through November 2~~.
4. General gun hog – November ~~20-26~~ ~~15-21~~.
5. Small game – November ~~27~~ ~~22~~ through December ~~19~~ ~~14~~.
6. Spring turkey – March ~~5-8~~ ~~6-9~~ and ~~9-13~~ ~~10-14~~.
7. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, general gun and general gun hog seasons, the bag limit for deer and wild hogs shall be one each per quota permit. ~~Only wild hogs with a shoulder height of 20 inches or greater may be taken.~~ Only wild hogs may be taken during the general gun hog season. The taking of antlerless deer is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used on posted dove fields during established dove hunts and throughout the area during small game season.
2. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.
3. Vehicles may be operated only on named or numbered roads, ~~and numbered trails during~~ During the archery, muzzleloading gun, general gun, and general gun hog seasons, vehicles also may be operated on named or numbered trails by individuals possessing a valid quota hunt permit. ~~During the remainder of the year, vehicles may be operated only on named roads, or numbered roads.~~
4. ~~Horses are prohibited during periods open to hunting except during the small game season.~~ Horses are permitted on named or numbered roads or designated trails only.
5. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.
6. No deer, hog or turkey shall be dismembered until checked at a check station.
7. Fires other than campfires are prohibited.
8. Shooting hours for dove hunts shall be from noon until sunset. Hunters may enter the posted field one hour before shooting time and shall exit the field within one hour after sunset.

9. Dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.

10. Dove field permits shall be issued on a first-come, first-served basis at the check station on the day of each dove hunt.

(8) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~17-19~~ ~~12-14~~ and ~~24-26~~ ~~19-21~~ west of U.S. Highway 27 only.
2. Muzzleloading gun – October ~~15-17~~ ~~10-12~~ and ~~22-24~~ ~~17-19~~ west of U.S. Highway 27 only.
3. General gun – November ~~5-7~~ ~~October 31 through November 2~~ and November ~~26-28~~ ~~21-23~~ west of U.S. Highway 27 only.
4. Spring turkey – March ~~5-8~~ ~~6-9~~, ~~11-14~~ ~~12-15~~, ~~18-21~~ ~~19-22~~, ~~25-28~~ ~~26-29~~ and April ~~1-4~~ ~~2-5~~ west of U.S. Highway 27 only.
5. Special-opportunity spring turkey – March ~~5-11~~ ~~6-12~~ and ~~19-25~~ ~~20-26~~ east of U.S. Highway 27 only.
6. General gun hog – December ~~11-12~~ ~~6-7~~ west of U.S. Highway 27 only.

7. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Entry into or exit from the area at locations other than designated entrances is prohibited.
2. The use of any vehicle, including but not limited to tracked vehicles, all-terrain vehicles, or motorcycles, is prohibited. The use of personal watercraft or horses is prohibited. The use of airboats is prohibited west of the “head of the bushes.” An airboat use permit issued by the Commission shall be required for all airboats operating in the management area. All public use shall be prohibited in areas posted as “closed” so as to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons.
3. Hunters shall check in and out at a check station located at the Palmdale campground when entering and exiting the area and shall check all game taken. Hunters shall access the area only from the Palmdale campground, except that special-opportunity turkey hunters may access the special-opportunity hunt area from the right-of-way U.S. Highway 27 provided they check in and out at the check station.
4. Public access, other than by foot, bicycle, or boat, is prohibited, except registered and licensed vehicles may be operated within the Palmdale campground. Entry into or exit from locations other than via Fisheating Creek at its intersections with C.R. 731, and at U.S. 27 in Palmdale, and at

the Mainstreet access at Palmdale, and at S.R. 78 near Lakeport, is prohibited, ~~except that vehicular access is permitted in the Palmdale campground.~~

5. Hunting with dogs is prohibited.

6. No deer, wild hog or turkey shall be dismembered until checked at a check station.

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

8. Fires other than campfires are prohibited.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September ~~11-17 6-12~~ and ~~18-26 13-21~~.

2. Muzzleloading gun – October ~~16-18 11-13~~.

3. General gun – October ~~30 through November 2 25-28~~ and November ~~3-7 October 29 through November 2~~.

4. Small game – November ~~13-28 8-23~~.

5. Spring turkey – March ~~5-8 6-9~~ and ~~9-13 10-14~~.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery season, the bag limit for deer and wild hogs shall be one each. During the ~~archery~~, muzzleloading gun, and general gun seasons, the bag limit for deer and wild hogs shall be one each per quota permit. Only wild hogs with a shoulder height of 15 inches or greater may be taken. The taking of antlerless deer and turkey is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) through (d) No change.

(10) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September 11-17 and 18-26.

2. Muzzleloading gun – October 16-18.

3. General gun – October 30 through November 2 and November 3-7.

4. Spring turkey – March 5-8 and 9-13.

5. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer, turkey, and wild hogs shall be one per quota hunt permit. The taking of antlerless deer and turkey is prohibited during archery season.

(c) Camping: Camping is permitted only at designated campsites. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs or retrievers may be used on the posted dove field during established dove hunts.

2. The use of tracked vehicles, swamp buggies, airboats, motorcycles, or all-terrain vehicles is prohibited, except that swamp buggies and all-terrain vehicles may be operated during the archery, muzzleloading gun, and general gun seasons by individuals possessing a valid quota hunt permit.

3. Vehicles may be operated only on named or numbered roads. During the archery, muzzleloading gun, and general gun seasons vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

4. Horses are prohibited during periods open to hunting except during dove hunts on the established dove field. Horses are permitted on named or numbered roads and designated equestrian trails only.

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

6. No deer, hog or turkey shall be dismembered until checked at a check station.

7. Fires other than campfires are prohibited.

8. Shooting hours for dove hunts shall be from noon until sunset. Hunters may enter the posted field one hour before shooting time and shall exit the field within one hour after sunset.

9. Dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.

10. Dove field permits shall be issued on a first-come, first-served basis at the check station on the day of each dove hunt.

(11) Canoe Slough Wildlife Management Area.

(a) Open season:

1. Archery – September 11-17 and 18-26.

2. Muzzleloading gun – October 16-18.

3. General gun – October 30 through November 2 and November 3-7.

4. Spring turkey – March 5-8 and 9-13.

5. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer, turkey, and wild hogs shall be one per quota hunt permit. The taking of antlerless deer and turkey is prohibited during archery season.

(c) Camping: Camping is prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited.

2. The use of tracked vehicles, swamp buggies, airboats, motorcycles, and all-terrain vehicles is prohibited, except that swamp buggies and all-terrain vehicles may be operated during the archery, muzzleloading gun, and general gun seasons by individuals possessing a valid quota hunt permit.

3. Vehicles may be operated only on named or numbered roads. During the archery, muzzleloading gun, and general gun seasons vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

4. Horses are prohibited during periods open to hunting. During non-hunting periods, horses are permitted on named or numbered roads and on designated equestrian trails only.

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

6. No deer, hog or turkey shall be dismembered until checked at a check station.

7. Fires are prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 2-27-03, 5-1-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.:

Areas – Northeast Region 68A-15.065

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northeast Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Northeast Region as follows:

Ft. McCoy WMA – The proposed rule would prohibit camping and eliminate rule language referring to camping equipment.

Ocala WMA – The proposed rule would permit spring turkey hunting in that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.

Richloam WMA, Baird Unit – The proposed rule would eliminate a redundant rule and permit vehicular access one day prior to each hunt from 8 a.m. until 6 p.m., except prior small game hunts.

Three Lakes WMA – The proposed rule would increase the bag limit for deer to two per mobility-impaired quota hunt permit; and permit the taking of antlerless deer by certified mobility-impaired hunters only during the mobility-impaired hunt; restrict access to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt; and allow the use of only one quota permit per individual per hunt. The proposed rule would clarify rule reference regarding general gun-dog quota hunts (regular rather than special quota hunt).

Three Lakes WMA, Prairie Lakes Unit – The proposed rule would clarify rule language to eliminate the quota hunt permit requirement during the small game season (which is not currently required).

Tiger Bay WMA – The proposed rule would permit the taking of bluegill or redear sunfish less than eight inches total length from Rattlesnake Pond.

Relay WMA – The proposed rule would eliminate weekend only restrictions during archery season, thereby allowing archery hunting on weekdays.

Tosohatchee WMA – The proposed rule would establish fishing and frogging (throughout the year).

Rock Springs Run WMA – The proposed rule would establish fishing and frogging (throughout the year).

Guana River WMA – The proposed rule would eliminate duplicative rule language (referring to the waterfowl quota at the check station, which is addressed in 68A-15.005); and permit horses and bicycles to be used only on named or numbered trails or roads.

Half Moon WMA – The proposed rule would revise legal to take as follows: only deer with at least one antler having three or more points on one side would be legal to take. This rule would replace the forked antler requirement with a three-points on one side rule. The proposed rule would permit vehicular access one day prior to each hunt from 8 a.m. until 6 p.m., except prior to small game hunts.

Lake George WMA, Dexter/Mary Farm Unit – The proposed rule would permit the taking of bluegill or redear sunfish less than eight inches total length from Jenkins Pond.

Seminole Forest WMA – The proposed rule would permit the bag limit of two antlerless deer per quota hunt permit during the mobility-impaired hunt; permit one additional person per permit holder to participate in the hunt; and allow the use of only one quota hunt permit per individual per hunt. The

proposed rule would permit the taking of bluegill or redear sunfish less than eight inches total length from Bear Pond; eliminate the requirement for a permit to fish, but prohibit the possession of more than six catfish or the taking of more than 20 panfish from Oaks Pond; permit the use of horses during periods open to hunting; and require hunters to enter and exit the area at the designated entrance only.

Etoniah Creek WMA – The proposed rule would standardize regulatory language under the legal to take provision.

Little Big Econlockhatchee WMA, Kilbee Unit – The proposed rule would establish general gun hog season (January 14-16 and 28-30); establish that wild only wild hogs shall be legal to take during the general gun hog season; permit the use of horses in areas open to hunting; and restrict vehicular access to hunters who possess a valid quota hunt permit only.

Lake Panasoffkee WMA – The proposed rule would permit the use of archery equipment during the special opportunity spring turkey hunts.

Buck Lake WMA – The proposed rule would establish general gun hog season – (January 6-9 and 20-23); establish that only wild hogs shall be legal to take during the general gun hog season; and restrict vehicular access to hunters who possess a valid quota hunt permit.

Seminole Forest WMA, Lake Tracy Unit – The proposed rule would permit the use of horses during periods open to hunting; and prohibit camping.

Upper St. Johns River Marsh WMA – The proposed rule would permit only tent camping at designated campsites and remove the quota hunt permit requirement for fishing and frogging.

Ralph E. Simmons WMA – The proposed rules would increase the bag limit to two deer per mobility-impaired quota hunt permit; permit only certified mobility-impaired hunters to take antlerless deer; allow one additional person per mobility-impaired quota hunt permit holder to participate in the hunt; allow only one quota hunt permit to be utilized per individual per hunt; and allow parking in areas other than designated parking areas during the mobility-impaired hunts. The proposed rule would permit camping in the Scotts Landing Road campground by quota hunt permit during periods open to hunting and by permit from the Florida Division of Forestry during periods closed to hunting; and allow camping at primitive campsites along the St. Mary's River on a first-come, first-served basis during periods closed to hunting.

Dunns Creek WMA – The proposed rule would establish wild hogs as legal to take only during the general gun hog season.

Salt Lake WMA – The proposed rule would establish the following open seasons: archery (September 25 through October 3 and October 4-10); muzzleloading gun (October 29-31); general gun (November 13-16 and November 17-21); small game (December 4-19); general gun hog (January

20-23); spring turkey (March 19-22 and March 23-27); and fishing and frogging (throughout the year). The proposed rule would establish the following as legal to take: all legal game, fish, frogs, and furbearers. The bag limit for deer would be one antlerless and one antlered deer per person per hunt; no bag or size limits on hogs; during spring turkey season, the bag limit would be one gobbler (or bearded turkey) per quota hunt permit. The proposed rule would prohibit camping; prohibit the use of dogs, except during general gun hog season and small game season; a limit of three dogs per quota hunt permit may be used during general gun hog season and bird dogs may be used during small game season; permit vehicles to be operated only on named or numbered roads; require that vehicles be parked within 25 feet of a named or numbered road; prohibit the use of tracked vehicles, motorcycles, airboats, and all-terrain vehicles; prohibit the use of horses during periods when the area is open to hunting; permit the use of horses and bicycles on named or numbered trails or roads only; require hunters to check in and out at a designated entrance when entering or exiting the area and check all game taken; prohibit public access during periods when the area is closed to hunting, except by foot, horseback, or bicycle; prohibit public access from 1.5 hours after sunset to 1.5 hours before sunrise; require hunters to check all deer, hog, or turkey at a check station before dismembering; require a quota hunt permit for each group of two hunters; and permit possession of only one gun per quota hunt permit during general gun hog season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$150 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Bull Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 13 & through January 2 4.

2. Small game – January 10 5 through March 6 February 29.

3. Spring turkey – March 19 20 through April 24 25.

4. Archery – September 25 20 through October 24 19. A special quota permit will be required for the September 25-26 20-21 hunt.

5. Muzzleloading gun – October 29-31 24-26.

6. Fishing and frogging – Throughout year.

(b) through (d) No change.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November 13 & through January 2 4.

2. Small game – January 10-30 5-25.

3. Archery – September 25 20 through October 24 19.

4. Muzzleloading gun – October 29-31 24-26.

5. Spring turkey – March 19 20 through April 24 25.

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

(b) No change.

(c) Camping: Prohibited ~~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.~~

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

~~2.3.~~ Persons operating vehicles shall enter and exit only at designated entrances.

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

~~4.5.~~ The area is closed to public access except during periods when hunting is allowed.

~~5.6.~~ 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.

~~6.7.~~ The possession of center-fire rifles is prohibited during spring turkey season.

~~7.8.~~ Access is permitted only by individuals possessing a valid recreational user permit, except as provided by Section 372.57, F.S.

(3) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November 13 & through January 2 4.

2. Small game – January 10 5 through March 6 February 29.

3. Archery – September 25 20 through October 24 19.

4. Muzzleloading gun – October 29-31 24-26, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November 13 & through April 17 11.

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

7. Spring turkey – March 24-27 25-28, March 31 through April 3 April 1-4, April 7-10 8-11 and 14-17 15-18, ~~except that portion of the Pipeline Unit south of S.R. 40 and west of S.R. 19.~~

8. Trapping – December 1 through March 1, except 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.

9. Fishing and frogging – Throughout year.

(b) Legal to take:

1. All legal game (except antlerless deer), fish, frogs and furbearers. During the spring turkey season the bag limit shall be one gobbler or bearded turkey per quota hunt permit. Deer may only be taken in the Church Lake Unit during the archery season, muzzleloading gun season and the first 9 days of the general gun season. Deer daily bag one, no season bag.

2. Furbearing animals – During the November 13 & 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 7 4 through April 17 11 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 10 5 through April 17 11, 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.

(c) Camping – Throughout year.

(d) General regulations:

1. Camping is permitted by the use of tents, trailers, or self-propelled camping vehicles only on designated campsites during the general gun season.

2. No deer or turkey shall be dismembered or transported out of the hunt area until checked at a check station.

3. All management units will be open for the taking of doves during all phases of the dove season.

4. Hunting with dogs is prohibited in the Hopkins Prairie and Lake Delancy management units, except bird dogs and retrievers are allowed during small game, early duck, dove, and duck and coot seasons. Caged or leashed hunting dogs may be transported on established numbered roads.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 538 from State Road 42 to County Road 445, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Bow and arrow may be used to take nongame fish, except catfish, in Salt Springs Run (Marion County).

7. Deer dogs may be trained only in the Pipeline Unit, beginning 14 days prior to the opening of the general gun season and ending nine days thereafter.

8. Dogs may be used to pursue rabbits from January 10 ~~5~~ through April 17 ~~4~~ 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. The possession of center-fire rifles is prohibited during the spring turkey season.

(e) No change.

(4) Richloam Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

3. Archery – September 25 ~~20~~ through October 24 ~~49~~.

4. Fishing and frogging – Throughout year except on fish hatchery.

5. Trapping – January 10 ~~5~~ through March 1.

(b) through (d) No change.

(5) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 10 ~~5~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13-21 ~~8-16~~.

4. Spring turkey – March 19-21 ~~20-22~~, 25-27 ~~26-28~~ and April 1-3 ~~2-4~~.

5. Small game – December 4-19 ~~November 29 through December 14~~ and January 22 ~~47~~ through February 13 ~~8~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited, except that waterfowl retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less, may be used during small game season.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated fire lanes.

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

4. During periods when the area is closed to hunting, public access other than on foot (pedestrian) or bicycle is prohibited except by permit from the Division of Forestry.

5. During archery, muzzleloading gun, general gun, and spring turkey seasons, hunters shall check in at a designated check station when entering and exiting the area, and check all game taken.

6. Public access to the area is prohibited during the period from 8:00 p.m. to 4:30 a.m.

7. Small game hunters shall sign in and out upon entry or exit and record their harvest at a game registration box.

~~8. A quota hunt permit shall be required for every hunter entering the area during the first 9 days of archery, muzzleloading gun, general gun, and spring turkey hunts.~~

~~8.9.~~ Possession of guns is prohibited on the James A. Van Fleet State Trail except at designated crossings. Hunters shall transport guns across the State Trail only at designated crossings.

9. Vehicular access is permitted one day prior to each hunt from 8 a.m. until 6 p.m. except during the small game season.

(6) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Small game – January 10 ~~5~~ through March 6 ~~February 29~~.

3. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

4. Archery – September 25 ~~20~~ through October 24 ~~49~~.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C., in that area between Prairie Lakes Unit and Canoe Creek Road only.

6. Muzzleloading gun – October 29-31 ~~24-26~~.

7. General gun for mobility impaired – November 5-7 ~~October 31 through November 2~~.

8. General gun-dog – December 9-12 ~~4-7~~, 23-26 ~~18-21~~ and December 30 through January 2 ~~25-28~~ in that area between the Florida Turnpike and U.S. 441 only.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, alligators as specified in Rule 68A-25.047, F.A.C., frogs and furbearers. Hogs may be taken only during the archery, muzzleloading gun, general gun for the mobility-impaired, and the general gun seasons with no size or bag limit. Taking of hogs during the general gun-dog seasons shall be prohibited. Two deer (except spotted fawns) may be taken per mobility impaired quota hunt permit. During the general gun for mobility-impaired season, only mobility-impaired hunters may take antlerless deer.

(c) No change.

(d) General regulations:

1. During the first two days of archery season, the muzzleloading gun season and the general gun season except the general gun-dog hunts, the quota of hunters will be admitted daily as follows: 441 check station – 375; Canoe Creek check station – 50;

State Road 60 check station – 200. During the general gun-dog hunts, the quota of hunters for the 441 check station will be 100 by regular ~~special~~ quota permit east of the Florida Turnpike and 100 daily permits issued at the check station for west of the Florida Turnpike.

2. Only tents, trailers and self-propelled camping vehicles may be used for camping.

3. Vehicles may be operated only on named or numbered roads except during the general gun for mobility impaired and small game seasons. During general gun-dog hunts, quota permit holders may operate vehicles on named or numbered roads and established firebreaks in that area between the Florida Turnpike and U.S. 441.

4. Motorcycles, airboats or tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.

5. Hunting with dogs other than bird dogs is prohibited except during the general gun-dog hunts when dogs with a shoulder height of 17 inches or less may be used for deer hunting east of the Florida Turnpike.

6. Bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

7. No deer or hog shall be quartered or otherwise dismembered until it has been checked and tagged at a check station.

8. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

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

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

11. During the general gun for mobility-impaired season, hunting is permitted only in that portion of the area east of Canoe Creek Road. All persons participating in the general gun for mobility impaired season shall check in and out at the U.S. 441 check station when entering and exiting the hunt area.

12. During mobility-impaired hunts, hunting access will be restricted to certified mobility-impaired hunters with quota permits and one additional person per permit holder may also participate in the hunt. Only one quota hunt permit may be

utilized per individual per hunt. Each person hunting during the general gun for mobility impaired season must possess a special quota hunt permit.

13. Horses may only be ridden on named and numbered roads, except that horses may be ridden on firelines during the general gun-dog season in that portion of the area east of the Florida Turnpike by hunters possessing quota hunt permits for the general gun-dog season. During the small game season, persons hunting from horseback are not restricted to named and numbered roads.

(e) No change.

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

(a) Open season:

1. Archery – October 1-3 ~~September 26-28~~ and October 8-10 ~~3-5~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 19-21 ~~14-16~~ and 26-28 ~~21-23~~.

4. Small game – December 11 through January 2 ~~December 6-28~~.

5. Spring turkey – March 19-21 ~~20-22~~, April 1-3 ~~2-4~~ and 15-17 ~~16-18~~.

6. Fishing and frogging – Permitted throughout the year.

7. General gun hog – December 3-5 ~~November 28-30~~ and January 7-9 ~~2-4~~.

(b) through (c) No change.

(d) General regulations:

1. A quota hunt permit shall be required for every hunter entering the area except during the small game season.

2. The possession of centerfire rifles is prohibited during the spring turkey season.

3. Hunting with dogs is prohibited except that bird dogs may be used during the general gun and small game seasons.

4. Vehicles or horses may be operated only on named or numbered roads.

5. Motorcycles, airboats and tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.

6. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

7. No deer, hog or turkey shall be dismembered until checked at the check station.

(8) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Archery – September ~~25~~ 20 through October ~~24~~ 19.
3. Muzzleloading gun – October ~~29-31~~ 24-26.
4. Small game – January ~~10~~ 5 through ~~March 6~~ February 29.
5. Spring turkey – March ~~19-21~~ 20-22, April ~~1-3~~ 2-4 and ~~15-17~~ 16-18.
6. Fishing and frogging – Permitted year-round. Fish may be taken only by hook and line or rod and reel and only during daylight hours.

(b) 1. Legal to take: All legal game, fish, except as provided below, frogs and furbearers. No size or bag limit on wild hogs.

2. Rattlesnake Pond and adjoining canals: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate. ~~No person shall kill or possess any bluegill or redear sunfish less than eight inches total length.~~

(c) through (d) No change.

(9) Tiger Bay Wildlife Management Area – Rima Ridge Unit.

(a) Open season:

1. General gun – November ~~13-21~~ 8-16.
2. Archery – September ~~25~~ 20 through October ~~10~~ 5.
3. Muzzleloading gun – October ~~29-31~~ 24-26.
4. Small game – November ~~25~~ 20 through ~~January 2~~ December 28.
5. Spring turkey – March ~~19-21~~ 20-22, April ~~1-3~~ 2-4 and ~~15-17~~ 16-18.
6. Fishing and frogging – Permitted throughout the year.
7. Trapping – Trapping is prohibited.

(b) through (d) No change.

(10) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~13~~ 8 through January ~~9~~ 4.
2. Archery – September ~~25~~ 20 through October ~~24~~ 19 ~~(Fridays, Saturdays and Sundays only).~~
3. Muzzleloading gun – October ~~29-31~~ 24-26.
4. Small game – January ~~10~~ 5 through ~~March 6~~ February 29.
5. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
6. Fishing and frogging – Permitted during periods open to hunting.

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

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

(d) No change.

(11) Tosohatchee Wildlife Management Area.

(a) Open season:

1. Archery – ~~September 30~~ through October 3 ~~September 25-28~~ and October 7-10 ~~2-5~~.
2. Muzzleloading gun – October ~~14-17~~ 9-12 and ~~21-24~~ 16-19.
3. General gun – November ~~18-21~~ 13-16 and ~~26-28~~ 21-23.
4. Spring turkey – March ~~19-21~~ 20-22, April ~~1-3~~ 2-4 and ~~15-17~~ 16-18.
5. General gun hog – January ~~14-20~~ 9-15 and ~~January 28~~ through February 3 ~~23-29~~.
6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(12) Seminole Ranch Wildlife Management Area.

(a) Open season:

1. Archery – October ~~8-10~~ 3-5 and ~~15-17~~ 10-12.
2. Muzzleloading gun – October ~~30-31~~ 25-26 and November ~~6-7~~ 1-2.
3. General gun – November ~~19-21~~ 14-16.
4. Small game – November ~~27-28~~ 22-23 and ~~December 4-5~~ 29-30 and December ~~11-12~~ 6-7.
5. Spring turkey – March ~~19-21~~ 20-22, ~~25-27~~ 26-28 and April ~~1-3~~ 2-4.
6. General gun hog – February ~~12-18~~ 7-13.
7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(13) Jumper Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ 20 through October ~~24~~ 19.
2. Muzzleloading gun – October ~~29-31~~ 24-26.
3. General gun – November ~~13~~ 8 through January ~~9~~ 4.
4. Small game – January ~~10-30~~ 5-25.
5. Spring turkey – March ~~19~~ 20 through April ~~24~~ 25.
6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(14) Rock Springs Run Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 1-3~~ September 26-28 and October ~~8-10~~ 3-5.
2. Muzzleloading gun – October ~~15-17~~ 10-12 and ~~22-24~~ 17-19.
3. General gun – November ~~12-14~~ 7-9 and ~~19-21~~ 14-16.
4. Small game – ~~December 4-5~~ November 29-30, December ~~11-12~~ 6-7 and January ~~8-9~~ 3-4.
5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(15) Guana River Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 1-3~~ September 26-28 and October ~~8-10~~ 3-5.
2. Muzzleloading gun – October ~~15-17~~ 10-12 and ~~22-24~~ 17-19.
3. General gun – November ~~12-14~~ 7-9 and ~~19-21~~ 14-16.
4. Small game – ~~December 4-5~~ November 29-30, December ~~11-12~~ 6-7 and January ~~8-9~~ 3-4.
5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(15) Guana River Wildlife Management Area.

(a) Open season:

1. Duck and coot – Lake Ponte Vedra shall be open in the September season established pursuant to Rule 68A-13.003, F.A.C., and the first day of each phase and on Wednesday and Saturday of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.

2. General gun – November ~~19-21~~ ~~14-16~~ and ~~26-28~~ ~~21-23~~.

3. Muzzleloading gun – October ~~29-31~~ ~~24-26~~ and ~~November 5-7~~ ~~October 31 through November 2~~.

4. Archery – October ~~15-17~~ ~~10-12~~ and ~~22-24~~ ~~17-19~~.

5. Small game – ~~December 3-5~~ ~~November 28-30~~, ~~December 10-12~~ ~~5-7~~, ~~January 7-9~~ ~~2-4~~, ~~14-16~~ ~~9-11~~, ~~21-23~~ ~~16-18~~ and ~~28-30~~ ~~23-25~~.

6. Fishing – Permitted at all times on Lake Ponte Vedra from Guana Dam to a line two miles north of the dam, and on the remainder of Lake Ponte Vedra and the interior freshwater lakes only from February 10 through November 10.

7. Rails and moorhens – In the rail and moorhen season established by Rule 68A-13.008, F.A.C., and only in the marsh adjacent to the intercoastal waterway.

(b) through (c) No change.

(d) General regulations:

~~1. A quota of 100 waterfowl hunters will be filled on a first come, first served basis at the check station each day.~~

~~1.2.~~ Scouting is permitted one day prior to each 3-day hunt during the archery, muzzleloading, general gun, and small game hunts from 7:00 a.m. until 9:00 p.m. during Eastern Daylight Saving Time and from 7:00 a.m. until 8:00 p.m. during Eastern Standard Time. Waterfowl scouting is permitted on Lake Ponte Vedra from 5:00 a.m. until 5:00 p.m. Eastern Standard Time on the Saturday prior to the opening of each phase of the regular duck and coot season established in Rule 68A-13.003, F.A.C.

~~2.3.~~ Hunting with dogs is prohibited, except bird dogs and retrievers are allowed during small game season and waterfowl season.

~~3.4.~~ Waterfowl hunting from permanent blinds or structures is prohibited.

~~4.5.~~ Hunting ducks or coots with lead shot is prohibited.

~~5.6.~~ The use of airboats, tracked vehicles, motorcycles or all-terrain vehicles is prohibited.

~~6.7.~~ Vessels with internal combustion engines larger than 10 h.p. are prohibited on Lake Ponte Vedra.

~~7.8.~~ Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken. Hunters shall check out at the check station by 9:00 p.m. during Daylight Savings Time and 8:00 p.m. during Eastern Standard Time.

~~8.9.~~ That portion of Lake Ponte Vedra from the Guana Dam to a point one-half mile north is closed to hunting except for alligator hunting pursuant to Rule 68A-25.042, F.A.C.

~~9.10.~~ Fish may be taken with hook and line only.

~~10.11.~~ Fishing with more than three poles or three rods and reels is prohibited.

~~11.12.~~ Vehicles may be operated only on named or numbered roads.

~~12.13.~~ All waterfowl must be checked at the check station prior to 1:00 p.m.

~~13.14.~~ During periods when the upland portion is closed to hunting or scouting, public access to the upland portion is restricted to walk-in only from the Guana Dam and the Roscoe Boulevard Extension entrances only. During periods when the upland portion is open to hunting or scouting, public access to the upland portion is restricted to the Guana Dam entrance only. The Roscoe Boulevard Extension entrance shall be open for public access only from sunrise to sunset.

~~14.15.~~ The possession or use of gill nets, trawls, seines, gigs, or spear guns is prohibited in Lake Ponte Vedra, except that gigs may be used to harvest frogs. The use of cast nets or gigs from the Guana Dam to 50 yards north of the dam is prohibited.

~~15.16.~~ The use of boats within 50 yards of the Guana Dam Water Control Structure is prohibited.

~~16.17.~~ The possession of guns at the visitor interpretive center or on the wildlife observation towers or nature trail board walk is prohibited.

~~17.18.~~ Public access to the Guana Dam water control structure or any portion thereof is prohibited.

~~18.19.~~ Lake Ponte Vedra shall be open for recreational use from Guana Dam to a line two miles north of the dam at all times, and on the remainder of Lake Ponte Vedra and the interior lakes only from February 10 through November 10.

~~19.20.~~ Horses and bicycles may be used only on named or numbered ~~trails or roads, established trails and firelines, except where prohibited for public safety.~~ Horses shall be prohibited during the archery, muzzleloading gun, general gun and small game seasons.

~~20.21.~~ Authorized hunting equipment may be taken on the area after 8 a.m. one day before the opening of the archery season and shall be removed from the area before 6 p.m. one day following the close of the final small-game season.

(e) No change.

(16) Half Moon Wildlife Management Area.

(a) Open season:

1. Archery – October ~~8-10~~ ~~3-5~~ and ~~15-17~~ ~~10-12~~.

2. Muzzleloading gun – October ~~29-31~~ ~~24-26~~.

3. General gun – November ~~13-15~~ ~~8-10~~ and ~~19-21~~ ~~14-16~~.

4. Small game – ~~December 3-5~~ ~~November 28-30~~, ~~December 10-12~~ ~~5-7~~ and ~~17-19~~ ~~12-14~~.

5. General gun hog – January ~~15-16~~ ~~10-11~~ and ~~22-23~~ ~~17-18~~.

6. Spring turkey – March ~~25-27~~ ~~26-28~~, April ~~1-3~~ ~~2-4~~ and ~~8-10~~ ~~9-11~~.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. ~~The forked antler shall have at least two points one inch or greater in length.~~ During the archery, muzzleloading gun, and general gun seasons, antlerless deer may be taken by permit only. During the archery, muzzleloading gun and general gun seasons the bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. No bag or size limit on wild hogs.

(c) Camping – Prohibited.

(d) General regulations:

1. During periods when the area is closed to hunting public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.

2. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

3. Vehicles may be operated only on named or numbered roads and shall not be parked further than 25 feet from a named or numbered road or parking area.

4. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the archery, muzzleloading gun, general gun and spring turkey seasons.

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

6. No deer, hog or turkey shall be dismembered until checked at the check station.

7. A quota hunt permit shall be required for every hunter entering the area.

8. Vehicular access is permitted one day prior to each hunt ~~during the archery, muzzleloading gun, general gun, and spring turkey hunts~~ from 8 a.m. until 6 p.m., except during small game season.

(17) Caravelle Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September 25 through October 3 ~~September 20-28.~~

2. Supervised small game – October 10-18 ~~5-13.~~

3. Muzzleloading gun – October 29-31 ~~24-26.~~

4. General gun – November 13-21 ~~8-16.~~

5. Special-opportunity dove – The first and second Saturdays only during the first phase; the third Saturday only during the second phase; and the first, third and fifth Saturday only during the third phase the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

6. Small game – November 25 ~~20~~ through January 2 ~~4~~ (Thursdays, Fridays, Saturdays and Sundays only).

7. Spring turkey – March 19-22 ~~20-23~~ and 23-27 ~~24-28.~~

8. Fishing and frogging – Permitted throughout the year.

9. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

(b) through (d) No change.

(18) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 24 ~~19.~~

2. Muzzleloading gun – October 29-31 ~~24-26.~~

3. General gun – November 13-28 ~~8-23.~~

4. Small game – November 29 ~~24~~ through March 6 ~~February 29.~~

5. Spring turkey – March 19-21 ~~20-22~~, April 1-3 ~~2-4~~, and 15-17 ~~16-18.~~

6. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(19) Lake George Wildlife Management Area – Dexter/Mary Farm Unit.

(a) Open season:

1. Small game – November 27 ~~22~~ through December 12 ~~7~~ and December 25 ~~20~~ through January 2 ~~4.~~

2. Special-opportunity turkey – March 19-25 ~~20-26~~, April 2-8 ~~3-9~~ and 16-22 ~~17-23.~~

3. General gun hog – January 15-18 ~~10-13~~, 19-24 ~~14-19~~, 25-30 ~~20-25.~~

4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fourth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting is permitted on posted dove fields other than on these dates.

5. Fishing and frogging – Permitted throughout the year.

6. Archery – September 25 ~~20~~ through October 10 ~~5.~~

7. Muzzleloading gun – October 29-31 ~~24-26.~~

8. General gun – November 13-21 ~~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. Jenkins' Pond: Fish may be taken only by hook and line or rod and reel and only during daylight hours. No person shall kill or possess any black bass. No person shall take in any one day more than 20 panfish, in the aggregate. ~~No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.~~

(c) through (e) No change.

(20) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25-28~~ 20-23 and September 29 through October 3 ~~24-28~~.

2. Muzzleloading gun – October ~~29-31~~ 24-26.

3. General gun – December 4-7 ~~November 29 through December 2~~ and December 8-12 ~~3-7~~.

4. Small game – January 15-30 ~~40-25~~ (Saturdays and Sundays only).

5. Spring turkey – March 19-22 ~~20-23~~ and 23-27 ~~24-28~~.

6. General gun for mobility-impaired – October 22-24 ~~17-19~~.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and these rules. Fish may be taken only by hook and line or rod and reel. Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers except otter and bobcat. Antlerless deer may be taken by permit only during muzzleloading gun, and general gun seasons. Two deer (except spotted fawns) may be taken per mobility impaired quota hunt permit. During the general gun for mobility impaired season, only certified mobility-impaired hunters may take antlerless deer. No size or bag limit on wild hogs.

1. Bear Pond: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate. ~~No person shall kill or possess any bluegill or redear sunfish less than eight inches total length.~~

2. Oaks Pond: No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish in the aggregate. Fishing is prohibited, except by permit issued pursuant to subsection 68A 9.002(1), F.A.C. No person shall take in any one day more than 4 freshwater fish including catfish and fish generally known as panfish such as bream, crappie (speckled perch), shelleracker, or warmouth in the aggregate. No person shall kill or possess any black bass.

(c) No change.

(d) General regulations:

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

2. Vehicles shall not be parked further than 25 feet from designated roads or parking areas.

3. The use of ~~horses~~, tracked vehicles, airboats, 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. Hunters shall check in and out at the check station when entering and exiting the area and shall check all game taken.

5. Vehicles may be operated only on named or numbered roads except during the general gun for mobility-impaired season.

6. No deer, wild hog or turkey shall be dismembered until checked at the check station.

7. Use of boats is prohibited on Bear Pond and Oaks Pond.

8. Hunters shall enter and exit the area at the designated entrance only.

9. During mobility-impaired hunts, hunting access will be restricted to certified mobility-impaired hunters with quota permits and one additional person per permit holder may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

(21) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January 28-30 ~~23-25~~, February 4-6 ~~January 30 through February 1~~ and February 11-13 ~~6-8~~.

2. Special-opportunity deer – October 30 through November 5 ~~October 25 through 31~~ and November 13-19 ~~8-14~~.

3. Small game – November 27-22 through January 23 ~~48~~.

4. Special-opportunity turkey – March 19-25 ~~20-26~~, April 2-8 ~~3-9~~ and 16-22 ~~17-23~~.

5. Fishing and frogging – Permitted throughout the year.

6. Trapping – Prohibited.

(b) through (d) No change.

(22) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 10 ~~5~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13-21 ~~8-16~~.

4. Small game – Thanksgiving Day through the first weekend in January.

5. Spring turkey – March 19-21 ~~20-22~~, 25-27 ~~26-28~~ and April 1-3 ~~2-4~~.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, ~~wild hogs~~, fish, frogs and furbearers. ~~During the archery, muzzleloading gun and general gun seasons,~~ The bag limit for deer shall be one per quota permit. There shall be no bag or size limit restrictions on wild hogs. During the spring turkey season the bag limit for turkeys shall be one gobbler (or bearded turkey) per hunter.

(c) through (d) No change.

(23) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October ~~8-10~~ 3-5 and ~~15-17~~ 4-12.
2. Muzzleloading gun – November 5 ~~October 31~~ through November 7 ~~2~~.

3. General gun – November 19-21 ~~14-16~~.

4. Small game – December 11-26 ~~6-24~~ (Saturdays and Sundays only).

5. General gun hog – January 14-16 and 28-30.

~~6.5.~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. Only wild hogs may be taken during the general gun hog season. No size or bag limit on wild hogs.

(c) General regulations:

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

~~2. The use of horses is permitted except in areas open to hunting during the hunting season.~~

~~2.3.~~ Hunters shall check in at a check station when entering and exiting the area and record all game taken.

3.4. Vehicular access is restricted to hunters who possess a valid quota hunt permit. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas.

~~4.5.~~ No deer, turkey or wild hog shall be dismembered until checked at a check station.

~~5.6.~~ The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited.

(24) Lake Panasoffkee Wildlife Management Area.

(a) Open season:

1. Special-opportunity turkey – March 24-27 ~~25-28~~, April 5-8 ~~6-9~~ and 21-24 ~~22-25~~.

2. Special-opportunity archery – September 30 through October 3 ~~September 25-28~~, October 7-10 ~~2-5~~ and 19-22 ~~14-17~~, November 4-7 ~~October 30 through November 2~~ and November 16-19 ~~11-14~~, December 2-5 ~~27-30~~ and December 14-17 ~~9-12~~ and January 6-9 ~~4-4~~.

3. Special-opportunity hog-still – February 4-6 ~~January 30 through February 1~~.

4. Special-opportunity hog-dog – February 16-18 ~~11-13~~.

5. Small game – January 21-23 ~~16-18~~ and 28-30 ~~23-25~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. Hunters must enter and exit the area at the designated entrance and register at the hunt headquarters.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Horses and bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.

4. No game shall be dismembered until checked at the hunt headquarters.

5. Operation of a vehicle on the area is prohibited during the period from 8:00 p.m. to 5:00 a.m., unless camping at designated campsites during special-opportunity hunts or by permit from the Southwest Florida Water Management District.

6. During periods when the area is closed to hunting, vehicular access is restricted to the main entrance road to the horse stable facility. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from 8 a.m. to 6 p.m. on the day preceding the hunt.

7. Only shotguns and archery equipment may be used during the special-opportunity spring turkey hunts.

8. Shotguns are prohibited during the special-opportunity archery hunts.

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

10. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

11. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the special-opportunity hog-dog season. During the special-opportunity hog-dog season, no more than 3 dogs per special-opportunity permit shall be allowed.

12. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(25) Ross Prairie Wildlife Management Area.

(a) Open season: Supervised small game – October 16-22 ~~11-17~~, November 20-26 ~~15-21~~, December 18-24 ~~13-19~~ and January 15-21 ~~10-16~~.

(b) through (d) No change.

(26) Buck Lake Wildlife Management Area.

(a) Open season:

1. Archery – September 25 through October 3 ~~September 20-28~~ and October 4-10 ~~September 29 through October 5~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13-16 ~~8-11~~ and 17-21 ~~12-16~~.

4. Small game – December 4-19 ~~November 29 through December 14~~.

5. Spring turkey – March 19-22 ~~20-23~~ and 23-27 ~~24-28~~.

6. General gun hog – January 6-9 and 20-23.

7.6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers (except bobcat and otter). A limit of one antlerless and one antlered deer per person per hunt is established. Antlerless deer may be taken by permit only during muzzleloading gun and general gun season. Only wild hogs may be taken during the general gun hog season. No size or bag limit on wild hogs. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) No change.

(d) General regulations:

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

2. Airboats, tracked vehicles, motorcycles, all-terrain vehicles, and horses are prohibited except that horses are permitted on named and numbered roads or designated trails during periods closed to hunting.

3. Hunters shall enter and exit the area at a designated entrance.

4. Vehicular access is restricted to hunters who possess a valid quota hunt permit. Vehicles may be operated only on named or numbered roads and may be parked only in designated parking areas or within 25 feet of a named or numbered road.

5. No deer, wild hog or turkey shall be dismembered until checked at a check station.

6. During periods when the area is closed to hunting, public access other than by foot, horseback or bicycle is prohibited.

(27) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November 13 ~~8~~ through January 9 ~~4~~.

2. Small game – January 10 ~~5~~ through March 6 ~~February 29~~.

3. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

4. Archery – September 25 ~~20~~ through October 24 ~~19~~.

5. Muzzleloading gun – October 29-31 ~~24-26~~.

6. Fishing and frogging – During periods the area is open for hunting or scouting.

7. Trapping – January 10 ~~5~~ through March 1.

(b) through (d) No change.

(28) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October 16-17 ~~11-12~~, November 6-7 ~~1-2~~ and 20-21 ~~15-16~~, December 11-12 ~~6-7~~ and 25-26 ~~20-21~~.

2. Muzzleloading gun – January 1-2 ~~December 27-28~~ and January 15-16 ~~10-11~~.

3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.

(b) through (d) No change.

(29) Fort Drum Wildlife Management Area.

(a) Open season:

1. Special-opportunity deer – November 13-19 ~~8-14~~.

2. Small game – December 11-26 ~~6-24~~.

3. Special-opportunity turkey – March 19-25 ~~20-26~~, April 2-8 ~~3-9~~ and 16-22 ~~17-23~~.

4. Special-opportunity wild hog – October 8-10 ~~3-5~~, 15-17 ~~10-12~~ and 22-24 ~~17-19~~.

5. Fishing – Permitted throughout the year.

(b) through (d) No change.

(30) Ocklawaha River Wildlife Management Area – Gores Landing Unit.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 10 ~~5~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13-21 ~~8-16~~.

4. Small game – December 4-19 ~~November 29 through December 14~~.

5. Spring turkey – March 19-22 ~~20-23~~ and 23-27 ~~24-28~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(31) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September 25-27 ~~20-22~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13-15 ~~8-10~~.

4. Spring turkey – March 19-21 ~~20-22~~ and 25-27 ~~26-28~~.

5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.

(b) No change.

(c) General regulations:

1. Hunting with dogs is prohibited.

2. Vehicles may be operated only on named and numbered roads and shall be parked at designated parking areas.

3. The use of ~~horses~~, tracked vehicles, airboats, or all-terrain vehicles is prohibited during periods when hunting is permitted. During periods when the area is closed to hunting, public access is regulated by the Division of Forestry.

4. Hunters shall enter and exit the area only at designated entrances, register upon entering, and record all game taken.

5. Camping: Prohibited.

(32) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September 25 ~~20~~ through October 24 ~~19~~.

2. Muzzleloading gun – October 29-31 ~~24-26~~.

3. General gun – November 13 ~~8~~ through January 9 ~~4~~.

4. Small game – January 10 ~~5~~ through March 6 ~~February 29~~.

5. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

6. Fishing and frogging – During periods open for hunting or scouting.

7. Trapping – January ~~10~~ 5 through March 1.

(b) through (d) No change.

(33) Upper St. Johns River Marsh Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ 20 through October ~~24~~ 19.

2. Muzzleloading gun – October ~~30~~ 25 through November ~~7~~ 2.

3. General gun – November ~~13~~ 8 through January ~~23~~ 18.

4. Small game – January ~~24~~ 19 through ~~March 6~~ February 29.

5. Spring turkey – March ~~19~~ 20 through April ~~24~~ 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 ~~20-21~~ 15-16. Turkey of either sex may be taken during the muzzleloading gun season. The period of November ~~13~~ 8 through January ~~9~~ 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 – Only tent camping is permitted, and only at 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.~~

~~3.4.~~ 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.

~~4.5.~~ The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.

~~5.6.~~ 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.

~~6.7.~~ 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.~~

~~7.9.~~ Public access is prohibited from within 1,000 feet of any posted construction site.

~~8.10.~~ 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.

~~9.11.~~ Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.

~~10.12.~~ Airboats must cross levees at designated airboat crossings.

~~11.13.~~ Bush hooks are prohibited.

~~12.14.~~ Public access on Levee 74 North is allowed only at designated entrances.

(34) Ralph E. Simmons Memorial Wildlife Management Area.

(a) Open season:

1. General gun – November ~~20-28~~ 15-23.

2. Archery – September 25 through October 3 ~~September 20-28.~~

3. Muzzleloading gun – October ~~30~~ 25 through November ~~7~~ 2.

4. General gun for mobility-impaired – October ~~16-19~~ 11-14.

5. Small game – December 20 through January 2 ~~December 15-28 and February 5-13~~ 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 (except spotted fawns) may be taken during the archery and general gun for mobility-impaired seasons only hunt. The bag limit shall be one antlered deer ~~and one antlerless deer~~ per quota hunt permit, except during the general gun for mobility-impaired season when the bag limit shall be two deer per mobility-impaired quota hunt permit. Only mobility-impaired hunters may take antlerless deer during the general gun for mobility-impaired season. 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 the Scotts Landing Road campground designated campgrounds. During periods closed to hunting, camping in the Scotts Landing Road campground designated campgrounds is allowed only by permit from the Florida Division of Forestry. During periods closed to hunting, 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, except during the general gun for the mobility-impaired season.

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, except during small game season. During mobility-impaired hunts, hunting access will be restricted to certified mobility-impaired hunters with quota permits and one additional person per permit holder may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt. 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.

(35) Dunns Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~25~~ ~~20~~ through October ~~10~~ ~~5~~ and November ~~20-28~~ ~~15-23~~.

2. Muzzleloading gun – October ~~30~~ ~~25~~ through November ~~7~~ ~~2~~.

3. Wild hog – January ~~22-30~~ ~~17-25~~.

4. Spring turkey – March ~~19-21~~ ~~20-22~~, April ~~1-3~~ ~~2-4~~ and ~~15-17~~ ~~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. Only wild hogs may be taken during the wild hog season.

(c) through (d) No change.

(36) Salt Lake Wildlife Management Area.

(a) Open season:

1. Archery – September 25-October 3 and October 4-10.

2. Muzzleloading gun – October 29-31.

3. General gun – November 13-16 and November 17-21.

4. Small Game – December 4-19.

5. General Gun Hog – January 20-23.

6. Spring turkey – March 19-22 and March 23-27.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. A bag limit of one antlerless and one antlered deer per person per hunt. No size or bag limit on wild hogs. Only wild hogs may be taken during the general gun hog season. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited except that dogs may be used during the general gun hog season and bird dogs may be used during small game season. During the general gun hog season, no more than 3 dogs per quota hunt permit shall be allowed.

2. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas or parked within 25 feet of a named or numbered road.

3. Airboats, tracked vehicles, motorcycles, and all-terrain vehicles are prohibited. Horses are prohibited during periods when the area is open to hunting. Horses and bicycles may be used only on named or numbered trails or roads.

4. Hunters shall enter or exit the area only at designated entrances.

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

6. During periods when the area is closed to hunting, public access other than by foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.

7. Public access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

8. No deer, wild hog or turkey shall be dismembered until checked at a check station.

9. During the general gun hog season, a quota hunt permit shall be required for each group of two hunters and only one gun may be possessed per permit.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

General Regulations Relating to Wildlife and Environmental Areas

RULE NO.:

68A-17.004

PURPOSE AND EFFECT: The purpose of the proposed changes would be to establish or revise general regulations for all Wildlife and Environmental Areas (WEAs). The effect of the proposed changes would be: 1) to allow the possession of pet dogs, kept under physical restraint, unless prohibited by specific area rule; 2) to prohibit the unauthorized introduction of animals and non-native plants; 3) to prohibit public access by, administrative action, to areas posted as "Closed to Public Access."

SUMMARY: The proposed changes would establish or revise general regulations for all WEAs. The proposed changes would allow for the possession of pet dogs. The proposed changes would prohibit the unauthorized introduction of animals and non-native plants on WEAs. The proposed changes would prohibit public access to areas of WEA's posted as "Closed to Public Access."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (6) No change.

(7) Dogs:

(a) Dogs may be used for hunting during open seasons unless prohibited by regulations for the particular wildlife and environmental area.

(b) No person shall knowingly or negligently allow any dog to pursue or molest any wildlife during any period in which the taking of such wildlife by the use of dogs is prohibited.

(c) Dogs may be possessed, under physical restraint only. ~~No person shall possess any dog~~ during any period in which the taking of wildlife by the use of dogs is prohibited, unless otherwise prohibited by specific area rule provided that dogs not normally used for hunting and kept under restraint may be possessed.

(8) through (10) No change.

(11) Release of animals ~~wildlife~~: No person shall release any species of the animal kingdom on any wildlife and environmental area where the Commission is the landowner or lead managing agency unless authorized by specific area regulations or written authorization from the executive director. ~~No person shall release wildlife of any species on any wildlife and environmental area.~~

(12) Plants:

(a) No person shall cut or destroy any tree on, or remove any tree, shrub, or protected plant (as designated in Section 581.185, F.S.) from any wildlife and environmental area unless authorized by the landowner or the Commission. Planting of trees, shrubs or other vegetation is prohibited unless authorized by the landowner or the Commission.

(b) No person shall possess or remove saw palmetto berries from any wildlife and environmental area where the Commission is the landowner or lead managing agency without written permission.

(c) No person shall plant, propagate, introduce, or cause to grow any species of plant not native or indigenous to Florida in any wildlife and environmental area where the Commission is the landowner or lead managing agency unless authorized by an approved comprehensive management plan or written authorization from the executive director.

(13) through (14) No change.

(15) Public access is prohibited in areas posted as “Closed to Public Access.” Such areas may be closed by posting because of resource protection, construction, management activities, public health or safety, agricultural disease, or contractual agreement. ~~“Restricted” for protection of threatened or endangered species or environmentally sensitive areas.~~

(16) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Specific Regulations for Wildlife and

Environmental Areas

68A-17.005

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife and Environmental Areas (WEAs) as follows:

Apalachicola River WEA – The proposed rule would delete unnecessary reference to Catfish Creek Canal Levee Road; delete reference to dove check station (which no longer exists); allow hunters to enter the dove fields more than one hour before shooting time and exit more than one hour after shooting time; prohibit hunting with dogs, other than bird dogs or retrievers in that portion of the area posted as Northwest Florida Water Management District lands (except those lands

lying south of the Chipola River and east of the St. Joe Canal) and on those lands lying east of East Bay and Cash Bayou; and prohibit the use of all-terrain vehicles 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.

Dupuis WEA – The proposed rule would establish the following as legal to take: deer with at least one antler having three or more points of at least one inch in length. This rule would replace the forked antler requirement with a three-points on one side rule. The proposed rule would increase the bag limit to two deer per mobility-impaired quota hunt permit; permit only certified mobility-impaired hunters to take antlerless deer during the mobility impaired general gun season; require an antlerless deer permit to take antlerless deer during the muzzleloading gun and general gun seasons, allow one additional person per mobility-impaired hunt permit holder to participate in the hunt; and permit only one quota hunt permit to be utilized per individual per hunt.

CREW WEA – The proposed rule would establish the following seasons: archery (September 11-19); muzzleloading gun (October 16-18); general gun (October 30 – November 7); spring turkey (March 5-8 and 9-13); fishing and frogging (throughout the year). The proposed rule would prohibit trapping; establish as legal to take all legal game, fish, frogs, and furbearers; the bag limit for deer as one per quota hunt permit; prohibit the taking of deer in the Corkscrew Marsh Unit; establish the bag limit for turkey as one gobbler (or bearded turkey) per quota hunt permit; prohibit the taking of turkey during archery season; establish no bag limit restrictions on wild hogs; allow primitive camping by individuals in possession of a valid quota hunt permit; prohibit the use of swamp buggies except by individuals in possession of a valid quota hunt permit; allow vehicles to be operated on named or numbered trails by individuals possessing a valid quota hunt permit during archery, muzzleloading gun, general gun and spring turkey seasons; prohibit access to the areas between two hours after sunset and two hours before sunrise (unless camping); require that hunters shall enter and exit the Corkscrew Marsh Unit only through Gate 5 and Gate 6; require hunters to check in and out at a check station and check all game taken; prohibit hunting east of and within 1/4-mile of the western North/South Tram Road and south of Bonita Beach Road in the Bird Rookery Swamp Unit; prohibit the dismembering of deer or turkey until checked at a check station; and prohibit the possession of centerfire or rimfire rifles.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Parkway, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open season:

a. General gun – November 19-21 ~~14-16~~.

b. Small game – December 10-12 ~~5-7~~ and 24-26 ~~19-21~~, January 21-23 ~~16-18~~ and 28-30 ~~23-25~~.

c. Spring turkey – March 18-20 ~~20-22~~ and April 1-3 ~~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 25 ~~20~~ through October 24 ~~19~~.

b. Muzzleloading gun – October 29-31 ~~24-26~~.

c. Archery and muzzleloading gun – November 13 ~~8~~ through January 9 ~~4~~.

d. Spring turkey – March 19 ~~20~~ through April 24 ~~25~~.

e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, and deer with one or more antlers at least five inches in length. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles are prohibited except in the designated parking area.

c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.

d. Hunting with dogs is prohibited.

e. Wild hogs may not be transported alive.

(b) through (d) No change.

(e) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October 15-17 ~~10-12~~, 29-31 ~~24-26~~, November 5-7 October 31 through November 2 and December 17-19 ~~12-14~~.

b. Mobility-impaired spring turkey – March 25-27 ~~26-28~~ and April 15-17 ~~16-18~~.

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. Hunting shall be allowed only during the open seasons established for migratory birds in Rules 68A-13.003 and 68A-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel, and wild hogs in Rule 68A-13.004, F.A.C., except for the following:

a. Antlerless deer may only be taken during the archery season.

b. Turkeys of either sex may only be taken during the archery and muzzleloading gun seasons.

c. General gun season shall open the fourth Thursday in November and close three days thereafter and reopen the second Saturday in December and close 53 days thereafter.

d. During the first phase of dove seasons established by Rule 68A-13.008, F.A.C., doves may be taken in posted dove fields on Saturdays only.

2. Furbearers may be taken in accordance with the provisions of Rule 68A-24.002, F.A.C., except the use or possession of dogs is prohibited during the spring turkey season.

3. General regulations:

a. Camping is limited to tents, trailers, or self-propelled camping vehicles only. Camping is permitted throughout the area, except where posted as no camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal, or other building materials is prohibited.

b. Unauthorized removal or cutting of trees or plants is prohibited.

~~e. No person shall operate a vehicle south of the gate on the Catfish Creek Canal Levee Road.~~

~~c.d.~~ The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.

~~e. Persons hunting doves in posted dove fields shall check in and out at the check station when entering and exiting the area and check all doves taken.~~

~~f. During the first phase of dove season, all hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset. During the second and third phases of dove season, dove hunters are prohibited from entering posted dove fields until one hour before shooting time and shall exit posted dove fields by one hour after sunset.~~

~~d.g.~~ Vehicles may be operated only on named or numbered roads.

~~e.h.~~ Fires other than campfires are prohibited.

~~f.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 (except those lands lying south of the Chipola River and east of the St. Joe Canal) and on those lands lying east of East Bay and Cash Bayou.

~~g.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 ~~11~~ 6 through October ~~10~~ 5.

b. Muzzleloading gun – October ~~15-17~~ 10-12.

c. General gun – October ~~30~~ 25 through December 5 ~~November 30~~.

d. Ducks, coots, and snipe – During the seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

e. Fishing is permitted throughout the year.

f. Frogging – December 1 through March 1.

2. Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots, and snipe may be taken during seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

3. General regulations:

a. Dogs are prohibited except waterfowl retrievers may be used during the duck, coot, and snipe seasons.

b. The possession of any firearm containing shells or cartridges or capped or primed muzzleloading guns is prohibited on levees, improved roads, and at check stations. The discharge of guns is prohibited on, from, or across any check station, levee, or improved road.

c. Hunting or discharge of any firearm east of the C-109 road, within 500 yards of the Dade Work Camp, or any building or structure is prohibited.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited in the area except that airboats may be used in Units 1 and 4 from December 1 through March 1 and outboard motor boats may be used within canals, and vehicles may be operated on named or numbered roads.

e. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or trails.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County

1. Open season:

a. Archery – September ~~10-12~~ ~~5-7~~, ~~17-19~~ ~~12-14~~, and ~~24-26~~ ~~19-21~~.

b. Muzzleloading gun – October ~~8-10~~ ~~3-5~~, ~~15-17~~ ~~10-12~~, ~~22-24~~ ~~17-19~~.

c. General gun – October ~~29-31~~ ~~24-26~~ and November ~~5-7~~ ~~October 31 through November 2~~.

d. General gun for mobility-impaired – November ~~13-14~~ ~~8-9~~.

e. General gun hog – November ~~16-18~~ ~~11-13~~, ~~23-25~~ ~~18-20~~, ~~November 30 through December 2~~ ~~25-27~~, and December ~~7-9~~ ~~2-4~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March ~~8-10~~ ~~9-11~~, ~~18-20~~ ~~19-21~~, and ~~25-27~~ ~~26-28~~.

g. Small game – December ~~11~~ ~~6~~ through January ~~30~~ ~~25~~.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one ~~forked~~-antler having three or more points, one inch or more in length and having one or more antlers at least five inches in length visible above the hairline. The forked antler shall have at least two points one inch or greater in length. Antlerless deer (except spotted fawns) may be taken during the archery and general gun for the mobility-impaired seasons; and by antlerless deer permit only during the muzzleloading gun; and general gun, ~~and general gun mobility-impaired~~ seasons. The bag limit for deer shall be one per quota hunt permit, except during the general gun for mobility-impaired season when the bag limit shall be two deer (except spotted fawns) per mobility-impaired quota hunt permit. During the general gun for Mobility-impaired season, only mobility-impaired hunters may take antlerless deer. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

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

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota hunt permit for the area.

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

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. During mobility-impaired hunts, hunting access will be restricted to certified mobility-impaired hunters with quota permits and one additional person per permit holder may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt. ~~Mobility-impaired hunters may be accompanied by another person who shall not be required to meet hunting license, permit, or stamp requirements, provided he or she assists the mobility-impaired hunter in a non-hunting capacity.~~

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(c) CREW – Collier and Lee counties

1. Open season:

a. ~~Archery hog hunt – September 11-19, 7-15, Corkscrew Marsh Unit only.~~

b. ~~Muzzleloading gun hog hunt – October 16-18, 7-15; Corkscrew Marsh Unit only.~~

c. General gun – October 30 through November 7. Trapping is prohibited.

d. Spring turkey – March 5-8 and 9-13.

e. Trapping is prohibited.

f. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, fish, frogs, and furbearers. The bag limit for deer shall be one per quota hunt permit. The taking of deer is prohibited in the Corkscrew

Marsh Unit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. The taking of turkey is prohibited during the archery season. There shall be no bag limit restrictions on wild hogs. Wild hogs (no bag or size limit).

3. Camping: Primitive camping is allowed at designated sites by individuals with written authorization from the South Florida Water Management District or by individuals in possession of a valid quota hunt permit.

4. General regulations:

a. The use of trailers or recreational vehicles for camping is prohibited.

b. Fires other than campfires at approved campsites are prohibited.

c. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

d. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.

e. The use of tracked vehicles, swamp buggies, motorcycles, all-terrain vehicles, or vessels, except canoes or kayaks, is prohibited, except that swamp buggies may be operated by individuals possessing a valid quota hunt permit.

f. Vehicles may be operated only on named or numbered roads designated for vehicles. During the archery, muzzleloading gun, general gun and spring turkey seasons vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

g. The use or possession of horses is restricted to designated equestrian trails.

h. Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.

i. Persons may ~~not~~ enter the WEA two-hours Corkscrew Marsh Unit before sunrise and must exit the area within two-hours after before sunset, unless camping at a designated campsite.

j. Hunters shall enter and exit the Corkscrew Marsh Unit only through Gate 5 and Gate 6.

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

l. Hunting east of or within 1/4-mile of the western North/South Tram Road and south of Bonita Beach Road in the Bird Rookery Swamp Unit is prohibited.

m. No deer or turkey shall be dismembered until checked at a check station.

n. Centerfire and rimfire rifles are prohibited.

(d) No change.

(e) John C. and Marianna Jones WEA – Palm Beach and Martin counties.

1. Open season:

a. Archery - September 11-17 6-12 and 18-26 13-21.

- b. Muzzleloading gun – October ~~16-18~~ 11-13.
 - c. General gun – ~~October 30 through November 2~~ October 25-28 and November 3-7 ~~October 29 through November 2~~.
 - d. Small game – November 13-28 ~~8-23~~.
 - e. Fishing and frogging – Permitted throughout the year.
2. Legal to take: Deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as established by Rules 68A-13.003 and 68A-13.008, F.A.C., when migratory game bird season coincides with the archery, muzzleloading gun, general gun, or small game season. The bag limit for deer shall be one each per quota permit. No size or bag limits on wild hogs. The taking of antlerless deer is prohibited during the archery season.
3. Camping: Camping is permitted at designated primitive sites. Only tents may be used for camping.
4. General regulations:
- a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.
 - b. Fires are prohibited except at designated camping sites.
 - c. Vehicles may be operated only on named or numbered roads and in designated parking areas. Vehicles are prohibited on the Old Jupiter Grade.
 - d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited.
 - e. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 - f. No deer shall be dismembered until checked at a check station.
 - g. Dogs are prohibited except bird dogs and retrievers may be used for hunting during the small game season.
 - h. Centerfire and rimfire rifles are prohibited.
 - i. Horses may be used only on designated equestrian trails and named or numbered roads.
- (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 5-23-03, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH

THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Specific Fish Management Area Regulations **RULE NO.:** 68A-20.005

PURPOSE AND EFFECT: The proposed rule amendments would make changes to regulations on specific fish management areas, including regulations governing bag and length limits on freshwater fish, changes in seasons on certain lakes open to public fishing, or other technical changes to more effectively manage public use and provide quality freshwater fishing opportunities in these areas.

SUMMARY: The proposed amendments would prohibit possession of firearms on the following fish management areas: Suwannee Lake, Koon Lake, Watertown Lake and Lake Rachel. The proposed rule also would prohibit possession of firearms on Lang Lake FMA, except as authorized by the landowner. The proposed rule would delete Lake Crago as a named fish management area and make Lake Crago part of Tenoroc Fish Management Area. Proposed rules are as previously specified for Lake Crago FMA, except that the proposed rule also would establish an idle speed-no wake rule on the lake. On Tenoroc Fish Management Area the proposed rule would reduce the panfish daily bag limit from 50 to 20, in the aggregate, on East and West Pasture lakes. Proposed amendments would eliminate the 8-inch minimum length limit on bluegill and redear sunfish on lakes East Pasture, West Pasture, Derby and Cemetery and establish a five fish bag limit for bluegill and redear sunfish eight inches or greater in total length on these lakes. The proposed rule would change Hydrilla Lake from a special opportunity fishing lake to a lake open to public fishing under the general rules for Tenoroc FMA. Proposed amendments move Duval County FMA's, from the Northeast Region to the North Central Region to conform to agency regional realignment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$1,625 for administrative preparation, \$311 for advertising, and less than \$500 for miscellaneous expenses such as new signs or brochures. Signage costs will not exceed \$100.00 per lake (4).

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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation Resort, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) No change.

(2) North Central Region:

(a) through (b) No change.

(c) Suwannee Lake, Suwannee County:

1. through 2. No change.

3. Possession ~~Discharge~~ of firearms is prohibited.

4. through 8. No change.

(d) Koon Lake, Lafayette County:

1. Possession ~~Discharge~~ of firearms is prohibited.

2. No change.

(e) Watertown Lake, Columbia County:

1. Possession ~~The discharge~~ of firearms is prohibited.

2. through 5. No change.

(f) through (g) No change.

(h) Lang Lake, Hamilton County:

1. through 5. No change.

6. Possession of firearms is prohibited, except by written permission of the landowner.

(i) through (j) No change.

(k) Lake Rachael, Madison County:

1. through 2. No change.

3. Possession ~~Discharge~~ of Firearms is prohibited.

(l) St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(m) Oceanway Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(n) Hanna Park Ponds, Duval County:

1. Possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(o) Pope Duval East Pond – Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(p) Pope Duval West Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(q) Bethesda Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(r) Huguenot Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(s) Crystal Springs Park – Duval County:

1. No person between the ages of 16 years and 64 years shall fish unless accompanied by an angler less than 16 years of age; by an angler 65 years of age or older; by angler who has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to Section 372.561(5), F.S.; or by an angler with proof of acceptance as a client for developmental services by the Department of Children and Family Services.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. The use of boats is prohibited.

6. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(3) Northeast Region:

(a) through (z) No change.

(aa) St. Augustine Road Ponds, St. Augustine Road, North Pond and South Pond – Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(bb) Oceanway Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(cc) Hanna Park Ponds, Duval County:

1. Possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(dd) Pope Duval East Pond – Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall kill or possess any black bass less than 16 inches in total length.

4. No person shall take in any one day more than 20 panfish, in the aggregate.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ee) Pope Duval West Pond, Duval County:

1. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

2. The use of boats propelled by a gasoline motor is prohibited.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. No person shall kill or possess any black bass less than 16 inches in total length.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(ff) Bethesda Pond, Duval County:

1. The use of boats propelled by a gasoline motor is prohibited.

2. No person shall kill or possess any black bass less than 16 inches in total length.

3. No person shall take in any one day more than 20 panfish, in the aggregate.

4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.

5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.

(gg) Huguenot Pond, Duval County:

~~1. The use of boats propelled by a gasoline motor is prohibited.~~

~~2. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~5. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(hh) Crystal Springs Park—Duval County:~~

~~1. No person between the ages of 16 years and 64 years shall fish unless accompanied by an angler less than 16 years of age; by an angler 65 years of age or older; by angler who has been certified by the U.S. Veterans Administration, U.S. Social Security Administration, by any branch of the U.S. Armed Services, or by a licensed physician in this State to be totally and permanently disabled and has obtained a permanent license issued pursuant to Section 372.561(5), F.S.; or by an angler with proof of acceptance as a client for developmental services by the Department of Children and Family Services.~~

~~2. No person shall kill or possess any black bass less than 16 inches in total length.~~

~~3. No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~4. Swimming, possession of firearms, possession of alcoholic beverages or use of cast nets is prohibited.~~

~~5. The use of boats is prohibited.~~

~~6. Access prohibited from 30 minutes after sunset until 30 minutes before sunrise.~~

~~(aa)(ii) Blue Cypress, Indian River County:~~

~~1. No daily bag limit for channel catfish.~~

~~2. Trotlines may be used.~~

~~(4) Southwest Region:~~

~~(a) through (e) No change.~~

~~(f) Lake Crago, Polk County:~~

~~1. Wire traps may be used for taking non-game fish.~~

~~2. Trotlines may be used from sunset until 9:00 a.m.~~

~~3. No daily bag limit for channel catfish.~~

~~(g) through (h) renumbered (f) through (g) No change.~~

~~(i)(j) Tenoroc Fish Management Area:~~

1. General regulations for all Tenoroc lakes, except Lake Crago:

a. through p. No change.

2. Lake Crago:

a. Wire traps may be used for taking non-game fish.

b. Trotlines may be used from sunset until 9:00 a.m.

c. No daily bag limit for channel catfish.

d. Boats are restricted to idle speed-no wake.

3. Specific regulations:

a. through b. No change.

c. Lakes East Pasture, West Pasture and Derby.

(I) through (V) No change.

(VI) No person shall take in any one day more than 20 panfish, in the aggregate, ~~on Derby Lake.~~

(VII) No person shall kill or possess more than five any bluegill or redear sunfish ~~less than eight inches~~ or greater in total length ~~on Derby Lake.~~

d. Cemetery Lake.

(I) through (II) No change.

(III) No person shall kill or possess more than five any bluegill or redear sunfish ~~less than eight inches~~ or greater in total length.

~~e. Hydrilla Lake shall be established as a Special Opportunity Fishing Lake. Fishing is authorized only by special use permit issued pursuant to Rule 68A 9.007, F.A.C.~~

~~(I) No person shall obtain a permit to fish more than once in any of the four month periods, January through April, May through August, September through December.~~

~~(H) No person shall take in any one day more than 20 panfish, in the aggregate.~~

~~(III) No person shall kill or possess any bluegill or redear sunfish less than eight inches in total length.~~

~~4.3. No change.~~

(k) through (t) No change.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

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, 1-1-04, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Methods of Taking Freshwater Fish

RULE NO.: 68A-23.002

PURPOSE AND EFFECT: The proposed rule amendments would open certain properties owned by the St. Johns River Water Management District in Lake County to use of cast nets to take certain nongame freshwater fish in order to provide more public use in these areas. The proposed rule amendments also preserve the status quo for use of cast nets in certain counties, which were moved when boundaries for administrative regions were realigned.

SUMMARY: The proposed rule would allow the use of cast nets to take nongame freshwater fish in the following areas in Lake County owned by the St. Johns River Water Management District: Long Farm (Area 5), S.N. Knight Lisbon Farm (Areas 2 and 3), Lowrie Brown Farm (Area 4), Eustis Muck Farm (Area 7), Walker Ranch (Area 6), and S. N. Knight Leesburg Farm. The proposed rule preserves the status quo for use of cast nets to take nongame fish due to changes in FWC regional administrative boundaries that moved Duval and Nassau counties to the North Central Region and Hernando County to the Southwest Region.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$180 for administrative preparation, \$87 for advertising, and less than \$200 for miscellaneous expenses such as new signs or brochures.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.002 General Methods of Taking Freshwater Fish.

(1) through (2) No change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in Rule 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. Nongame fish may be taken with cast nets in the Northeast Region, except in ~~Duval, Indian River County, and Nassau counties or those St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale-Griffin canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch.~~ Nongame fish may be taken by use of cast nets in ~~Citrus, and Glades, and Hernando counties.~~

(4) through (11) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.02, Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-98, 4-15-99, Formerly 39-23.002, Amended 7-1-00, 7-1-01, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Bag Limits, Length Limits, Open Season:

Freshwater Fish

68A-23.005

PURPOSE AND EFFECT: The proposed rule amendment would change fishing regulations on Smith Lake, Washington County, certain lakes in the Ocala National Forest, and certain St. Johns River Water Management District lands including regulations governing bag or length limits on freshwater fish, changes in fishing seasons, or other technical changes to more effectively manage public use of these areas.

SUMMARY: The proposed rule would make the following changes:

Smith Lake, Washington County – the proposed rule amendment would close the lake to fishing for two years.

Ocala National Forest lakes Crooked, Grasshopper, Lou, Echo, Quarry Fish Pond and Hopkins Prairie – the proposed rule amendment would change the black bass bag limit from catch-and-release to applicable statewide regulations (5 fish, 14-inches or greater total length).

St. Johns River Water Management District lands: Long Farm (Area 5), S.N. Knight Lisbon Farm (Areas 2 and 3), Lowrie Brown Farm (Area 4), Eustis Muck Farm (Area 7), Walker Ranch (Area 6), and S. N. Knight Leesburg Farm – the proposed rule amendment would change the black bass bag limit from catch-and-release to applicable statewide regulations (5 fish, 14-inches or greater total length).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$200 for administrative preparation, \$81 for advertising, and less than \$400 for miscellaneous expenses such as new signs or brochures.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (6) No change.

(7) In that portion of the state north and west of the Suwannee River (including in the Suwannee River and in any tributary river, creek or stream of the Suwannee River), bag or length limits are as follows:

(a) through (e) No change.

(f) Smith Lake, Washington County: No person shall take or attempt to take any fish until May 1, 2006.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in subsection (9) below, bag or length limits or areas closed to fishing are as follows:

(a) through (d) No change.

(e) No person shall kill or possess any black bass in the following areas:

1. In ~~Wildcat Lake~~ designated lakes within the boundaries of the Ocala National Forest ~~known as: Crooked, Wildcat, Grasshopper, Lou, Echo, Quarry Fish Pond and Hopkins Prairie.~~

2. through 3. No change.

~~4. In the St. Johns River Water Management Areas of Lake County formerly known as Long Farm, S.N. Knight Lisbon Farm (both parcels north and south of the Yale Griffin Canal), S.N. Knight Leesburg Farm, Lowrie Brown Farm, Eustis Muck Farm, and Walker Ranch.~~

(f) through (i) No change.

(9) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Introduction of Non-native Aquatic Species
into the Waters of the State; Provisions
for Sale and Inspection of Fish for
Bait or Propagation Purpose;
Diseased Fish

68A-23.008

PURPOSE AND EFFECT: Proposed amendments preserve the
status quo for possession, culture, and transportation of Tilapia
(*Oreochromis*) aurea without permit in certain areas, due to
changes in FWC regional administrative boundaries.

SUMMARY: The proposed rule preserves the status quo for
permit requirements to possess, culture, and transport Tilapia
(*Oreochromis*) aurea in Duval, Hernando, and Nassau counties,
due to changes in boundaries of FWC administrative regions.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: It is estimated that the proposed
action will cost the agency approximately \$??? for
administrative preparation, \$?? for advertising, and less than
\$200 for miscellaneous expenses such as new signs or
brochures.

Any person who wishes to provide information regarding the
statement of estimated regulatory costs, or to provide a
proposal for a lower cost regulatory alternative must do so in
writing within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD
DURING THE COMMISSION'S REGULAR MEETING AT
THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway,
Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE AND ECONOMIC STATEMENT IS:
James Antista, General Counsel, Florida Fish and Wildlife
Conservation Commission, 620 South Meridian Street,
Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.008 Introduction of Non-Native Aquatic Species
in the Waters of the State; Provisions for Sale and Inspection of
Fish for Bait or Propagation Purpose; Diseased Fish.

(1) No change.

(2) Restricted non-native aquatic species:

(a) The following aquatic species or hybrids thereof may
be possessed only under permit from the executive director.

1. Bighead carp (*Aristichthys nobilis*).

2. Bony-tongue fishes [family *Osteoglossidae*, all species
except Silver arowana (*Osteoglossum bicirrhosum*)].

3. Dorados (genus *Salminus*, all species).

4. Freshwater stingrays (family *Potamotrygonidae*, all
species).

5. Grass carp (*Ctenopharyngodon idella*); restrictions and
requirements described in Rule 68A-23.088, F.A.C.

6. Nile perches (genus *Lates*, all species).

7. Silver carp (*Hypophthalmichthys molitrix*).

8. Snail or black carp (*Mylopharyngodon piceus*).

9. Tilapias [*Tilapia* (*Oreochromis*) aurea, *T. (O.)*
hornorum, *T. (O.) mossambica* and *Tilapia (O.) nilotica*]. *T.*
(*O. aurea*) may be possessed, cultured, and transported
without permit in the following areas: North Central Region,
Citrus County and ~~Hernando counties~~ only; Northeast Region,
~~all counties, except Duval and Nassau~~; South and Southwest
regions.

10. Walking catfish (*Clarias batrachus*).

11. Australian red claw crayfish (*Cherax quadricarinatus*;
tank culture systems only).

12. Blue catfish (*Ictalurus furcatus*), except north and west
of the Suwannee River blue catfish may be possessed without
permit.

13. Red swamp crayfish (*Procambarus clarkii*) and white
river crayfish (*Procambarus zonangulus*), except that pond
aquaculture is prohibited. Red swamp crayfish and white river
crayfish may be possessed west of the Apalachicola River or
imported for direct sale to food wholesalers and food retailers
for re-sale to consumers without permit.

(b) through (d) No change.

(3) through (8) No change.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec.
9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-84,
Formerly 39-23.08, Amended 4-13-88, 7-1-89, 10-30-89, 7-1-92, 7-1-94,
4-12-98, Formerly 39-23.008, Amended 10-10-00, 7-1-01, 7-1-02, 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Darrell L. Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands

RULE NO.:

68A-25.031

PURPOSE AND EFFECT: The purpose of the proposed rule is to allow alligator farmers to change egg collection groups after the egg collection group coordinators are determined. The effect will be to improve egg collection program participants' satisfaction relative to being in a collection group that they believe will best represent their needs.

SUMMARY: The proposed rule would allow alligator farmers to change egg collection groups after the egg collection group coordinators are determined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$119 for advertising. No other significant economic impacts are expected.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec 9, Fla. Const.

A HEARING ON THE PROPOSED RULE WILL BE HELD DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, 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-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands.

(1) No change.

(2) Establishment of Type A egg collection areas, groups, coordinators, and quotas:

(a) through (b) No change.

(c) Farmers permitted as eligible to receive eggs from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in s. 372.6673, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the collection and distribution of eggs as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as coordinator). Applications must be received by the Commission by April 1 of each year. Eligible farmers meeting the April 1 application deadline may transfer to the other collection group upon written request received by the Commission. Such transfer requests must be received by April 15. For purposes of this rule, receipt shall mean actual receipt on or before the deadline in the Commission's Tallahassee Office by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications and transfer requests received after April 1 and April 15, respectively, will not be accepted irrespective of the postmark date. The Executive Director shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each coordinator shall be licensed as an alligator farmer as specified in s. 372.6673, F.S., prior to being issued a permit.

(d) through (e) No change.

(3) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.6674 FS. History--New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Paul A. Schulz.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH

THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:

RULE NO.:

Regulations Governing Statewide
Alligator Trapping, Permitting,
Taking and Sale

68A-25.042

PURPOSE AND EFFECT: The purposes of the proposed rule are to provide for establishment of alligator management units by the Executive Director or his designee as opposed to by executive order, provide for the issuance of alligator harvest permits through the Commission's Total Licensing System, and move the application period closer to the start of the harvest season. The effects will be to simplify the establishment of alligator management units, streamline the permit issuance process, and reduce the time between application for a permit and the beginning of the harvest season.

SUMMARY: The proposed rule would provide for establishment of alligator management units by the Executive Director or his designee as opposed to by executive order, provide for the issuance of alligator harvest permits through the Commission's Total Licensing System, and move the application period closer to the start of the harvest season.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$300 for administrative preparation and \$168 for advertising. It will cost the agency approximately \$2,100 to implement issuance of statewide alligator harvest permits through this proposed action.

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 DURING THE COMMISSION'S REGULAR MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, 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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) Management units comprised of specified wetlands, lakes, rivers or other water bodies that may be reasonably grouped for the purposes of study, analysis or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be established by the executive director or his designee ~~executive order~~.

(b) No change.

(2) Harvest permit issuance ~~Application procedures:~~

(a) Harvest permits may be reserved for specific harvest units and harvest periods on a first-come-first-served basis through the Commission's Total Licensing System beginning 8:00 a.m., July 1 each year by paying \$20 for two CITES tags, pursuant to s. 372.6674, F.S., and paying for an alligator trapping license as required by s. 372.6673, F.S., or providing evidence of possession of an alligator trapping license valid through October 8 of the current year. Each applicant shall submit one current-year alligator harvest permit applications (FWC form 1000AT, effective April 30, 2000, is incorporated into this rule by reference and may be obtained at the Commission's Tallahassee and regional offices); an alligator trapping license application and fee payment for an alligator trapping license as required by s. 372.6673, F.S., or evidence of possession of an alligator trapping license valid through October 8 of the current year; and \$20 for two CITES tags, pursuant to s. 372.6674, F.S. Only those complete application packages received at the address on the alligator harvest permit application after 8:00 a.m., May 1 of each year shall be accepted. Multiple applications received in one envelope shall not be accepted.

(b) Applicants for a alligator harvest permit ~~permits~~ shall:

1. Be 18 years of age or older by September 1 in the current application year.

2. Submit only one completed harvest permit application.

2.3. Not have been convicted of any violation of ss. 372.663 or 372.664, F.S., or rules of the Commission relating to the illegal taking of any crocodilian species:

a. through b. No change.

3. Reserve only one permit.

4. Identify their preferred management units on the harvest permit application.

5. Identify their preferred harvest periods on the harvest permit application.

(c) Permits shall be issued upon determination that the applicant meets the requirements of this subsection.

~~(3) Procedures governing the selection of applicants and the issuance of harvest permits:~~

~~(a) Application packages meeting the requirements of subsection (2), above, and received each day beginning May 1 shall be randomly selected on a daily basis for permit issuance until all available permits are issued.~~

~~(b) A harvest permit shall be issued to each elected applicant for his/her highest ranked, available harvest unit and harvest period choices. Should a harvest permit not be available for any of the applicant's choices of harvest units and harvest periods, the applicant's fees shall be returned.~~

~~(d)(e)~~ Two CITES tags shall be issued with each harvest permit, except that two harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

~~(e)(d)~~ Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferable.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Paul A. Schulz

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear
RULE CHAPTER NO.: 68B-4

RULE TITLE:

RULE NO.:

Repeal and Replacement of Section

370.08(7), Florida Statutes; Specialized

Gear, Special Activity Licenses

68B-4.005

PURPOSE AND EFFECT: Rule 68B-4.005, F.A.C., currently establishes the general criteria for the issuance of special activity licenses for the use of non-conforming gear. The purpose of this rule repeal is to replace this rule with new Rule 68B-8.013, F.A.C., as part of an effort to consolidate all of the rules that govern the special activity license program into a single, comprehensive rule.

SUMMARY: Rule 68B-4.005, F.A.C., which establishes the general criteria for the issuance of a special activity license for the use of nonconforming gear, is being repealed.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.005 Repeal and Replacement of Section 370.08(7), Florida Statutes; Specialized Gear, Special Activity Licenses.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 4-18-90, Amended 11-26-92, 9-1-93, Formerly 46-4.005, Repealed 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Marine Special Activity License Program 68B-8

RULE TITLES: RULE NOS.:

Introduction and Scope 68B-8.001

Definitions 68B-8.002

General Conditions and Restrictions 68B-8.003

Application Review Process and Evaluation Criteria 68B-8.004

Third Party Contractors 68B-8.005

Scientific Research Special Activity License 68B-8.006

Educational/Exhibitional Special Activity License 68B-8.007

Florida Marine Science Educators Certification 68B-8.008

Prohibited Species Collection Criteria 68B-8.009

Stock Collection and Release Special Activity License 68B-8.010

Aquaculture Broodstock Collection Special Activity License 68B-8.011

Snook Special Activity License 68B-8.012

Non-Conforming Gear Special Activity Licenses and Exemptions 68B-8.013

Marine Chemical Special Activity License 68B-8.014

Dredge Special Activity License 68B-8.015

Commission Activities and Agreements 68B-8.016

PURPOSE AND EFFECT: The purpose of this rule is to consolidate all of the rules that govern the Special Activity License program into a single, comprehensive rule that provides applicants with clear eligibility requirements, evaluation criteria, and special conditions that may apply to their license request. The effect of these changes will be that applicants will have a single rule to reference that contains all of the information necessary to apply for a Special Activity License instead of having to reference five separate FWC rules.

SUMMARY: New Rule 68B-8.001 provides an introduction to the chapter. Rule 68B-8.002 provides necessary definition of terms used in the chapter. Rule 68B-8.003 provides general requirements for special activity licenses (SALs), including eligibility, application, license term, transferability, scope of authorization, law enforcement notification, authorized personnel, release, transfer, sale, or consumption of marine organisms, reporting, and renewal. Rule 68B-8.004 describes the application review process and sets forth evaluation criteria. Rule 68B-8.005 places requirements on third party contractors. Rule 68B-8.006 establishes requirements for issuance of a scientific research SAL. Rule 68B-8.007 establishes requirements for issuance of an education/exhibition SAL. Rule 68B-8.008 describes the FWCC partnership with the Florida Marine Science Educators Association as an alternative to the formal SAL process. Rule 68B-8.009 provides criteria for the collection of prohibited species. Rule 68B-8.010 establishes requirements for issuance of a stock collection and release SAL. Rule 68B-8.011 establishes requirements for issuance of an aquaculture broodstock SAL. Rule 68B-8.012 establishes requirements for issuance of a snook SAL. Rule 68B-8.013 establishes requirements for issuance of a nonconforming gear SAL. Rule 68B-8.014 establishes requirements for issuance of a marine chemical SAL. Rule 68B-8.015 establishes requirements for issuance of a dredge SAL for the harvest of clams or mussels. Rule 68B-8.016 provides for the waiver of marine fisheries rules for activities carried out on behalf of the FWCC when in the best interests of the state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

MARINE SPECIAL ACTIVITY LICENSE PROGRAM

68B-8.001 Introduction and Scope.

(1) The Florida Fish and Wildlife Conservation Commission recognizes that there are justifiable reasons to allow the harvest, possession, or release of marine organisms that would be in violation of one or more of the state's marine fisheries rules. Such activities include but are not limited to scientific research, education/exhibition, aquaculture, the use of non-conforming or innovative gear, the use of marine chemicals, the release of marine organisms, and the use of dredges.

(2) The rules in this chapter establish the Special Activity License (SAL) Program and allow the Commission to enter into agreements. Under this program the Commission will evaluate a proposed activity that requires a waiver of state marine fisheries rules. If the Commission determines that the proposed activity is in the best interest of the public of the State of Florida, it may issue a SAL or FMSEA Certification or enter into an agreement that includes terms, conditions, or restrictions that are necessary to ensure that the activity is consistent, to the maximum extent practicable, with fisheries rules, management plans of the Commission, and the best available scientific information.

ROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.002 Definitions.

(1) "Anadromous" means species of fish that live in ocean waters and migrate to fresh or estuarine waters to spawn.

(2) "Atlantic Region," for purposes of a Snook SAL, means all or part of counties encompassed by the St. Johns Water Management District and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(3) "Broodstock" means sexually mature organisms of both genders capable of producing gametes or offspring now or in the future for artificial cultivation purposes. Broodstock includes organisms captured to conduct immediate source spawning or for long-term retention.

(4) "Certified aquaculture facility" means a facility that has a valid aquaculture certificate of registration issued by DOACS pursuant to Section 597.004, F.S., and is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C.

(5) "DOACS" means Department of Agriculture and Consumer Services.

(6) "Educational purpose" means an activity that uses marine organisms to identify or interpret some aspect of an organism's taxonomy, behavior, physiology, or ecology; to

conduct laboratory activities; to provide instruction on field techniques; or to explain marine resource management issues to individuals formally enrolled in an instructional setting.

(7) "Exhibitional purpose" means an activity that uses marine organisms for the primary purpose of display in a facility open to the general public on a scheduled basis, and whose operational activities have a marine related component.

(8) "FMSEA Certification" means documentation validating the completion of the Florida Marine Science Educators Association workshop.

(9) "Gulf Region," for purposes of a Snook SAL, means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County, and all or part of counties encompassed by the Southwest Florida Water Management District, the Suwannee River Water Management District, and the Northwest Florida Water Management District.

(10) "Hard bottom" means any living natural or artificial reef (including coral reefs, oyster reefs, and worm reefs) or varying biological assemblages of marine organisms attached to hard substrate.

(11) "Harvest" means the catching, taking, or molesting of a marine organism by any means whatsoever, followed by a reduction of such organism or part thereof to possession. A marine organism that is caught and immediately returned to the water free, alive, and unharmed is not harvested.

(12) "Marine organism" means a species of animal, including anadromous fish, and plants that is indigenous to salt water, but excluding striped bass (*Morone saxatilis*), non-living shells, marine reptiles, marine mammals, and birds.

(13) "Marine turtle permit" means a permit issued pursuant to s. 370.12(1), F.S. and Rule 68E-1, F.A.C.

(14) "Nonprofit corporation" means a corporation that is designated as non-profit pursuant to 26 U.S.C. 501(c)3 and has a current letter of determination of tax exempt status.

(15) "Person" means an individual, firm, entity, or corporation.

(16) "Prohibited species" means a marine organism for which harvest, possession, or sale is prohibited in Title 68B, F.A.C.

(17) "Scientific research" means an activity that uses marine organisms to conduct one or more of the following:

(a) Research activity that involves the application of rigorous, systematic, and objective procedures of observation, measurement, and experiment to obtain reliable and pertinent data using an experimental design, controls, and data analysis to test a stated hypothesis.

(b) Monitoring activity that involves making technical and scientific observations as a means of gathering data according to a predetermined study plan.

(c) Reparation activity that facilitates recovery of damaged hard bottom marine organisms and includes subsequent monitoring to measure the success of the repair effort.

(18) "Snook" means any fish of the genus *Centropomus*, or any part thereof.

(19) "Special Activity License" or "SAL" means a license issued pursuant to Chapter 68B-8, F.A.C.

(20) "Stock enhancement" means the process of increasing the number of organisms in a still viable, naturally reproducing population of a native species, that has been depleted to the point that the quality of recreational or commercial fishing opportunities is severely reduced or the continued existence of the population is at risk.

(21) "Stock restoration" means the re-establishment of a particular marine organism into an area that the organism formerly occupied but, because of some reason, the organism has become locally extinct.

(22) "Third party contractor" is an entity that is paid for services rendered to collect or transport marine organisms on behalf of a SAL holder, or paid to provide expertise as an agent or consultant for the collection or transport of marine organisms on behalf of a SAL holder. Salaried staff or faculty, non-salaried volunteers, students, interns, or visiting principle investigators who do not receive monetary compensation for their collection assistance are not third party contractors.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

68B-8.003 General Conditions and Restrictions.

(1) ELIGIBILITY.

(a) A SAL or FMSEA Certification will not be issued to a person and no person may conduct activities under a SAL if, during the 36-month period prior to the application or activity, that person has been charged with a violation of a rule in Titles 68A through E, F.A.C.; Chapter 370 or Chapter 372, F.S.; or 50 CFR Parts 622, 635, 640, 648, 654, 660, or 679 unless that person has received a final disposition of acquittal or dismissal of such charged violation.

(b) A Stock Collection and Release SAL, an Aquaculture Broodstock Collection SAL, or a Snook SAL will not be issued to a person and no person may conduct activities under such SAL, if that person has been charged with a violation of a provision of Section 597.004, F.S., or Rule 5L-3.004, F.A.C.

(c) A SAL will not be issued for an activity that is allowed under the marine recreational fishing regulations.

(d) A SAL will not be issued to a third party contractor.

(2) APPLICATION, ISSUANCE, AND LICENSE PERIODS.

(a) A person may apply for and be issued a SAL at any time and a SAL may be valid for 12 months from the date of issuance with the following exceptions:

1. The period of validity of a Scientific Research SAL will be based on the duration of the proposed activity, provided that the duration is no longer than is necessary to achieve its stated purpose and it does not exceed 36 months from the date of

issuance. The period of validity for a Scientific Research SAL issued for prohibited species may not exceed 12 months from the date of issuance.

2. The period of validity of an Education/Exhibition SAL issued for prohibited species is January 1 through December 31 of the year applied for. An application must be postmarked or hand-delivered to the Commission not later than November 1 before the year applied for and will be issued or denied by February 1 of that year.

3. The period of validity of a Governmental Purpose SAL will be based on the duration of the proposed activity, provided that it is no longer than is necessary to achieve its stated purpose.

4. The period of validity of a Nonprofit SAL is 36 months, provided that the documentation required for reporting is submitted during the 12th month, 24th month, and within 30 days of expiration of the SAL or during the renewal application process if the SAL is requested for renewal.

(b) A person may apply for and be issued a FMSEA Certification upon completion of workshop training and a FMSEA Certification is valid for 36 months.

(3) TRANSFERABILITY OF LICENSE OR CERTIFICATION. A SAL or FMSEA Certification is not transferable. If a SAL or Certificate holder changes his or her affiliation, the SAL or Certificate is no longer valid and must be amended or re-issued.

(4) SCOPE OF AUTHORITY. A SAL or FMSEA Certification does not authorize any activity outside of state waters, within zoned areas of the Florida Keys National Marine Sanctuary, or within the boundaries of any state or federal park, with the exception of areas under the jurisdiction of state parks that are designated as shellfish harvesting areas. For purposes of this subsection, "zoned areas of the Florida Keys National Marine Sanctuary" means Sanctuary Preservation Areas, Special Use Areas, Research Only Areas, and Ecological Reserves.

(5) LAW ENFORCEMENT NOTIFICATION. The holder of a SAL or FMSEA Certification must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL or FMSEA Certification. Notification may consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL or FMSEA Certification unless rescinded by the SAL or FMSEA Certification holder.

(6) AUTHORIZED PERSONNEL.

(a) No more than 10 individuals may be authorized to conduct activities pursuant to a SAL unless justification for additional personnel is provided by the applicant and additional personnel are necessary to achieve the stated purpose of the SAL, except that no more than three individuals

in addition to the applicant may be authorized to conduct activities pursuant to a Marine Chemical SAL issued to a commercial harvester of marine life species.

(b) Authorized personnel on a FMSEA Certification will be limited to the certification holder, teaching assistants, and up to 100 students per collecting trip. Both the teaching assistants and students must be operating under the direct supervision of the Certification holder and there must be at least one adult per ten students.

(7) RELEASE OF MARINE ORGANISMS. No marine organism that has been maintained in captivity may be released unless the release is authorized by a SAL or FMSEA Certification or the release is conducted in accordance with the "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms". The "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms" is hereby adopted as a rule of the Commission and is incorporated herein by reference as of 7/1/04. However, the release restrictions of this subsection do not apply to:

(a) Catch-and-release activities that occur during the course of recreational fishing.

(b) The use of a marine organism for bait.

(c) The temporary possession of bycatch or of a marine organism that is temporarily retained in order to conduct directed commercial fishing activities, provided that the marine organism is not retained any longer than is necessary to accomplish the directed harvest.

(8) REPORTING REQUIREMENTS. Required reporting documentation must be submitted within 30 days after expiration of the SAL.

(9) TRANSFERABILITY OF MARINE ORGANISMS.

(a) A SAL or FMSEA Certification is not required if a marine organism harvested pursuant to a SAL or FMSEA Certification is being moved through formal transfer or loan between facilities that meet the eligibility requirements in subsection 68B-8.003(1), F.A.C., and that are certified aquaculture facilities or are conducting scientific research, education, or exhibition activities. A marine organism authorized for sale under subsection 68B-8.003(11), F.A.C., is not considered a transfer or loan. In lieu of a SAL or FMSEA Certification, documentation must be permanently maintained by a facility that possesses a marine organism harvested pursuant to a SAL or FMSEA Certification and transferred or loaned to that facility. The documentation must include the following:

1. A copy of the SAL or FMSEA Certification authorizing the harvest of the marine organism.

2. The chain of possession from initial harvest to current possession.

3. If the transfer or loan involves a certified aquaculture facility, a copy of the aquaculture facility's valid certification.

4. A detailed description of each marine organism being transferred or loaned including common name, scientific name, size, and sex.

5. Number of each type of marine organism being transferred or loaned.

6. Date of transfer, or beginning and ending date of loan.

7. Name, address, and contact person for the transferring facility and for the receiving facility.

8. Signatures from representatives of the transferring and receiving facilities acknowledging that the transfer was completed or the loan was initiated.

(b) The receiving facility is responsible for maintaining a marine organism in its possession in accordance with any terms and conditions set forth by the SAL or FMSEA Certification that authorized the harvest of the marine organism.

(10) POSSESSION AFTER SAL EXPIRATION. The Commission recognizes that a marine organism collected pursuant to a SAL may need to be retained for a period of time that extends beyond the expiration date of the SAL issued for its harvest. For this purpose, the following conditions must be met for marine organisms collected pursuant to a SAL to be legally possessed beyond the expiration of a SAL:

(a) All documentation required for reporting must be submitted to the Commission within 30 days of expiration of the SAL.

(b) Within 60 days of expiration or within 30 days of receipt of the reporting documentation, the Commission will return to the SAL holder a Commission authenticated copy of the SAL holder's reporting documentation. The documentation will serve as the official list of what was legally harvested pursuant to the SAL and may be possessed after expiration.

(c) During the 60 days immediately following the expiration date of the SAL, the original SAL or a Commission authenticated copy is sufficient documentation to authorize possession of a marine organism harvested pursuant to a SAL. This allows sufficient time for the submission of the reporting documentation and return of an authenticated copy of the documentation to the SAL holder. After 60 days from the expiration date, the entity in possession of the marine organism harvested pursuant to an expired SAL must maintain the original SAL or a Commission authenticated copy, and a Commission authenticated copy of the reporting documentation. Such documentation must be promptly produced at the request of an authorized law enforcement officer.

(11) SALE OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification may not be sold or consumed unless it was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, Dredge SAL, or a Nonprofit Corporation SAL, and the sale was conducted in accordance with any condition of sale required by such SAL.

(12) CONSUMPTION OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification may not be consumed unless the marine organism was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, or Dredge SAL.

(13) RENEWAL AND REISSUE. A SAL issued pursuant to this chapter will not be renewed or reissued unless all conditions of a prior SAL held by the applicant were met, and the reporting requirements for the prior SAL were properly and timely submitted.

(14) SUSPENSION AND REVOCATION. The Commission will suspend or revoke a SAL if it finds that the SAL holder has violated any provision in Chapter 370, F.S., Commission rules or orders, or terms or conditions of the SAL, or has submitted false or inaccurate information in his or her application. Suspensions and revocations will be imposed in accordance with Chapters 120 and 370, F.S.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.004 Application Review Process and Evaluation Criteria.

(1) REVIEW PROCESS.

(a) A SAL application will be reviewed and approved by the Directors of the Marine Fisheries and Law Enforcement sections of the Commission, or their designated representatives.

(b) In addition, a SAL application may be reviewed by individuals outside of the SAL program that possess the biological, technical, regulatory, and enforcement expertise necessary to appropriately evaluate a requested activity.

(2) EVALUATION CRITERIA. The Commission will review an application and grant or deny a SAL based on the following criteria:

(a) Eligibility of the applicant.

(b) Completeness of information submitted to the Commission through the application process.

(c) Consistency of the requested activities with the license type requested.

(d) Degree of compliance with the terms and conditions set forth by a SAL previously issued to the applicant.

(e) Potential impacts of the type, size, and method of harvesting gear requested for use.

(f) Biological status of the species requested, based on the best available information. In the absence of stock assessments, the Commission will take a risk-averse approach and maintain minimal harvest levels until such time as the information is available to further evaluate the status of the species.

(g) Life history strategies, genetic structure, and ecology of the targeted species.

(h) Degree of variation from management regulations.

(i) The extent of the requested harvest beyond the known total annual commercial and recreational harvest of the stock.

(j) Established harvest quotas for the species requested.

(k) Locations of proposed harvest activities and facilities.

(l) Intensity of localized harvest and harvest frequency.

(m) Any additional evaluation criteria specific to the SAL applied for, as established by this chapter.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.005 Third Party Contractors.

(1) In order for a third party contractor to conduct activities pursuant to a SAL, the following requirements must be met:

(a) A third party contractor must be identified as such on the SAL application.

(c) The SAL applicant must submit with the application a copy of the signed contractual agreement between the third party contractor and the applicant that outlines the services to be rendered. The agreement must denote payment for services rendered during the specific time period requested on the SAL application. Contractual agreements referencing payment schedules for individual marine organisms will not be accepted.

(2) A third party contractor may not serve as an agent for a SAL applicant during the application process.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.006 Scientific Research Special Activity License.

(1) PURPOSE. The purpose of a Scientific Research SAL is to accommodate the need for the scientific community to conduct research, monitoring, and hard bottom reparation activities that enhance the greater body of knowledge in support of fisheries management, resource conservation and enhancement, and public health. If conducting research, the proposed activity must ensure that study results will be presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on findings. If conducting monitoring the proposed activity must ensure that collected data will be analyzed to detect physical or biological changes over time in marine organisms, their populations, or communities. If conducting reparation, the proposed activity must ensure that species such as oysters, corals, sponges, sea fans, sea whips, and other hard bottom marine organisms are repaired in the event that they are damaged, and the effectiveness of the reparation activity is evaluated by subsequent monitoring.

(2) ELIGIBILITY. A Scientific Research SAL may be issued only to the following:

(a) A principal investigator of a proposed or ongoing scientific research project who is on the faculty or is a student of a college, community college, university, or secondary school.

(b) A principal investigator of a proposed or ongoing scientific research project who is affiliated with a marine research institute, laboratory, corporation, or organization.

(c) A member of the scientific or technical staff of a marine research institute, laboratory, corporation, or organization with demonstrated experience conducting successful hard bottom reparation activities.

(d) A member of the scientific or technical staff of a city, county, state or federal agency.

(e) A member of the scientific or technical staff of a certified aquaculture facility.

(3) FEES AND APPLICATION.

(a) The processing fee for a Scientific Research SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Scientific Research SAL must complete and submit a Scientific Research SAL application form provided by the Commission (Form DMF-SRSAL01 (2/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL will be evaluated based on the following criteria as applicable to the request:

(a) Project specifications and methodologies.

(b) Monitoring strategies.

(c) Documented experience conducting successful hard bottom reparation activities.

(5) REPORTING REQUIREMENTS. A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific name of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used and the current disposition of the organism. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known and the disposition of the prohibited species. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License.

(c) A SAL holder who is conducting biomedical research activities involving the collection of horseshoe crabs to remove blood and return the animal to the area of collection alive, must file his or her annual report pursuant to sub-subparagraph 68B-46.002(3)(b)3.e., F.A.C.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

68B-8.007 Education/Exhibition Special Activity License.

(1) PURPOSE. The purpose of an Education/Exhibition SAL is to accommodate the need for the harvest of marine organisms and conduct activities with such organisms that will increase the public's knowledge and awareness of Florida's marine resources.

(2) ELIGIBILITY. An Education/Exhibition SAL may be issued only to the following:

(a) An instructor employed by, or under the sponsorship of, a university, college, secondary school, or governmental entity or a private institution or organization that has an established marine or environmental education curriculum.

(b) A curator or director employed by or under sponsorship of a public or private aquarium, museum, university, or business establishment that displays marine organisms for viewing by the public and whose activities have a marine-related component.

(3) INELIGIBLE APPLICANTS. The Commission may deny an application for an Education/Exhibition SAL by an applicant who can reasonably be expected to qualify for a FMSEA Certification. Such person must pursue FMSEA Certification.

(4) FEES AND APPLICATION.

(a) The processing fee for an Education/Exhibition SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for an Education/Exhibition SAL must complete and submit an Education/Exhibition SAL application form provided by the Commission (Form DMF-ESAL02 (2/04)).

(5) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL will be evaluated based on the following criteria as applicable to the request:

(a) Educational program curriculum.

(b) Qualifications of the educators requesting to conduct activities pursuant to a SAL.

(c) Conservation and education benefits of presentations designed to educate the public about the marine organisms requested for harvest and display.

(d) Current facility inventory of the species requested for harvest.

(6) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

68B-8.008 Florida Marine Science Educators Certification.

(1) PURPOSE. This section describes a Commission partnership with the Florida Marine Science Educators Association (FMSEA) that provides an alternative to the formal SAL application process to conduct educational activities with aquatic organisms. The FMSEA Certification is a more streamlined process designed to cater to the smaller collecting needs of the educational community as opposed to the larger and more complex collecting needs of SAL holders. A FMSEA Certification holder is exempt from a number of saltwater and freshwater resource regulations to allow him or her to collect and possess marine organisms for educational purposes.

(2) ELIGIBILITY. FMSEA Certification may be issued only to the following:

(a) An instructor employed by, or under sponsorship of, an elementary or secondary school.

(b) An instructor employed by, or under sponsorship of, another educational institution or organization with courses of biological or aquatic studies.

(c) An individual who teaches in a home education program maintained in accordance with Section 1002.41, F.S.

(d) A representative of a home education program association.

(3) WORKSHOP CURRICULUM. FMSEA Certification requires successful completion of a training workshop. The primary workshop objective is to promote best practices in the collection and maintenance of aquatic organisms for educational activities. A curriculum has been established to achieve the primary workshop objective and includes but is not limited to:

(a) Rationale for collecting marine organisms.

(b) Alternatives to the collection of live marine organisms.

(c) Collection methods.

(d) Minimization of environmental impacts.

(e) Minimization of marine organism mortality.

(f) Regulatory concerns.

(g) Appropriate gear deployment and use.

(h) Establishment of collecting teams.

(i) Collection and documentation of field data.

(4) CERTIFICATION DOCUMENTATION. Upon successful completion of the training workshop, a participant receives a certification that is authorized by both FMSEA and Commission representatives. The certification:

(a) Authorizes the harvest of certain fresh and saltwater organisms and specifies bag and possession limits.

(b) Authorizes the use of specific scientific, educational, and recreational harvesting gears.

(c) Specifies the fresh and saltwater areas in which harvest of marine organisms is allowed.

(d) Provides an exemption from local laws when harvesting in a designated saltwater area.

(5) GENERAL CONDITIONS AND RESTRICTIONS. The holder of a FMSEA Certification is subject to the General Conditions and Restrictions in subsections 68B-8.003(1)(a), (2)(b), (3), (4), (5), (6)(b), (7), (9), (11), and (12) F.A.C.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

68B-8.009 Prohibited Species Collection Criteria.

(1) PURPOSE. This section establishes criteria for the issuance of a Scientific Research or Education/Exhibition SAL involving the harvest of prohibited species from Florida waters and the possession of species legally harvested from the adjacent exclusive economic zone (EEZ) for scientific research, educational, or exhibitional purposes. The Commission utilizes the criteria established in this section to monitor and regulate harvest levels of prohibited species harvested from Florida waters and the adjacent EEZ while ensuring that such harvest activities do not adversely affect the stocks of such species.

(2) ELIGIBILITY. A SAL involving the harvest of prohibited species may be issued only to the following:

(a) An applicant for a Scientific Research SAL.

(b) An applicant for an Education/Exhibition SAL.

(c) An applicant for a Stock Collection and Release SAL.

(3) PRIORITIZATION. When the requested harvest of a prohibited species exceeds an established quota, in-state and out-of-state scientific research activities will take priority over in-state education/exhibition activities, which in turn will take priority over out-of-state education/exhibition activities.

(a) Among eligible Florida-based education/exhibition applicants, priority will be given to those applicants that meet one or more of the following criteria:

1. The applicant has an established protocol that allows for outside independent evaluation of its husbandry operations, programs, and facilities, or meets equivalent professional review standards of the American Zoo and Aquarium Association or other equivalent professional organizations.

2. The applicant conducts captive breeding programs or husbandry studies related to the targeted prohibited species, or provides for the financial and/or physical support of research projects that seek to enhance the understanding of one or more prohibited species.

3. The applicant supports or sponsors conferences and symposia that promote the sharing of information related to captive breeding, husbandry, and management of prohibited species.

(b) If an established quota for a specific prohibited species has not been met through scientific research activities or through in-state educational/exhibitional activities, priority will be given to eligible out-of-state educational/exhibitional applicants that meet the criteria established in paragraph (3)(a) of this section.

(4) EVALUATION CRITERIA.

(a) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL involving prohibited species will be evaluated based on the following criteria:

1. The credentials of the principal investigator, including publications and professional accomplishments.

2. A review of relevant literature and a determination of whether the proposed work is new or is replicating prior published findings.

3. A review of how the research project is designed to minimize the mortality or total harvest levels of the prohibited species to be collected.

4. Disposition plan for any prohibited species permanently removed from the system.

5. Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for successful completion of the research project.

6. Whether or not published project results will contribute to one or more of the following: improved management of prohibited species in captivity or in the wild, increased understanding of prohibited species population dynamics or ecology, benefits to Florida's marine conservation and resource management interests, and contributions to basic and applied science.

(b) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Education/Exhibition SAL involving prohibited species will be evaluated based on the following criteria:

1. Professional aquarium facility accreditation.

2. Existence of a prohibited species captive breeding program or of a prohibited species-related husbandry or prohibited species research program.

3. Financial or material support of prohibited species research conducted by other entities.

4. Hosted conferences, workshops, or symposia addressing prohibited species husbandry, conservation, or management within the previous year.

5. Educational media and programs accompanying the displays for prohibited species, as well as the conservation message relating to the prohibited species.

6. Whether or not acquisition of the prohibited species is in compliance with the facility's collecting plan or acquisition policy, including any facility disposition or de-accession policies that may be relevant to the requested prohibited species in the future.

7. The physical environment in which the prohibited species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the prohibited species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.

8. The current inventory of all prohibited species located at the facility.

9. Whether or not non-prohibited species could be utilized in lieu of prohibited species to meet educational or exhibitional objectives.

10. Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for acquiring the prohibited species, or if the prohibited species may be acquired from areas where the stock is not prohibited from harvest, from captive breeding programs, through loan from another aquarium, or from an aquaculture facility.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.010 Stock Collection and Release Special Activity License.

(1) PURPOSE. The purpose of a Stock Collection and Release SAL is to ensure that activities which involve the collection of broodstock or wild stock and the release of captive-bred offspring or captive-reared wild stock for scientific research, stock enhancement, or stock restoration purposes are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ. Scientific research, stock enhancement, or stock restoration activities that are conducted to fulfill mitigation requirements established by other state or federal agencies are not exempt from the provisions and requirements of this rule.

(2) ELIGIBILITY. A Stock Collection and Release SAL may be issued only to the following:

(a) The holder of a Scientific Research SAL.

(b) An owner, director, or manager of a certified aquaculture facility.

(3) FEES AND APPLICATION.

(a) The processing fee for a Stock Collection and Release SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Stock Collection and Release SAL must complete and submit a Stock Collection and Release SAL application provided by the Commission (Form DMF-SCRSAL03 (2/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Stock Collection and Release SAL will be evaluated based on the applicant's genetic management plan. The principal goal of the plan must be the preservation and maintenance of the genetic diversity of potentially impacted natural populations. This plan must include the following information:

(a) Geographical delineation of genetic management units. Genetic management units are defined as the gene pools of genetically distinct groups of marine organisms whose members interbreed in the wild within their own group to produce subsequent generations of young.

(b) Management practices that will be employed to ensure that genetic material is not artificially transferred between natural stocks.

(c) Management practices that will be employed to minimize genetic impacts from propagation-related genetic changes in cultured fish, such as inbreeding, domestication, and artificial selection.

(d) Management practices that will ensure that escapement or stocking levels pose no short- or long-term threat to the genetic diversity of natural stocks via excessive genetic input.

(5) RELEASE REQUIREMENTS.

(a) A Stock Collection and Release SAL holder must coordinate all release activities with the Commission and obtain written authorization prior to conducting any release. A release may not be conducted without written authorization from the Commission.

(b) A marine organism will not be authorized for release unless it has been maintained in accordance with the Captivity Requirements set forth in the "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms".

(c) A hatchery-reared finfish must be distinguishable from a wild organism so that estimates of project success may be obtained through monitoring. The method used to identify a hatchery-reared organism is at the discretion of the SAL holder conducting the release. Potential distinguishing methods include but are not limited to internal or external mechanical

tags, chemical marks, or genetic tags. All costs incurred in the fulfillment of this provision or any other provision of Rule 68B-8.010, F.A.C. will be the responsibility of the SAL holder.

(d) Prior to release, a representative sample of the marine organisms targeted for release must be submitted for a health examination. This examination must be conducted under the direction of a United States Department of Agriculture-certified veterinarian with fish health experience, or an American Fisheries Society-certified fish pathologist or fish health inspector. Exam results must be summarized in a USDA Health Certificate or a letter. The certificate or letter must state that the organisms appear to be normal, healthy, and suitable for release into the wild. The health examination will not be required when organisms are released in a larval form or cannot be readily evaluated using standard diagnostic protocols due to their size at release.

(6) REPORTING AND MONITORING REQUIREMENTS. A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest, sampling, and release activities. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred.

(b) A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License.

(c) A post-release genetic monitoring program may be required if the genetic management plan submitted by the applicant does not provide the information necessary to determine the genetic impact of activities under the SAL.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.011 Aquaculture Broodstock Collection Special Activity License.

(1) PURPOSE. The purpose of an Aquaculture Broodstock Collection SAL is to allow for the harvest and possession of marine organisms, with the exception of the harvest of snook, as broodstock for aquaculture research or commercial aquaculture.

(2) ELIGIBILITY. An Aquaculture Broodstock Collection SAL may be issued only to the following:

(a) The holder of a Scientific Research SAL.

(b) An owner, director, or manager of a certified aquaculture facility.

(3) FEES AND APPLICATION.

(a) The processing fee for an Aquaculture Broodstock Collection SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for an Aquaculture Broodstock Collection SAL must complete and submit an Aquaculture Broodstock Collection SAL application provided by the Commission (Form DMF-ABCSAL04 (2/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Aquaculture Broodstock Collection SAL will be evaluated based on the following criteria:

1. The species, number, and sex of broodstock marine organisms requested for harvest.
2. The area of broodstock harvest.
3. Proposed harvesting gears and methods.
4. Anticipated time period of harvest.
5. Proposed spawning strategy.
6. Broodstock disposition plan.
7. Information indicating the training and experience of the applicant to successfully engage in aquaculture activities.
8. Valid DOACS aquaculture certificate of registration.
9. The economic impact and cost effectiveness of the proposed artificial cultivation of the target species.
10. The biological and ecological impact of the proposed aquaculture operation.

(5) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested, numbers and sizes harvested, locations of harvest by county, and any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.012 Snook Special Activity License.

(1) PURPOSE. Unless authorized by the Commission pursuant to a Snook SAL, the harvest of snook as broodstock for commercial aquaculture production purposes, or the possession, transport, sale, or purchase of snook broodstock progeny is prohibited. The purpose of a Snook SAL is to allow such activities to occur, and to ensure that they are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(2) ELIGIBILITY.

(a) A Snook SAL for the harvest of broodstock and production, possession, transport, or sale of the broodstock progeny may be issued only to an owner, director, or manager of a certified aquaculture facility that does not directly discharge production unit water to surface waters of the state.

(b) A Snook SAL for the purchase and possession of broodstock progeny may be issued only to the following:

1. An owner, director, or manager of a certified aquaculture facility that does not directly discharge production unit water to surface waters of the state, is located in Florida, and is located in the region of the state where the supplier's broodstock originated.
2. An owner of a private pond located in Florida and in the region of the state where the supplier's broodstock originated. The private pond must have no connection to surface waters of the state and the lowest point of the top edge of its levee, dike, or bank must be at least one foot above the 100-year flood plain by reference to elevation maps issued by the National Flood Insurance Program of the Federal Emergency Management Agency.
3. An owner, director, or manager of a fully contained facility located in Florida and in the region of the state where the supplier's broodstock originated. Such facility must be open to the public and conduct activities for exhibitional purposes.

(3) FEES AND APPLICATION.

(a) The processing fee for a Snook SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Snook SAL must complete and submit a Snook SAL application form provided by the Commission (Form DMF-SSAL05 (2/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an applicant for a Snook SAL for the harvest of broodstock, and production, possession, transport or sale of the broodstock progeny will be evaluated based on the following criteria:

1. The number and sex of snook requested for harvest.
2. The area of broodstock harvest.
3. Proposed harvesting gears and methods.
4. Anticipated time period of harvest.
5. Proposed spawning strategy.
6. Broodstock disposition plan.
7. The training and experience of the applicant to successfully engage in snook aquaculture.
8. Valid DOACS aquaculture certificate of registration.

(5) SALE OF BROODSTOCK PROGENY.

(a) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport or sale of the broodstock progeny may sell broodstock progeny only to a holder of a valid Snook SAL for the purchase and possession of broodstock progeny.

(b) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport or sale of the broodstock progeny must provide a bill of sale or other documentary evidence to each purchaser of broodstock progeny, and must maintain a record of each sale. The bill of

sale or other documentary evidence must include the name, address, and aquaculture certificate number of the certified aquaculture facility conducting the sale, the name and address of the entity purchasing the broodstock progeny, the date of purchase, the quantity of progeny purchased, the purchaser's Snook SAL number, and the exact location where the progeny are being stocked or maintained.

(6) PAY-TO-FISH PONDS. A Snook SAL holder who is an owner of a private pond, operates it as a pay-to-fish facility, and whose pond is stocked with progeny purchased from a certified aquaculture facility that is a Snook SAL holder may charge a fee to harvest snook in such ponds, provided:

(a) Snook are not sold on a per-pound or per-fish basis.

(b) Snook removed from the private property on which the pay-to-fish pond is located conform to regional size limits, bag limits, and closed seasons, as specified in Title 68B, F.A.C.

(7) REPORTING REQUIREMENTS. A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of snook. The activity report must include numbers and sizes of snook harvested, locations of harvest by county, and any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) Documentation of each sale of progeny sold, as specified in paragraph 68B-8.012(5)(b), F.A.C.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-04.

68B-8.013 Non-Conforming Gear Special Activity Licenses and Exemptions.

(1) BACKGROUND. No person may use any gear or equipment to harvest a marine organism if the gear is not allowed by rule of the Commission, Chapter 370, F.S., or the Constitution of the State of Florida unless such person has first obtained authorization for such gear via a SAL or an exemption. The use of non-conforming gear may be authorized in a Scientific Research SAL or a Stock Collection and Release SAL for scientific research purposes if the use of non-conforming gear is specifically requested in an application for such SAL and the use is justified.

(2) OTHER AUTHORIZATIONS FOR USE OF NON-CONFORMING GEAR. The use of non-conforming gear may also be authorized under a SAL as follows:

(a) Gear Innovation SAL.

(b) Governmental Purpose SAL.

(f) Governmental Purpose Gear Exemption.

(g) Nonprofit Corporation SAL.

(3) GEAR MARKING/TENDING. A SAL or exemption issued for non-conforming gear may contain special gear marking or tending requirements so that the Commission may responsibly monitor gear use and ensure that activities are restricted to the minimum amount necessary to achieve the stated purpose of the SAL or exemption.

(4) NET GEAR EXEMPTION. Exemption from the net gear restrictions set forth in Article X Section 16 of the Florida Constitution may be included only in a Scientific Research SAL, Stock Collection and Release SAL for scientific research purposes, Governmental Purpose SAL, or Governmental Purpose Gear Exemption.

(5) GEAR INNOVATION SPECIAL ACTIVITY LICENSE.

(a) PURPOSE. The purpose of a Gear Innovation SAL is to allow for harvesting gear not historically or traditionally used within Florida to be evaluated, monitored, and tested. The Commission will use the information collected pursuant to a Gear Innovation SAL to evaluate the impact that a proposed gear type would have on the stock of the species targeted, species not targeted but incidentally harvested, and the marine environment, and to determine if the gear could be responsibly introduced into general use. However, a Gear Innovation SAL will not be issued for the harvest of sponges in state waters, for oysters in Apalachicola Bay, or for prohibited species.

(b) ELIGIBILITY. A Gear Innovation SAL may be issued only to the following:

1. An individual who holds all of the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest pursuant to the SAL.

2. An individual who has at least five years experience as a commercial harvester in Florida and has landings of the species targeted for harvest with the innovative gear.

3. An individual who has working knowledge of the area where the gear will be tested.

(c) FEES AND APPLICATION.

1. The processing fee for a Gear Innovation SAL is \$25.00. A processing fee is non-refundable.

2. An applicant for a Gear Innovation SAL must complete and submit a Gear Innovation SAL application form provided by the Commission (Form DMF-GISAL06 (2/04)).

(d) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an applicant for a Gear Innovation SAL will be evaluated based on the following criteria:

1. Construction of the proposed gear.

2. Intended use of the proposed gear and any potential impacts on the marine environment.

3. Impact on the species targeted for harvest with the proposed gear and any species that may be harvested incidentally.

4. Benefits to the state through the use of the innovative gear.

(e) GENERAL CONDITIONS AND RESTRICTIONS.

1. The SAL holder may only operate in areas designated by the SAL. The gear may not be used in areas that would otherwise be closed to the commercial harvest of the targeted species.

2. The SAL holder must conform to gear marking or tending requirements specified in the SAL.

3. The individual to whom the SAL is issued must provide on-site supervision of all activities conducted pursuant to the SAL.

4. All marine organisms harvested pursuant to the SAL must be in compliance with any commercial regulations established for the species being harvested, including but not limited to seasons, commercial limits on harvest and sale, area closures, commercial size limits, and documentation requirements for the commercial sale of marine organisms.

(f) REPORTING REQUIREMENTS. A log of activities that includes area fished, time fished, catch composition, and any other information required by the Commission to properly evaluate the specific gear being tested, must be maintained for the duration of the SAL and submitted to the Commission on a schedule specified in the SAL. All documentation required by the Commission pursuant to a SAL or pursuant to any regulation for commercial harvesting activities, including logs and trip tickets, must be available for inspection by the Commission and its employees at any reasonable time.

(6) GOVERNMENTAL PURPOSE SPECIAL ACTIVITY LICENSE.

(a) PURPOSE. The purpose of a Governmental Purpose SAL is to allow government agencies to use non-conforming gear to meet the needs of public health, safety, or welfare. However, a Governmental Purpose SAL will not be issued for a prohibited species.

(b) ELIGIBILITY. A Governmental Purpose SAL may be issued only to a state or federal agency or to a municipal or county government.

(c) FEES AND APPLICATION.

1. There is no fee for a Governmental Purpose SAL.

2. An applicant for a Governmental Purpose SAL must submit a written request that contains the following information:

a. The need for the use of non-conforming gear in furtherance of the public health, safety, or welfare.

b. A detailed description of the proposed gear, an explanation of how it will be used, and any anticipated impacts of the gear on the marine environment.

c. A list of species targeted for harvest with the proposed gear and any anticipated species that may be harvested incidentally.

d. The quantity of targeted species to be harvested necessary to achieve the stated purpose.

e. The center point and corner coordinates of each area where the non-conforming gear will be used.

f. The time period when the non-conforming gear will be used.

(d) GENERAL CONDITIONS AND RESTRICTIONS.

1. The use of non-conforming gear must be limited to the minimum area and time necessary to achieve the governmental purpose.

2. A marine organism harvested and sold pursuant to a Governmental Purpose SAL must be in compliance with any documentation requirements for the commercial sale of that species.

(e) REPORTING REQUIREMENTS. A log of activities including area fished, time fished, catch composition, and any other information deemed necessary to properly evaluate the requested activity must be maintained for the duration of the SAL and submitted to the Commission on a schedule established in the SAL. All documentation required by the Commission pursuant to a SAL or pursuant to any regulation for commercial harvesting activities, including logs and trip tickets, must be available for inspection by the Commission or its employees at any reasonable time.

(7) GOVERNMENTAL PURPOSE GEAR EXEMPTION.

(a) PURPOSE. The purpose of a Governmental Purpose Gear Exemption is to allow for the use of net gear that does not conform to Article X, Section 16 of the Florida Constitution to conduct activities permitted, provided, or required by a governmental agency. A Governmental Purpose Gear Exemption may only be issued in conjunction with a Marine Turtle Permit, an Education/Exhibition SAL, or a Stock Collection and Release SAL.

(b) ELIGIBILITY. A Governmental Purpose Gear Exemption may be issued only to a person who:

1. Holds an Endangered Species Permit or other such authorization issued by the National Marine Fisheries Service for purposes of marine turtle harvest and relocation, marine turtle research, testing of experimental devices designed to exclude turtles from commercial harvesting gear, or conducting marine turtle population assessments in a specified area.

2. Serves as a support unit for the Florida Department of Education who operates a facility on behalf of the State of Florida to provide marine services support for state agencies and institutions.

3. Is required by a federal agency to conduct stock enhancement activities for mitigation purposes.

(c) FEES AND APPLICATION.

1. There is no fee for a Governmental Purpose Gear Exemption.

2. An application for a Governmental Purpose Gear Exemption must be submitted in the form of a written request from an eligible applicant. The written request for an exemption must be accompanied by a copy of a Marine Turtle Permit, an Education/Exhibition SAL, or a Stock Collection and Release SAL.

(8) NONPROFIT CORPORATION SPECIAL ACTIVITY LICENSE.

(a) PURPOSE. The purpose of a Nonprofit Corporation SAL is to allow for a nonprofit corporation to use non-conforming gear to harvest marine organisms and to sell them to scientific research, education, or exhibition entities to financially support research, educational, and exhibitional activities conducted by such nonprofit corporation. However, a Nonprofit Corporation SAL will not be issued for a prohibited species.

(b) ELIGIBILITY. To obtain a Nonprofit Corporation SAL a nonprofit corporation must meet the following criteria:

1. The bylaws of the nonprofit corporation must provide for, and its activities must include, the harvest of marine organisms for purposes of research, education, and exhibition that further the knowledge of marine biology, marine life, and the marine environment.

2. The nonprofit corporation must hold the applicable wholesale and retail dealers licenses and hold the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest and sale pursuant to the SAL.

(c) FEES AND APPLICATION.

1. The processing fee for a Nonprofit Corporation SAL is \$25.00. A processing fee is non-refundable.

2. An applicant for a Nonprofit Corporation SAL must complete and submit a Nonprofit Corporation SAL application form provided by the Commission (Form DMF-NPSAL07 (2/04)).

(d) LICENSE CONDITIONS. A Nonprofit Corporation SAL holder will be subject to the following conditions for operation:

1. A marine organism harvested pursuant to a Nonprofit Corporation SAL may only be sold to an entity conducting activities for scientific research, educational, or exhibitional purposes, and cannot be sold for human consumption.

2. Marine shellfish harvested pursuant to a Nonprofit Corporation SAL must be harvested from an area that is closed to the public for the harvest of shellfish.

(e) REPORTING REQUIREMENTS. A SAL holder must submit the following:

1. An activity report documenting the harvest of all specifically named marine organisms authorized for harvest pursuant to a Nonprofit Corporation SAL, and of all marine organisms not reported via the Marine Fisheries Trip Ticket

(MFTT) system, by the marine organism's common name and scientific classification, amount harvested, and, if sold, the entity to whom sold.

2. Marine Fisheries Trip Tickets, except that a marine organism must not be reported via a trip ticket if one or more of the following apply:

a. The marine organism is specifically named in the Nonprofit Corporation SAL.

b. The marine organism has no species code in the MFTT system.

c. The marine organism is subject to a seasonal restriction on its commercial harvest and sale.

d. The commercial licensing requirements for the marine organism have not been met.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.014 Marine Chemical Special Activity License.

(1) PURPOSE. The purpose of a Marine Chemical SAL is to monitor the use of marine chemicals for the live harvest of marine organisms.

(2) ELIGIBILITY. A Marine Chemical SAL may be issued to:

(a) A person who holds any other type of SAL.

(b) A commercial harvester of marine life species, as those species are listed in Ch. 68B-42, F.A.C., who holds a Saltwater Products License with Restricted Species and Marine Life endorsements.

(3) FEES AND APPLICATION.

(a) The processing fee for a Marine Chemical SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Marine Chemical SAL for commercial harvesting purposes must indicate the use of Quinaldine on the application for a Commercial Saltwater Products License (SPL). If the applicant is not applying for the use of a marine chemical for commercial harvesting purposes and desires to use a marine chemical in conjunction with another type of SAL, a section is provided on the application forms for all other SALs to request the use of marine chemicals as harvesting gear, and to provide information on the type and maximum amounts and chemical concentration requested for use. The \$25.00 processing fee for a Marine Chemical SAL is waived for an applicant who is applying for a Marine Chemical SAL as part of another type of SAL.

(4) LICENSE CONDITIONS. A Marine Chemical SAL holder is subject to the following conditions and restrictions:

(a) The use of quinaldine must be consistent with Rule 68B-42.007, F.A.C.

(b) A chemical must be used in a prudent manner so as not to cause injury or damage to non-target species or nearby sensitive species or habitats.

(c) Species harvested pursuant to a Marine Chemical SAL may not be sold as food for human consumption.

(5) REPORTING REQUIREMENTS.

(a) The holder of a Marine Chemical SAL that is issued in conjunction with any other type of SAL must identify on the activity report for the other SAL the marine organisms harvested with the authorized chemical.

(b) The holder of a Marine Chemical SAL issued for commercial marine life harvesting activities must report all landings of live marine life species harvested with a marine chemical via the Marine Fisheries Trip Ticket system pursuant to Ch. 68E-5, F.A.C., and ss.370.06 and 370.07, F.S.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.015 Dredge Special Activity License.

(1) PURPOSE.

(a) The purpose of a Dredge SAL is to monitor the use of dredges for the commercial harvest of all species of clams and mussels from shellfish harvesting areas open to the public.

(b) A Dredge SAL will not be issued for the harvest of clams or mussels from state-owned, private lease areas.

(c) A Dredge SAL will not be issued for the use of a dredge for the harvest of clams or mussels in Apalachicola Bay.

(2) ELIGIBILITY. A Dredge SAL may be issued to a person who holds all of the applicable commercial harvesting licenses, permits, and/or endorsements required for clams and/or mussels.

(3) FEES AND APPLICATION.

(a) The processing fee for a Dredge SAL is \$25.00. A processing fee is non-refundable.

(b) The application for a Dredge SAL is in the form of a written request that contains the following information:

1. A list of species targeted for harvest.

2. A detailed description of the dredge requested for use, including dimensions and how the dredge will be used.

3. A drawing or picture of the dredge requested for use.

4. Center point and corner coordinates of each area where the dredge will be used.

(4) GENERAL CONDITIONS AND RESTRICTIONS. A Dredge SAL holder is subject to the following general conditions and restrictions:

(a) Harvesting activity must be confined to the area(s) specified in the SAL, and may not occur in any area closed to the harvest of shellfish.

(b) The dredge may not be pulled in a seagrass bed area.

(c) The dredge may not be used in water depths less than 16 feet.

(d) Individual tow times may not exceed 30 minutes.

(e) Commission staff must be allowed as observers on board the vessel conducting activities pursuant to a Dredge SAL, so long as 48 hours notice is given to the SAL holder.

(f) The dredge gear must conform to any marking requirements specified in the SAL.

(g) A marine organism harvested pursuant to the SAL must be in compliance with any commercial regulations established for the species being harvested, including but not limited to seasons, commercial limits on harvest and sale, area closures, commercial size limits, and documentation requirements for the commercial sale of marine organisms.

(5) REPORTING REQUIREMENTS. A Dredge SAL holder must submit an activity report detailing all SAL-related harvesting activities. The activity report must include the number of trips made during the license period, total number of pounds of whole clams and/or mussels harvested, and the primary area(s) of harvest.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

68B-8.016 Commission Activities and Agreements.

The Commission may conduct an activity that requires a waiver of state marine fisheries rules, or enter into a written agreement with a public or private organization to conduct such activity on its behalf, when such activity is in the best interest of the public of the State of Florida. A copy of such a written agreement will be made available upon request.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook
RULE CHAPTER NO.: 68B-21

RULE TITLE: Snook Culture and Sale for Use in Private
RULE NO.: 68B-21.008

PURPOSE AND EFFECT: Rule 68B-21.008, F.A.C., currently establishes the general criteria for the issuance of special activity licenses for the harvest of snook as broodstock for commercial aquaculture production purposes, and the possession, transport, sale, or purchase of snook broodstock progeny. The purpose of this rule repeal is to replace this rule with new Rule 68B-8.012, F.A.C., as part of an effort to consolidate all of the rules that govern the special activity license program into a single, comprehensive rule.

SUMMARY: Rule 68B-21.008, F.A.C., which establishes the general criteria for the issuance of special activity licenses for the harvest of snook as broodstock for commercial aquaculture production purposes, and the possession, transport, sale, or purchase of snook broodstock progeny, is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding this proposed rule.

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 THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-21.008 Snook Culture and Sale for Use in Private Ponds or Aquariums.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-13-02, Repealed 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Red Drum (Redfish)
RULE CHAPTER NO.: 68B-22

RULE TITLES: Definitions
RULE NOS.: 68B-22.002

Bag and Possession Limits;
Sale Prohibited
68B-22.005

Catch-Hold-and-Release
Tournament Exemption
68B-22.007

PURPOSE AND EFFECT: The purpose of these rule amendments and new rule is to authorize participants in redfish tournaments, through a permit issued by the Commission, to release a live redfish possessed in a live well or tank of specified circulation and capacity, for the purpose of harvesting and retaining another redfish. Under current rules, this practice is not allowed because a fish rendered into possession is considered to be harvested for purposes of the one-redfish per day bag limit. The effect of this effort should be to allow Florida to take advantage of the economic benefit of the popular tournaments without causing undue mortality on those fish that are held by the participants and later released.

SUMMARY: Rule 68B-22.002, F.A.C., is amended to add new definitions of "catch, hold, and release," fishing tournament," and "FWC." The definition of "harvest" is amended to recognize catch, hold, and release of redfish as a legal practice in permitted redfish tournaments. Subsection (1) of Rule 68B-22.005, F.A.C., is amended to except redfish caught, held, and released by participants in a permitted redfish tournament from bag limit provisions. New Rule 68B-22.007, F.A.C., provides for the issuance of a tournament exemption permit to allow catch, hold, and release of redfish taken in

qualified tournaments. The rule incorporates an application form for the permit and requires possession of a copy of the permit by all participants in a tournament.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

68B-22.002 Definitions.

(1) "Catch, hold and release", means the intentional release of a live redfish, possessed in a live well or recirculating tank aboard a boat, for the purpose of harvesting another redfish.

(2)(1) No change.

(3) "Fishing tournament", as used in this chapter, means a fishing competition involving 50 or more participants that has written rules and regulations, requires an entry fee, and awards prizes to competitors.

(4) "FWC" means the Florida Fish and Wildlife Conservation Commission.

(5)(2) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize or oversize. A person engaged in

catch, hold, and release pursuant to Rule 68B-22.007, F.A.C., shall not be considered to have harvested a redfish if it is released alive.

(3) through (8) renumbered (6) through (11) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended _____.

68B-22.005 Bag and Possession Limits; Sale Prohibited.

(1) Bag Limits – Except as provided for in Rule 68B-22.007, F.A.C., no person shall harvest more than one native redfish per day, nor possess more than one native redfish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters. Elsewhere, no person shall possess more than two native redfish at any time.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005, Amended _____.

68B-22.007 Catch-Hold-and-Release Tournament Exemption.

(1) Except as provided in this rule, the practice of catching, holding, and releasing redfish is prohibited. The Executive Director of the FWC, or his designee, shall issue a tournament exemption permit to the director of a catch-and-release fishing tournament to allow redfish to be caught, held, and released during the tournament, and to allow the tournament to exceed redfish bag and possession limits pursuant to subsection 68B-22.005(1), F.A.C., after redfish have been weighed-in, provided that each of the following conditions is met:

(a) Tournament anglers and tournament staff agree to attempt to release alive all redfish that are caught, including those fish that are weighed-in.

(b) Each tournament angler possesses only one live redfish in the boat's live well or recirculating tank at any one time.

(c) All boats used in the tournament contain recirculating or aerated live wells that are at least 3.3 cubic feet or 25 gallons in capacity.

(d) Dead redfish possessed by tournament anglers are not discarded. A dead redfish is considered harvested and will count as the daily bag limit for the tournament angler who harvested that fish.

(e) Redfish are maintained in an aerated recovery holding tank prior to release. Recovery holding tank requirements may be specified in the tournament exemption permit at the FWC's discretion in order to increase survival of released redfish.

(f) The tournament provides the FWC with a description of the aerated recovery holding tank(s) used to maintain redfish alive after weigh-in.

(g) The tournament provides the FWC with a description of the location where tournament caught redfish will be released after they are weighed in. In order to increase survival of released redfish, release locations may be specified in the tournament exemption permit at the FWC's discretion.

(h) The tournament permit holder shall submit a post-tournament report to the FWC indicating the number of fished weighed-in each day of the tournament, the number of fish weighed in dead each day, and the number of fish that died after being weighed-in, but prior to release each day. The FWC may specify additional tournament reporting requirements as a condition of the tournament exemption permit.

(i) The tournament agrees to allow FWC staff the opportunity to collect research data and conduct research and onboard monitoring during the tournament, as needed.

(2) Application for issuance of a tournament exemption permit shall be made on a form provided by the FWC (Form DMF-SL 5000 (3-04), incorporated herein by reference). Tournament exemption permits will only be issued to catch-and-release redfish tournaments that agree to the permit conditions in subsection (1).

(3) Any anglers participating in a redfish tournament for which a tournament exemption permit has been issued shall have a copy of the permit in his or her possession at all times during tournament operating hours.

(4) Any violation of the conditions and requirements specified within the tournament exemption permit will be considered a violation of this rule.

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, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Spiny Lobster (Crawfish) and

Slipper Lobster

68B-24

RULE TITLES:

RULE NOS.:

Definitions

68B-24.002

Commercial Requirements; Appeals

68B-24.0055

Gear: Traps, Buoys, Identification

Requirements, Prohibited Devices

68B-24.006

Trap Reduction Schedule

68B-24.009

PURPOSE AND EFFECT: The primary purpose of these rule amendments is to fully implement the licensing program for commercial divers in the spiny lobster fishery. Secondary purposes include strengthening the prohibition against harvest from artificial habitat and suspending for three seasons the trap reduction program while a comprehensive study of the commercial fishery is concluded. The effect of this effort should be to encourage commercial divers to harvest from natural and not artificial habitat and maintenance of the health of the fishery pending the study results.

SUMMARY: Rule 68B-24.002, F.A.C., is amended to add a definition of the term "immediate family" for purposes of the chapter. Rule 68B-24.00055, F.A.C., is amended to implement a dive permit for commercial divers in the spiny lobster fishery, beginning in the 2004-2005 season. Such divers holding trap certificates will be allowed to deactivate their certificates and transfer them during the regular window for transfer. Diver permits will be issued for vessels only. Person harvesting spiny lobster commercially with bully nets will have a 250 lobster daily vessel possession and landing limit, the same limits applying to commercial divers. Rule 68B-24.006, F.A.C., is amended to provide vessel marking requirements for commercial lobster divers and prohibit the harvest and possession of commercial quantities of lobster within 25 yards of artificial habitat. Rule 68B-24.009, F.A.C., is amended to suspend the spiny lobster trap reduction program for the next three seasons.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES

DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

68B-24.002 Definitions.

As used in this rule chapter:

(1) through (7) No change.

(8) "Immediate family" refers to a commercial harvester's mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

(8) through (14) renumbered (9) through (15) No change.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, 10-4-95, Formerly 46-24.002, Amended 7-7-03, 4-1-04.

68B-24.0055 Commercial Requirements; Appeals.

(1) No change.

(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. This permit will be in the form of the letter D being added to the end of the existing crawfish number. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610 (4-04 ~~7-03~~), Commercial Dive Permit Application), incorporated herein by reference.

(a) 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, 2000 through June 30, 2001, or ~~or~~ July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003.

(b) Commercial dive permits will not be issued to or renewed for applicants who own one or more lobster trap certificates. Trap certificates may only be transferred during the period August 1 to March 1 each year. An applicant who is otherwise eligible to receive a commercial dive permit in 2004-2005 but holds lobster trap certificates after March 1, 2004, may receive a commercial dive permit if the commission is directed in writing to deactivate his/her lobster trap certificate account. Failure on the part of such an applicant to obtain the commercial dive permit for the 2004-2005 season is

a waiver of eligibility for the dive permit until such a time that the commission authorizes issuance of new commercial dive permits.

(c) Effective January 1, 2005 and until July 1, 2010, 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. Existing permits may only be issued to a single saltwater products license with a valid crawfish endorsement and a valid restricted species endorsement. Beginning in the 2005-2006 license year and in subsequent license years until July 1, 2010, persons holding a commercial dive permit that was active during the 2004-2005 license year or an immediate family member of that person must request renewal of the commercial dive permit before September 30 of each year. Failure to renew the commercial dive permit by September 30 of each year will result in forfeiture of the permit.

(d) An applicant who possesses both an individual saltwater products license and a vessel saltwater products license shall be considered to have only one saltwater products license for purposes of issuing a commercial dive permit. Landings reported on all the applicant's individual and vessel saltwater products licenses shall be used for determining if the applicant meets the criteria for receiving a single commercial dive permit specified in this subsection.

(e) In the event of death or disability of a person holding an active commercial dive permit, the permit may be transferred by the person or the executor of the estate to a member of his or her immediate family.

(f) 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 the commercial dive permit. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot a permit to the appellant or uphold the denial of a permit.

1. An appeal of the initial denial of a commercial dive permit is initiated by submission of a completed appeals form (Form DMF-SL 0620 (4-04), incorporated herein by reference) to the Director of the Division of Marine Fisheries before May 1, 2004.

2. 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, 2004.

3. The Executive Director of the Commission may accept or disapprove the recommendations 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.

(3) The commercial spiny lobster dive permit authorizes the holder to harvest spiny lobster in commercial quantities.

(a) A commercial dive permit may be issued only on a vessel saltwater products license.

(b) A commercial dive permit may only be issued on one of the holder's vessel saltwater products licenses in any one fishing year.

(c) A corporation that holds a commercial dive permit must designate a person who is thereby authorized to represent and harvest under the corporation's dive permit.

(4) Commercial harvest limits ~~In Monroe County:~~

(a) Beginning August 6, ~~2004~~ 2003, persons harvesting lobster commercially by diving shall be subject to a daily vessel 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 permit and crawfish license with a commercial dive permit ~~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).~~

(b)(e) ~~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.~~

(5) Persons harvesting lobster commercially by use of a bully net shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day. No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel which has been used for such commercial harvest, regardless of the number of such commercial harvesters on board the vessel.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-01, Amended 7-7-03, 4-1-04.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (5) No change.

(6) Each commercial harvester who harvests spiny lobster by diving shall permanently and conspicuously display on the boat used in such diving a "divers-down flag" symbol on an identification placard, which symbol shall have dimensions no less than 16 inches by 20 inches. The term "divers-down flag" shall have the meaning ascribed in Section 861.065(3), Florida Statutes. The commercial harvester's current crawfish license ~~or trap number~~ shall be permanently affixed to the diagonal stripe on the placard in legible figures to provide ready identification from the air and water. In addition to the "divers-down flag" symbol, the commercial diver permit number shall also be permanently and conspicuously displayed on any vessel used by a commercial diver to harvest spiny lobster, so as to be readily identifiable from the air and water, in the following manner:

(a) From the Air – The commercial dive permit number shall be displayed and be permanently affixed to the uppermost structural portion of the vessel in numerals no smaller than 10 inches in height. If the vessel is an open design, in lieu of a separate display, one seat shall be painted with the permit numbers unobstructed and no smaller than 10 inches in height.

(b) From the Water – The commercial dive permit number shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel in numerals no smaller than 4 inches in height.

(7) through (9) No change.

(10) No person shall harvest any spiny lobster from artificial habitat. The harvest and possession in the water of spiny lobster in excess of the recreational bag limit is hereby prohibited within 25 yards of artificial habitat.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04.

68B-24.009 Trap Reduction Schedule.

(1) Except as otherwise provided in this rule, beginning with the 2001-2002 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target

for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year.

(2) Passive Reduction – Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to Section 370.142(2)(c)3., Florida Statutes, or reverting to the Commission for nonpayment of certificate fees pursuant to Section 370.142(2)(c)7., Florida Statutes, shall be included as trap certificates passively reduced in a license year.

(3) Active Reduction – If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.

(4) Notwithstanding the provisions of subsections (1)-(3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2006-2007 license year. The term “immediate family” for purposes of this rule refers to a lobster trap certificate holder’s mother, father, sister, brother, spouse, son, daughter, step father, step mother, step son, step daughter, half sister, or half brother.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tarpon	68B-32
RULE TITLES:	RULE NOS.:
Definitions	68B-32.002
Gear Restriction	68B-32.004
Boca Grande Pass Designated Boundaries;	
Seasonal Restrictions	68B-32.005

PURPOSE AND EFFECT: The purpose of these rule amendments and new rule is to prohibit the snagging or snatch hooking of tarpon, and within Boca Grande Pass establish seasonal restrictions during April, May, and June that limit the number of fishing lines and prohibit the operator of a boat from actively fishing for tarpon. The effect of these changes will be to reduce user conflicts among tarpon anglers while fishing in Boca Grande Pass and increase angler and boater safety while fishing for tarpon in the pass.

SUMMARY: Rule 68B-32.002, F.A.C., is amended to include a new definition of the term “snagging” or “snatch hooking.” Rule 68B-32.004, F.A.C., is amended to prohibit the snagging or snatch hooking of tarpon. New Rule 68B-32.005, F.A.C., prohibits operators of vessels from fishing with hook and line gear for tarpon in Boca Grande Pass and also prohibits more than three fishing lines from being deployed in the pass, during the months of April, May, or June each year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

68B-32.002 Definitions.

As used in this rule chapter:

(1) through (2) No change.

(3) “Snagging” or “snatch hooking” means the intentional catch of a fish by any device intended to impale or hook the fish by any part of its body other than the mouth.

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

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-30-88, Amended 1-1-98, Formerly 46-32.002, Amended _____.

68B-32.004 Gear Restriction.

The harvest or attempted harvest of any tarpon in or from state waters by spearing, snagging, or snatch hooking is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-98, Formerly 46-32.004, Amended _____.

68B-32.005 Boca Grande Pass Designated Boundaries; Seasonal Restrictions.

(1) BOCA GRANDE PASS – For purposes of the restrictions specified in subsections (2) and (3), Boca Grande Pass shall consist of all waters located within the following boundaries:

Begin at the westernmost edge of the Lodge Dock (26° 43.416' North Latitude, 82° 15.433' West Longitude) on the southeast bay side of Gasparilla Island; thence proceed due east on a straight line to the westernmost edge of the intercoastal waterway (26° 43.416' North Latitude, 82° 14.616' West Longitude); thence proceed in a southerly direction to the #75 Intercoastal Waterway Marker (26° 42.466' North Latitude, 82° 14.566' West Longitude) on the northeast bay side of Cayo Costa; thence proceed around the northern tip of Cayo Costa along the shoal to the QR test buoy (26° 42.000' North Latitude, 82° 15.433' West Longitude) on the northwest Gulf coast side of Cayo Costa; thence proceed northwest on a straight line to the #12 red buoy (26° 42.333' North Latitude, 82° 16.750' West Longitude) marking the entrance to Boca Grande Pass; thence proceed northeast on a straight line to the easternmost edge of the concrete pier (26° 43.133' North Latitude, 82° 15.700' West Longitude) at the lighthouse beach on the southwest Gulf side of Gasparilla Island; thence proceed along the shoal around the southern tip of Gasparilla Island to the Lodge Dock, the point of beginning.

(2) The operator of a vessel shall not fish or operate hook and line gear in Boca Grande Pass during a tarpon fishing trip.

(3) Only three fishing lines may be deployed from a vessel at any one time in Boca Grande Pass during a tarpon fishing trip.

(4) The restrictions in subsections (2) and (3) shall only apply during the months of April, May, and June each year.

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, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Permits for Collection and Possession

of Indigenous Saltwater Animals

for Experimental, Scientific,

Educational or Exhibitional Purposes

68E-1

RULE TITLES:

RULE NOS.:

Introduction and Scope

68E-1.001

General Permit Application

Procedures, Requirements and

Expiration

68E-1.004

Additional Special Requirements for

Marin Stony Corals, Fire Corals,

Sea Fans, and Marine Turtles

68E-1.006

PURPOSE AND EFFECT: This rule chapter, adopted in 1981, provided the general criteria for special activity permits for experimental, scientific, educational, or exhibitional purposes. The rule also includes a section (Rule 68E-1.0061, F.A.C.), specific to marine turtles. General provisions in other rule sections also pertain to marine turtle activities. The purpose of this rule amendment and repeal is to delete or amend rule sections that do not pertain to marine turtles and substantially rewrite those provisions in new Chapter 68B-8, F.A.C.

SUMMARY: Rule 68E-1.001, F.A.C., which provides an introduction to the rule chapter, is repealed. Rule 68E-1.004, F.A.C., is amended to delete reference to matters that will be governed by new Rule Chapter 68B-8, F.A.C., and leave in place those provisions relating to marine turtles. Rule 68E-1.006, F.A.C., which primarily relates to corals, is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

**MARINE TURTLE PERMITS PERMITS
FOR COLLECTION AND POSSESSION OF
INDIGENOUS SALTWATER ANIMALS FOR
EXPERIMENTAL, SCIENTIFIC, EDUCATIONAL
OR EXHIBITIONAL PURPOSES**

68E-1.001 Introduction and Scope.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 370.02, 370.021, 370.10(2) F.S. Law Implemented 370.10(2), 370.021 F.S. History--New 2-11-81, Formerly 16B-40.01, 16B-40.001, 16R-1.001, 62R-1.001, Repealed.

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

~~(1) The Division of Marine Fisheries does not issue permits for the collection and possession of any indigenous saltwater animals protected by Chapter 370, F.S., for experimental, educational, scientific, or exhibitional purposes in any state, federal, or local park. This responsibility lies with the various park systems. Thus an applicant must contact state, federal, or local park offices for the procedures and applications for such collections and/or permits in their boundaries.~~

~~(1)(2) Accreditation of applicant pursuant to Section 370.10(2), F.S. Individuals meeting the following conditions are considered properly accredited persons and may be eligible to receive an annual permit to conduct collect and possess saltwater animals for experimental, educational, scientific, and exhibitional activities involving marine turtles purposes:~~

(a) Students of colleges or universities whose studies with saltwater animals are under the direction of their teacher or professor; or

(b) Scientific or technical faculty of public or private colleges or universities; or

(c) Scientific or technical employees of private research institutions and consulting firms; or

(d) Scientific or technical employees of city, county, state or federal research and/or regulatory agencies; or

(e) Members in good standing or recognized and properly chartered conservation organizations, e.g., Audubon Society, Sierra Club; or

(f) Persons affiliated with aquarium facilities or museums, or contracted as an agent therefor, which are open to the public with or without an admission fee; or

(g) Persons without specific affiliations listed above, but who are recognized by the Commission for their contributions to marine conservation such as scientific or technical publications, or through a history of cooperation with the Commission in conservation programs such as turtle nesting surveys, or through advanced educational programs such as high school marine science centers.

~~(2)(3)~~ The application for permits may be ~~is~~ in the form of a letter. The information required in the letter or ~~of~~ application is as follows:

(a) Applicant's name, business address and telephone number (on letterhead stationery, if available).

(b) Applicant's affiliation and position pertinent to the collecting permit.

(c) Detailed information on the need for the permit to include: saltwater animal(s) sought; type and size of gear and equipment, general area and season of collection and purpose of the collection. Purpose must be limited to educational, scientific, experimental or exhibitional.

(d) The letter of application for applicants collecting as an agent for another entity, e.g., museum, oceanarium, aquarium, exhibit, or the like, shall state projected needs and have the original written statement of order or request attached. Those individuals so permitted as an agent for another entity, shall supply the Commission with a copy of each additional letter of request or order for protected species.

~~(3)(4)~~ The Commission will review applications and base its decision to grant or deny permits on evaluation of the following criteria: expressed need for permit, area and season of collection; saltwater animals sought, and type and size of gear and equipment to be used.

~~(4)(5)~~ All approved permit holders are required to notify the Division of Law Enforcement office nearest the collection area prior to each collection and have the permit or a true copy thereof upon their person while collecting.

~~(5)(6)~~ Permit expiration and non-transferability.

(a) All permits automatically expire January 31, of each year and may be renewed, upon application, on an annual basis.

(b) Permits are non-transferable and may be issued in more than one person's name, but not to exceed 25 names.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 370.02, 370.021, 370.10(2), 370.082(1), 370.08, 370.08(10)(b), 370.112(2), 370.12(1)(c), 370.114, 370.12 FS. Law Implemented 370.02, 370.021, 370.10(2), 370.082(1), 370.08, 370.08(10)(b), 370.112(2), 370.12(1)(c), 370.114, 370.12 FS. History—New 2-11-81, Amended 8-6-81, Formerly 16B-40.04, 16B-40.004, 16R-1.004, 62R-1.004, Amended 7-1-04.

68E-1.006 Additional Special Requirements for Marine Stony Corals, Fire Corals, Sea Fans, and Marine Turtles.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 370.02, 370.021 FS. Law Implemented 370.114, 370.10(2) FS. History—New 2-11-81, Formerly 16B-40.06, 16B-40.006, 16R-1.006, 62R-1.006, Repealed 7-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Permit for Catching and Possession
of Fish Protected by Law as
Stock for Artificial Cultivation 68E-3

RULE TITLES: RULE NOS.:
Introduction and Scope 68E-3.001
General Permit Application Procedures
and Requirements 68E-3.003

Review, Expiration, Revocation, Penalty 68E-3.004

PURPOSE AND EFFECT: Rules that implement the special activity license program are being substantially rewritten and adopted in new Rule 68B-8 F.A.C., obviating the need for Rule Chapter 68E-3, F.A.C.

SUMMARY: The proposal repeals three rules substantially replaced by new Rule 68B-8 F.A.C. The rules being repealed introduced the chapter, provided general permit procedures and requirements, and described the process for review of permit applications and revocation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

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:

PERMIT FOR CATCHING AND POSSESSION OF FISH PROTECTED BY LAW AS STOCK FOR ARTIFICIAL CULTIVATION

68E-3.001 Introduction and Scope.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 370.021 FS. Law Implemented 370.101(2),(3) FS. History—New 11-27-80, Formerly 16B-43.01, 16B-43.001, 16R-3.001, 62R-3.001, Repealed.

68E-3.003 General Permit Application Procedures and Requirements.

PROPOSED EFFECTIVE DATE: JULY 1, 2004.

Specific Authority 370.02, 370.012 FS. Law Implemented 370.101(2),(3) FS. History—New 11-27-80, Formerly 16B-43.03, 16B-43.003, 16R-3.003, 62R-3.003, Repealed.

68E-3.004 Review, Expiration, Revocation, Penalty.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-27-80, Amended 8-6-81, Formerly 16B-43.04, 16B-43.004, 16R-3.004, 62R-3.004, Amended 5-13-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South
Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Kenneth D. Haddad, Executive
Director, Fish and Wildlife Conservation Commission, 620
South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Permit for Placing Drugs or Other

Chemicals in Marine Waters for

Capturing Live Marine Species

68E-4

RULE TITLE:

RULE NO.:

Permit Application Procedures and

Requirements for Obtaining a Chemical

Collecting Permit for Commercial Sale

68E-4.004

PURPOSE AND EFFECT: Rules that implement the special
activity license program are being substantially rewritten and
adopted in new Chapter 68B-8 F.A.C., obviating the need for
Rule 68E-4.004, F.A.C.

SUMMARY: The proposal repeals this rule that is being
substantially replaced by new Rule Chapter 68B-8, F.A.C. The
rule being repealed provides procedures and requirements for
obtaining a chemical collecting permit.

A STATEMENT OF ESTIMATED REGULATORY COST
HAS NOT BEEN PREPARED REGARDING THESE
PROPOSED RULES.

Any person who wishes to provide information regarding the
statement of estimated regulatory costs, or to provide a
proposal for lower cost regulatory alternative must do so in
writing within 21 days of this notice.

RULEMAKING 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 THE REGULAR MEETING OF THE
COMMISSION TO BE HELD AT THE TIME, DATE AND
PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway,
Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: James V. Antista, General Counsel,
Fish and Wildlife Conservation Commission, 620 South
Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

PERMIT FOR PLACING DRUGS OR OTHER CHEMICALS IN MARINE WATERS FOR CAPTURING LIVE MARINE SPECIES (FOR PURPOSES OTHER THAN HUMAN CONSUMPTION)

68E-4.004 Permit Application Procedures and
Requirements for Obtaining a Chemical Collecting Permit for
Commercial Sale.

PROPOSED EFFECTIVE DATE: July 1, 2004.

Specific Authority 370.013, 370.021, 370.06(8) FS. Law Implemented
370.06(4), 370.07, 370.08(8), 370.021 FS. History--New 5-21-81,
Formerly 16B-44.04, 16B-44.004, 16R-4.004, Amended 5-8-96, 1-6-9,
Formerly 62R-4.004, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South
Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Kenneth D. Haddad, Executive
Director, Fish and Wildlife Conservation Commission, 620
South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT
CHANGED. IF CHANGED, THE RULES MAY BE FILED
AS SOON AS POSSIBLE AFTER PUBLICATION OF A
NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Spiny Lobster Trap Certificate

Program

68E-18

RULE TITLE:

RULE NO.:

Definitions

68E-18.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the definition of "immediate family" for purposes of the spiny lobster trap certificate program to include sons and daughters-in-law, in concert with an identical change made in Rule Chapter 68B-24, F.A.C. The effect will be to include additional family members who can have trap certificates transferred to them without the application of passive trap reduction.

SUMMARY: The definition of "immediate family" in Rule 68E-18.002, F.A.C., is amended to include sons and daughters-in-law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, February 4-6, 2004

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68E-18.002 Definitions.

(1) through (9) No change.

(10) "Immediate Family" for purposes of the Lobster Trap Certificate Program means mother, father, sister, brother, spouse, son, daughter, step-son, step-daughter, step-father, step-mother, half sister, ~~or~~ half brother, son-in-law, or daughter-in-law of the individual certificate holder.

(11) through (21) No change.

PROPOSED EFFECTIVE DATE: April 1, 2004.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 5-16-95, Formerly 62R-18.002, Amended 7-1-01, 4-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-8.0082
RULE TITLE: Florida Uniform Market Area Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. This change is in accordance with s. 120.54(3)(d)1., F.S. This rule, when adopted, will read:

12D-8.0082 Florida Uniform Market Area Guidelines.

Section 193.114(2)(a), F.S., provides the department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect a market area code established according to department guidelines. Provision is made for the format for market area codes to be submitted to the Department of Revenue in Rule 12D-8.013(6)(a), F.A.C. Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S., which shall be submitted to the Department in the format provided in Rule 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled: