

Section II
Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Inmates in Public Works RULE NO.: 33-601.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for conducting criminal history background checks on prospective non-department supervisors of inmate work crews, and to specify the types of inmates who may only be supervised by department personnel.

SUMMARY: The proposed rule provides that criminal history background checks on prospective non-department supervisors of inmate work crews will be conducted by the department rather than by the contracting body or organization, and requires that medium as well as close custody inmates be supervised only by department employees.

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: 944.09, 946.40(1) FS. LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.202 Use of Inmates in Public Works.

(1) through (3) No change.

(4) Inmates in the following categories shall be supervised by Department of Corrections employees only:

(a) Those who are classified as close or medium custody;

(b) through (5) No change.

(6) For each person not an employee of the Department of Corrections, who is to supervise inmates under this rule, the assistant warden or designee contracting body or organization shall conduct complete a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) system criminal history background check. The contracting body or organization shall submit, in writing, a report stating that such person has not been convicted of a crime, or if convicted, the date and nature of the crime and the disposition of the criminal charges. The report shall also include a statement from the contracting body or organization that the person is capable of supervising inmates.

(7) through (9) No change.

Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History-New 6-20-84, Formerly 33-3.17, Amended 2-27-86, 10-31-86, 1-28-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow RULE CHAPTER NO.: 40D-8

RULE TITLE: Guidance and Minimum Levels for Lakes RULE NO.: 40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes, for Lakes Bell, Bird, Clear, Green, Hancock, Moon, Padgett, Parker (Ann) and Pasadena/Buddy Pasco County, Florida and Lakes Charles, Dan, Jackson, Reinheimer, Garden Lake, Mound Lake, Platt Lake, and Strawberry (North Crystal) Lake, Hillsborough County, Florida.

SUMMARY: Establishment of minimum lake levels and guidance levels for Hillsborough and Pasco County Lakes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) In Charlotte County Within the Peace River Basin						
(b) In Citrus County Within the Coastal Rivers Basin						
(c) In Citrus County Within the Withlacoochee River Basin						
(d) In DeSoto County Within the Peace River Basin						
(e) In Hardee County Within the Peace River Basin						
(f) In Hernando County Within the Coastal Rivers Basin						
(g) In Hernando County Within the Hillsborough River Basin						

(h) In Hernando County Within the Withlacoochee River Basin RESERVED						
(i) In Highlands County Within the Peace River Basin RESERVED						
(j) In Hillsborough County Within the Alafia River Basin RESERVED						
(k) In Hillsborough County Within the Hillsborough River Basin RESERVED	Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6	61.2	60.8 (CAT 1)	59.4 (CAT 1)	59.1
(l) In Hillsborough County Within the Northwest Hillsborough Basin RESERVED	Alice, Lake S-16, T-27, R-17 (Levels in feet NGVD)	42.4	40.9	40.9 (CAT 2)	39.9 (CAT 2)	38.8
	Barbara, Lake S-19, T-27, R-18	54.96	53.15	53.15 (CAT 3)	52.15 (CAT 3)	51.05
	Bird Lake S-26, T-27, R-18 (Levels in feet NGVD)	53.0	49.6	49.6 (CAT 2)	48.6 (CAT 2)	47.5
	Brant Lake S-23, T-27, R-18 (Levels in feet NGVD)	60.5	58.0	58.0 (CAT 2)	57.0 (CAT 2)	55.9
	Calm Lake S-14, T-27, R-17	51.02	49.41	49.41 (CAT 3)	48.41 (CAT 3)	47.31
	<u>Charles, Lake</u> <u>S-23, T-27, R-18</u>	<u>56.2</u>	<u>54.2</u>	<u>53.8</u> <u>(CAT 1)</u>	<u>52.4</u> <u>(CAT 1)</u>	<u>52.1</u>
	Church Lake S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	34.64 (CAT 3)	33.54
	Crenshaw, Lake S-22, T-27, R-18	57.64	55.5	54.45 (CAT 3)	53.45 (CAT 3)	53.4
	Crystal Lake S-14, T-27, R-18 (Levels in feet NGVD)	62.1	59.8	59.8 (CAT 2)	58.8 (CAT 2)	57.7
	Cypress Lake S-24, T-27, R-17	50.86	48.89	48.89 (CAT 3)	47.89 (CAT 3)	46.79
	<u>Dan, Lake</u> <u>S-6, T-27, R-17</u>	<u>34.9</u>	<u>32.5</u>	<u>31.9</u> <u>(CAT 3)</u>	<u>30.9</u> <u>(CAT 3)</u>	<u>30.4</u>
	Deer Lake S-1, T-27, R-18 (Levels in feet NGVD)	70.0	66.5	66.5 (CAT 2)	65.5 (CAT 2)	64.4

Dosson Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	52.4 (CAT 2)	51.3
Echo Lake S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	34.64 (CAT 3)	33.54
Ellen, Lake S-19, T-27, R-18	54.96	53.15	53.15 (CAT 3)	52.15 (CAT 3)	51.05
Fairy (Maurine) Lake S-34, T-27, R-17	34.51	33.41	33.41 (CAT 3)	32.41 (CAT 3)	31.31
<u>Garden Lake</u> <u>S-17, T-27, R-17</u>	<u>33.9</u>	<u>31.5</u>	<u>30.5</u> (CAT 3)	<u>29.5</u> (CAT 3)	<u>29.4</u>
Halfmoon Lake S-31, T-27, R-18	45.07	43.3	43.3 (CAT 2)	42.3 (CAT 2)	41.2
<u>Helen, Lake</u> <u>S-19, T-27, R-18</u>	<u>54.96</u>	<u>53.15</u>	<u>53.15</u> (CAT 3)	<u>52.15</u> (CAT 3)	<u>51.05</u>
Hobbs, Lake S-1, T-27, R-18	67.75	65.46	65.46 (CAT 2)	64.46 (CAT 2)	63.36
Horse Lake	RESERVED	RESERVED	RESERVED	RESERVED	RESERVED
S-26, T-27, R-17 <u>Jackson, Lake</u> <u>S-17, T-27, R-17</u>	<u>34.7</u>	<u>33.0</u>	<u>33.0</u> (CAT 2)	<u>32.0</u> (CAT 2)	<u>30.9</u>
Juanita, Lake S-22, T-27, R-17 (Levels in feet NGVD)	43.8	41.7	41.7 (CAT 2)	40.7 (CAT 2)	39.6
Little Moon Lake S-28, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	38.1 (CAT 2)	37.0
Merrywater, Lake S-22, T-27, R-18 (Levels in feet NGVD)	58.0	55.8	55.8 (CAT 2)	54.8 (CAT 2)	53.7
<u>Mound Lake</u> <u>S-11, T-27, R-17</u>	<u>51.8</u>	<u>50.2</u>	<u>50.7</u> (CAT 1)	<u>49.3</u> (CAT 1)	<u>48.3</u>
<u>Platt Lake</u> <u>S-35, T-27, R-18</u>	<u>52.0</u>	<u>49.7</u>	<u>49.5</u> (CAT 1)	<u>48.1</u> (CAT 1)	<u>45.5</u>
Rainbow Lake S-22, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	38.1 (CAT 2)	37.0
Raleigh, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED	RESERVED	RESERVED
<u>Reinheimer, Lake</u> <u>S-15, T-27, R-18</u>	<u>60.8</u>	<u>58.6</u>	<u>58.9</u> (CAT 1)	<u>57.5</u> (CAT 1)	<u>56.5</u>

Rogers, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
Round Lake S-22, T-27, R-18	56.49	55.6	54.5 (CAT 3)	53.5 (CAT 3)	53.5
Saddleback Lake S-22, T-27, R-18	56.11	54.58	54.58 (CAT 2)	53.58 (CAT 2)	52.48
Sapphire Lake S-14, T-27, R-18 (Levels in feet NGVD)	64.1	63.4	63.0 (CAT 1)	61.6 (CAT 1)	61.3
Starvation Lake S-21, T-27, R-18	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
<u>Strawberry (North Crystal) Lake</u> <u>S-14, T-27, R-18</u>	<u>62.0</u>	<u>60.1</u>	<u>60.1</u> <u>(CAT 3)</u>	<u>59.1</u> <u>(CAT 3)</u>	<u>58.0</u>
Sunset Lake S-17, T-27, R-17 (Levels in feet NGVD)	35.0	34.8	34.4 (CAT 1)	33.0 (CAT 1)	32.7
Sunshine Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	52.4 (CAT 2)	51.3
(m) in Lake County within the Green Swamp Basin RESERVED					
(n) In Levy County Within the Withlacoochee River Basin RESERVED					
(o) In Manatee County Within the Manasota River Basin RESERVED					
(p) In Marion County Within the Withlacoochee River Basin RESERVED					
(q) In Pasco County Within the Coastal Rivers Basin	77.41	76.05	75.65 (CAT 3)	73.05 (CAT 3)	71.75
<u>Green Lake</u> <u>S-16, T-26, R-18</u>	<u>75.5</u>	<u>74.4</u>	<u>74.2</u> <u>(CAT 2)</u>	<u>71.9</u> <u>(CAT 2)</u>	<u>70.0</u>
<u>Moon Lake</u> <u>S-28, T-25, R-17</u>	<u>41.7</u>	<u>39.9</u>	<u>39.9</u> <u>(CAT 3)</u>	<u>38.3</u> <u>(CAT 3)</u>	<u>36.2</u>

(r) In Pasco County Within the Green Swamp Basin RESERVED						
(s) In Pasco County <u>Bell Lake</u>	<u>73.3</u>	<u>71.6</u>	<u>70.8</u>	<u>69.4</u>	<u>69.2</u>	
Within the <u>S-13, T-26, R-18</u> Hillsborough County Basin RESERVED			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Bird Lake</u>	<u>68.2</u>	<u>66.8</u>	<u>66.6</u>	<u>65.2</u>	<u>64.3</u>	
<u>S-36, T-26, R-18</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Padgett, Lake</u>	<u>71.5</u>	<u>70.5</u>	<u>70.5</u>	<u>69.5</u>	<u>68.4</u>	
<u>S-24, T-26, R-18</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
(t) In Pasco County <u>Camp Lake</u>	<u>64.3</u>	<u>63.8</u>	<u>63.4</u>	<u>62.0</u>	<u>61.3</u>	
Within the <u>S-34, T-26, R-18</u> Pinellas-Anclote River Basin (Levels in feet NGVD)			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Parker (Ann), Lake</u>	<u>49.5</u>	<u>48.3</u>	<u>48.1</u>	<u>46.7</u>	<u>46.2</u>	
<u>S-35, T-26, R-17</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
(u) In Pasco County Within the Withlacoochee River Basin RESERVED						
(v) In Pinellas County Within the Pinellas-Anclote River Basin RESERVED						
(w) In Polk County Within the Alafia River Basin RESERVED						
(x) In Polk County Within the Green Swamp Basin RESERVED						
(y) In Polk County Within the Hillsborough River Basin RESERVED						
(z) In Polk County Within the Peace River Basin RESERVED						
(aa) In Sarasota County Within the Manasota Basin RESERVED						

(bb) In Sumter
 County Within the
 Green Swamp Basin
 RESERVED

(cc) In Sumter
 County Within the
 Withlacoochee
 River Basin
 RESERVED

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

Location of Impoundment by County and Basin	Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) In Charlotte County Within the Peace River Basin				
(b) In Citrus County Within the Coastal Rivers Basin				
(c) In Citrus County Within the Withlacoochee River Basin				
Bradley, Lake S23 T20S R20E	43.40'	42.50'	40.25'	38.25'
Cato, Lake S5 T19 R20	38.82'	38.00'	35.50'	34.00'
Connell, Lake S6 T19 R20	35.68'	35.50'	32.00'	30.00'
Cooter, Lake S17 T19 R20	41.80'	40.50'	38.25'	36.25'
Hog Pond, Lake (Nina) S2 T19 R19	35.92'	34.50'	32.00'	30.00'
Holden, Lake (Inverness) S32 T19 R20	32.44'	32.00'	29.50'	28.00'
Magnolia, Lake S3 T20 R20	32.36'	31.00'	28.50'	27.00'
Rush, Lake (Williams) S03 T17 R18	36.20'	35.75'	33.25'	31.25'

Lake Tsala Apopka (Floral City Pool)			43.40'	42.50'	40.25'	38.25'
19	19S	21E				
21	19S	21E				
22	19S	21E				
27	19S	21E				
28	19S	21E				
29	19S	21E				
30	19S	21E				
31	19S	21E				
32	19S	21E				
33	19S	21E				
34	19S	21E				
1	20S	20E				
2	20S	20E				
3	20S	20E				
10	20S	20E				
11	20S	20E				
12	20S	20E				
13	20S	20E				
14	20S	20E				
3	20S	21E				
4	20S	21E				
5	20S	21E				
6	20S	21E				
7	20S	21E				
8	20S	21E				
17	20S	21E				
18	20S	21E				
25	19S	20E				
26	19S	20E				
34	19S	20E				
35	19S	20E				
36	19S	20E				
Lake Tsala Apopka (Hernando Pool)			40.50'	39.00'	36.75'	34.75'
Sec.	Twsp.	Rng.				
1	18S	19E				
2	18S	19E				
11	18S	19E				
12	18S	19E				
13	18S	19E				
23	18S	19E				
24	18S	19E				
25	18S	19E				
26	18S	19E				
5	18S	20E				
6	18S	20E				
7	18S	20E				
8	18S	20E				

16	18S	20E				
17	18S	20E				
18	18S	20E				
19	18S	20E				
20	18S	20E				
21	18S	20E				
27	18S	20E				
28	18S	20E				
29	18S	20E				
30	18S	20E				
31	18S	20E				
32	18S	20E				
33	18S	20E				
Lake Tsala Apopka (Inverness Pool)			41.80'	40.50'	38.25'	36.25'
33	18S	20E				
34	18S	20E				
35	18S	20E				
1	19S	20E				
2	19S	20E				
3	19S	20E				
4	19S	20E				
8	19S	20E				
9	19S	20E				
10	19S	20E				
11	19S	20E				
12	19S	20E				
13	19S	20E				
14	19S	20E				
15	19S	20E				
16	19S	20E				
17	19S	20E				
21	19S	20E				
22	19S	20E				
23	19S	20E				
18	19S	21E				
19	19S	21E				
Little Lake (Consuella)			43.40'	41.50'	39.00'	37.25'
S15	T20S	R20E				
Lake Twin Lake			38.11'	37.00'	35.00'	33.00'
S6	T19	R20				
(d) In DeSoto County Within the Peace River Basin						
(e) In Hardee County Within the Peace River Basin						
(f) In Hernando County Within the Coastal Rivers Basin						

(g) In Hernando
County Within the
Hillsborough River
Basin

LAKES

Nicks Lake	114.46'	113.00'	110.50'	108.50'
S29 T23S R20E				
St. Clair Lake	114.46'	113.00'	110.50'	108.50'
S33 T23S R20E				

(h) In Hernando
County Within the
Withlacoochee River
Basin

LAKES

Elizabeth, Lake	62.90'	60.25'	57.00'	55.50'
S11 T23S R21E				
Francis, Lake	62.90'	60.25'	57.00'	55.50'
11 23S 21E				
Geneva, Lake	62.90'	60.25'	57.00'	55.50'
11 23S 21E				
Lindsey, Lake	70.60'	69.00'	66.00'	64.50'
25 23S 19E				
Mountain Lake	105.10'	104.00'	101.00'	99.00'
16 23S 20E				
Neff Lake	104.40'	103.00'	100.00'	98.00'
20 23S 20E				
Sparkman Lake	94.40'	91.50'	89.00'	88.00'
24 23S 19E				
Spring Lake	185.02'	184.25'	181.25'	178.25'
S15 T23S R20E				

(i) In Highlands
County Within the
Peace River Basin

LAKES

Sec Twsp Rng				
Adelaide, Lake	110.00'	106.50'	104.00'	102.50'
5 33S 28E				
Angelo, Lake	104.00'	99.50'	97.00'	95.00'
4 27S 25E				
Anoka, Lake	124.00'	124.00'	122.00'	120.00'
27 33S 28E				
Apthhorpe, Lake	72.00'	71.50'	68.00'	66.00'
18 36S 30E				
Blue, Lake	78.70'	77.50'	75.00'	73.50'
30 36S 30E				
Bonnet, Lake	91.90'	90.75'	88.00'	86.00'
8 34S 29E				
Brentwood, Lake	102.30'	102.75'	99.50'	98.00'
10 33S 28E				
Buck, Lake	96.40'	94.00'	91.50'	89.50'
29 37S 30E				

Byrd, Lake	110.60'	108.25'	105.50'	104.00'
9 33S 28E				
Carrie, Lake	75.13'	75.50'	73.00'	72.50'
21 36S 29E				
Charlotte, Lake	93.90'	93.75'	91.25'	89.75'
17 35S 29E				
Chilton, Lake	116.30'	114.00'	111.00'	109.50'
7 33S 28E				
Clay, Lake	79.00'	78.75'	76.00'	75.00'
29 36S 30E				
Crews, Lake	120.50'	119.50'	117.00'	115.50'
32 36S 29E				
Damon, Lake	102.30'	101.00'	98.00'	95.00'
3 33S 28E				
Denton, Lake	117.10'	116.50'	114.00'	112.00'
2 34S 28E				
Dinner, Lake	103.50'	102.50'	98.50'	97.00'
17 34S 29E				
Francis, Lake	70.80'	70.50'	67.50'	66.50'
22 36S 29E				
Glenada, Lake	118.40'	120.00'	117.00'	115.50'
34 33S 28E				
Grassy, Lake	92.10'	91.50'	88.50'	87.50'
17 37S 30E				
Harry, Lake	67.60'	67.50'	63.00'	62.00'
1 36S 29E				
Henry, Lake	75.13'	75.50'	73.00'	72.50'
25 36S 29E				
Hill, Lake	101.00'	99.25'	96.00'	94.50'
17 36S 29E				
Huckleberry Lake	104.80'	104.50'	102.00'	101.00'
7 35S 29E				
Huntley, Lake	83.40'	83.75'	81.00'	79.50'
5 37S 30E				
Jackson, Lake	103.20'	103.00'	100.00'	98.00'
30 34S 29E				
Josephine, Lake	72.70'	72.50'	69.00'	68.50'
32 35S 29E				
June-in-Winter, Lake	75.13'	75.50'	73.00'	72.50'
34 36S 29E				
Lake Lachard	79.56'	78.50'	76.00'	74.00'
36 36S 29E				
Lelia, Lake	113.00'	114.50'	112.50'	110.50'
34 33S 29E				
Letta, Lake	100.00'	100.00'	97.00'	95.00'
31 33S 29E				
Little Bonnet Lake	101.70'	100.00'	97.00'	96.00'
36 33S 28E				
Little Lake Jackson	103.20'	103.00'	100.00'	98.00'
6 35S 29E				

Little Red Water Lake 14 36S 29E	104.10'	103.25'	100.50'	98.50'
Lost Lake 12 37S 29E	90.60'	88.00'	84.00'	82.75'
Lotela, Lake 26 33S 28E	106.60'	108.50'	105.00'	104.00'
McCoy, Lake 6 37S 30E	87.39'	87.00'	84.00'	82.00'
Mirror, Lake 7 37S 30E	94.70'	93.50'	90.00'	88.00'
Center Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie N.W., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie S.E., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Olivia, Lake 6 33S 28E	118.10'	117.50'	114.50'	113.00'
Pearl, Lake 6 37S 30E	87.27'	87.00'	84.00'	82.00'
Persimmon Lake 10 36S 29E	69.30'	68.25'	65.00'	63.50'
Pioneer, Lake 11 33S 28E	108.60'	108.00'	104.50'	103.00'
Placid, Lake 30 36S 30E	94.70'	94.50'	91.50'	90.00'
Pythias, Lake 2 33S 28E	101.20'	101.00'	98.00'	95.00'
Red Beach Lake 15 35S 29E	76.80'	76.50'	73.75'	72.75'
Red Water Lake 14 36S 29E	70.80'	70.50'	67.50'	66.50'
Ruth, Lake 18 35S 29E	94.20'	94.00'	91.50'	90.00'
Saddlebags, Lake 6 37S 30E	84.27'	84.00'	81.00'	79.00'
Sebring, Lake 14 34S 28E	107.60'	107.25'	104.50'	103.00'
Simmons, Lake 24 36S 29E	74.30'	72.50'	68.00'	66.50'
Sirena, Lake 1 37S 29E	87.27'	87.00'	84.00'	82.00'
Trout Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Tulane, Lake 27 33S 28E	120.50'	120.00'	116.00'	114.00'
Unnamed Lake (B) 20 37S 30E	92.10'	91.50'	88.50'	87.50'
Unnamed Lake (F) 24 36S 29E	78.50'	78.00'	74.00'	72.00'

Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'
Viola, Lake 14 33S 28E	112.20'	109.50'	105.75'	104.00'
Wolf Lake 24 35S 28E	93.80'	92.50'	90.00'	88.00'
(j) In Hillsborough County Within the Alafia River Basin				
LAKES				
Carlton Lake	93.60'	93.50'	90.50'	88.00'
Edward Medard Reservoir	67.10'	62.75'	57.50'	56.00'
Grady Lake	40.70'	39.00'	36.00'	34.00'
Hickory Hammock Lake	32.80'	32.25'	30.50'	29.00'
Unnamed Lake #2	56.00'	56.00'	No Recommendation	
Wimauma, Lake	87.20'	86.75'	83.00'	81.00'
(k) In Hillsborough County Within the Hillsborough River Basin				
LAKES				
Bellows Lake (East Lake)	24.50'	23.75'	21.50'	19.00'
Burrell Lake	50.50'	50.00'	47.50'	45.00'
Commiston Lake	64.20'	63.00'	60.50'	59.00'
Eckles Lake	33.40'	32.50'	30.00'	28.00'
Egypt Lake	38.50'	37.50'	35.00'	32.50'
Gornto Lake	39.00'	38.50'	36.00'	34.00'
Hanna Lake	63.50'	62.50'	59.50'	58.25'
Hart Lake	67.20'	66.00'	64.00'	63.00'
Hog Island Lake	67.00'	66.00'	64.00'	61.00'
Hooker Lake	45.50'	45.00'	43.00'	42.00'
Kathy, Lake	45.50'	43.50'	42.50'	42.00'
Keene Lake	63.90'	63.00'	60.50'	59.00'
Kell Lake	67.30'	66.00'	63.50'	62.50'
Long Lake	52.00'	50.25'	48.00'	46.00'
Long Pond	48.50'	46.50'	44.00'	42.00'
Mud Lake (Lake Walden)	115.80'	115.00'	112.50'	110.50'
Thonotosassa, Lake	39.10'	37.00'	34.50'	33.00'
Unnamed Lake	63.40'	63.00'	60.50'	59.00'
Unnamed Lake	62.00'	61.00'	58.50'	57.00'
Valrico Lake	48.50'	45.00'	42.50'	41.00'
Weeks, Lake	43.80'	43.25'	41.00'	39.50'
(l) In Hillsborough County Within the Northwest Hillsborough Basin				
LAKES				
Sec Twsp Rng				

SWEETWATER CREEK WATERSHED				
Avis Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Bay Lake	47.00'	46.75'	44.00'	42.50'
Boat Lake	38.00'	35.50'	33.75'	31.25'
Brooker Lake	66.00'	64.25'	61.00'	59.00'
Carroll Lake	38.50'	37.00'	34.50'	32.50'
Chapman Lake	52.30'	52.25'	49.50'	48.00'
<u>Charles, Lake</u>	<u>56.10'</u>	<u>54.75'</u>	<u>52.00'</u>	<u>50.00'</u>
Cooper, Lake	64.00'	61.75'	59.75'	57.00'
Elaine, Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Gass Lake	51.50'	49.50'	46.25'	44.50'
George, Lake	51.00'	48.00'	45.00'	42.00'
Geraci, Lake	65.00'	63.50'	61.50'	59.50'
Halls Lake	50.70'	50.00'	47.50'	46.00'
3 28S 18E				
Lipsey, Lake	42.50'	41.50'	39.00'	37.00'
Magdalene, Lake	50.70'	50.00'	47.50'	46.00'
Platt Lake	51.80'	50.50'	45.75'	46.00'
Reinheimer, Lake	61.50'	59.50'	57.00'	56.00'
Strawberry Lake	62.80'	62.00'	59.75'	57.00'
Thomas, Lake	64.00'	63.50'	61.25'	59.25'
Twin Lake	34.00'	32.00'	30.00'	27.75'
White Trout Lake	38.50'	36.50'	34.00'	32.50'
ROCKY CREEK WATERSHED				
Allen, Lake	62.60'	62.50'	59.75'	57.50'
Armistead, Lake	46.50'	44.00'	40.50'	39.00'
Browns Lake	63.70'	63.50'	60.75'	59.00'
Harvey, Lake	62.90'	62.50'	60.25'	58.00'
Josephine, Lake	47.50'	46.00'	42.75'	40.00'
LeClare, Lake	53.50'	52.00'	49.50'	47.00'
Pretty Lake	46.70'	45.50'	42.75'	40.00'
Rock Lake	48.00'	46.00'	42.75'	40.00'
Starvation Lake	55.00'	53.00'	50.00'	48.00'
Turkey Ford Lake	55.00'	54.00'	51.50'	50.00'
Virginia Lake	63.00'	62.50'	60.25'	58.00'
DOUBLEBRANCH CREEK WATERSHED				
Hixon Lake	37.00'	36.50'	33.25'	31.00'
Unnamed Lake #1	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
Unnamed Lake #2	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
BROOKER CREEK WATERSHED				
Artillery, Lake	44.50'	44.00'	40.50'	39.00'
3 27S 17E				
Buck Lake	35.50'	35.00'	32.00'	29.50'
Crescent Lake	44.20'	42.50'	40.00'	38.50'
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Garden Lake	35.00'	32.00'	29.00'	26.50'
Horse Lake	48.40'	46.50'	44.00'	42.00'

Island Ford Lake	42.30'	41.50'	39.00'	37.00'
Jackson, Lake	36.00'	33.50'	31.00'	29.00'
James Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Mound Lake	51.60'	51.00'	48.00'	46.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake		NO LEVELS RECOMMENDED		
Taylor, Lake	39.70'	39.25'	36.75'	34.75'
Velburton Lake	41.50'	40.00'	37.25'	35.00'
ANCLOTE RIVER WATERSHED				
Dan, Lake	35.00'	32.00'	28.00'	25.00'
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'
(m) In Lake County Within the Green Swamp Basin				
(n) In Levy County Within the Withlacoochee River Basin				
Marion, Lake	56.60'	53.00'	50.50'	48.50'
S02 T14 R17				
(o) In Manatee County Within the Manasota Basin				
(p) In Marion County Within the Withlacoochee River Basin				
Bonable, Lake	65.10'	64.00'	61.50'	59.50'
S31 T15 R18				
Little Bonable, Lake	59.80'	58.00'	55.50'	53.50'
S30 T15 R18				
Tiger, Lake	65.10'	64.00'	61.50'	59.50'
S32 T15 R18				
(q) In Pasco County Within the Coastal Rivers Basin				
LAKES				
Crews Lake	57.00'	55.00'	52.00'	50.00'
S16 T24S R18E				
Garden Lake	22.10'	19.00'	16.25'	15.75'
S16 T25S R16E				
Moon Lake	41.00'	40.50'	37.50'	35.50'
S28 T25S R17E				
Pasco Lake	67.50'	67.00'	64.00'	62.00'
S22 T24S R18E				
Pierce Lake	73.60'	73.00'	70.00'	68.00'
S9 T25S R18E				

Richey Lake S3 T26S R16E	14.10'	13.00'	10.00'	8.00'
Unnamed Lake No. 22 S27 T24S R18E	62.60'	62.50'	59.50'	57.50'
Worrell, Lake (Bass Lake) S26 T25S R16E (r) In Pasco County Within the Green Swamp Basin (s) In Pasco County Within the Hillsborough River Basin	22.10'	19.00'	16.25'	15.75'
LAKES				
Bell Lake S13 T26S R18E	72.53'	72.50'	70.00'	69.00'
Bird Lake Catfish Lake S30 T25 R19	67.70'	67.50'	65.00'	63.00'
Cow (East) Lake S19 T26S R19E	68.72'	68.00'	65.50'	63.50'
Floyd, Lake S36 T26 R19	78.63'	78.50'	76.00'	75.00'
Gooseneck, Lake S29 T26 R19	68.41'	68.50'	66.00'	64.00'
Hancock, Lake S5 T24S R20E	75.10'	73.50'	71.00'	69.00'
Hog (Joyce) Lake S19 T26S R19E	107.48'	106.50'	104.00'	102.00'
Iola, Lake S15 T24S R20E	76.66'	76.50'	73.50'	72.50'
Jessamine, Lake S11 T24S R20E	147.55'	147.50'	145.00'	142.50'
JoAnn, Lake S30 T26 R19	144.18'	142.00'	138.00'	136.00'
King Lake S7 T26S R19E	68.72'	68.00'	65.50'	63.50'
King Lake (East) S22 T25S R20E	73.58'	73.50'	71.50'	69.50'
Middle Lake S4 T24S R20E	105.49'	105.25'	102.50'	100.00'
Moody Lake S10 T24S R20E	107.48'	107.00'	105.00'	103.00'
Myrtle, Lake S30 T26 R19	110.48'	110.00'	107.50'	105.50'
Padgett, Lake S24 T26S R18E	68.72'	68.00'	65.50'	63.50'
Saxon Lake S30 T26S R19E	71.34'	71.25'	69.00'	67.50'
Tampa (Turtle) Lake S32 T26 R19	71.34'	71.25'	69.00'	67.50'
	66.00'	65.50'	63.00'	61.00'

Toni, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
Twin, Lake S28 T26 R19	68.35'	67.50'	65.00'	63.00'
Unnamed Lake #26 S25 T26 R18	68.75'	68.00'	65.50'	63.50'
(t) In Pasco County Within the Pinellas-Anclote River Basin LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Big Lake Vienna S23 26 18	70.70'	70.25'	67.00'	65.00'
Fishing Lake S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Geneva Lake (Mud) S26 T26E R17S	51.20'	50.00'	48.00'	46.00'
Linda, Lake 26 26 18	67.30'	66.75'	64.00'	62.00'
Little Moss (Como) Lake 35 26 18	67.00'	66.00'	63.00'	62.00'
Minniola, Lake S34 T26E R17S	51.20'	50.00'	48.00'	46.00'
Moss Lake 35 26 18	65.00'	64.00'	61.50'	59.00'
Parker Lake (Ann) S35 T26E R17S	48.80'	48.75'	45.75'	45.00'
Seminole, Lake S35 T26E R17S	49.20'	48.75'	46.00'	45.00'
Thomas, Lake 11 26 18	75.60'	75.00'	72.50'	71.50'
Wistaria, Lake 2 26 18	74.90'	74.00'	71.00'	69.00'
(u) In Pasco County Within the Withlacoochee River Basin LAKES				
Buddy, Lake S17 T25S R21E	97.02'	94.50'	91.50'	90.00'
Pasadena, Lake S16 T25S R21E	97.02'	94.50'	91.50'	90.00'
Clear Lake S1 T25S R20E	127.90'	127.50'	125.25'	123.75'
(v) In Pinellas County Within the Pinellas-Anclote River Basin				

LAKES	4.20'	3.80'	2.20'	1.00'
Lake Tarpon				
Sec. Twsp. Rng.				
7 27S 16E				
8 27S 16E				
16 27S 16E				
17 27S 16E				
18 27S 16E				
19 27S 16E				
20 27S 16E				
21 27S 16E				
28 27S 16E				
29 27S 16E				
30 27S 16E				
32 27S 16E				
33 27S 16E				
4 28S 16E				
(w) In Polk County				
Within the Alafia				
River Basin				
LAKES				
Scott, Lake	168.60'	168.00'	165.00'	164.25'
(x) In Polk County				
Within the Green				
Swamp Basin				
LAKES				
Agnes, Lake	135.20'	135.75'	134.75'	130.75'
Alfred, Lake	132.30'	130.75'	128.25'	126.25'
S30 T27S R26				
Arietta, Lake	144.00'	144.00'	141.00'	138.00'
Camp, Lake	133.40'	134.50'	132.00'	130.00'
Clearwater Lake	146.20'	143.50'	141.00'	139.00'
Cummings, Lake	131.50'	131.00'	127.50'	125.50'
S31 T27 R26				
Eva, Lake	132.30'	131.50'	129.00'	127.00'
S29 T27 R26				
Grassy Lake (Big	133.20'	132.00'	129.50'	128.00'
Glades)				
Griffin, Lake	132.30'	131.50'	129.00'	127.00'
S30 T27 R26				
Gum, Lake	132.60'	131.00'	128.50'	126.00'
Haines, Lake	129.70'	128.75'	126.50'	124.50'
Helene, Lake	144.80'	144.00'	141.00'	139.00'
Juliana, Lake	134.70'	132.50'	130.00'	127.50'
Little Lake Agnes	135.20'	136.00'	133.00'	131.00'
Little Van Lake	141.40'	139.00'	136.50'	135.50'
Mattie, Lake	134.70'	132.50'	130.00'	127.50'
Mud, Lake	141.80'	141.50'	137.75'	136.00'
Myrtle, Lake	141.70'	141.00'	138.50'	136.50'
Swoope, Lake	133.00'	132.50'	130.00'	128.00'
Tennessee, Lake	134.70'	134.00'	130.00'	128.00'
Van, Lake	133.00'	132.75'	130.00'	128.00'

Whistle, Lake (y) In Polk County Within the Hillsborough River Basin LAKES	140.90'	137.50'	135.00'	133.75'
Bonnet, Lake	146.40'	148.00'	145.00'	142.50'
Hunter, Lake (z) In Polk County Within the Peace River Basin	162.30'	162.75'	160.25'	159.00'
Ada, Lake S33 T28 R27	123.80'	123.00'	120.00'	118.00
Altamaha, Lake S11 T30 R27	122.60'	122.50'	120.00'	118.00'
Amoret Lake 24 30 27	115.50'	115.25'	113.00'	111.00'
Annie, Lake S3 T29S R27E	122.10'	119.00'	116.00'	114.00'
Arianna, Lake 3 28 25E	137.10'	137.00'	134.50'	132.50'
Aurora, Lake 13 30 28	103.30'	100.00'	97.00'	95.00'
Banana, Lake 10 29 24E	106.75'	106.50'	103.50'	102.00'
Belle, Lake 11 30 27	123.60'	120.00'	117.00'	115.00'
Bess, Lake 18 29S 27E	125.50'	125.25'	123.00'	121.00'
Big Gum Lake 26 29 R28	95.50'	95.00'	92.00'	89.00'
Blue, Lake S13 T28 R25	149.80'	149.00'	146.50'	144.50'
Blue, Lake 24 30S 27E	118.00'	117.00'	114.00'	—
Bonnie, Lake S31 T29 R28	113.30'	113.00'	110.00'	108.00'
Bonny, Lake 20 28S 24E	130.90'	130.50'	128.00'	126.00'
Buckeye, Lake S22 T28S R26E	130.10'	129.00'	126.00'	124.50'
Buffum, Lake 12 31S 26E	132.75'	132.25'	129.25'	—
Cannon, Lake 19 28S 26E	132.60'	132.00'	129.50'	127.00'
Clinch, Lake 31 31S 28E	108.00'	106.75'	104.00'	102.50'
Connie, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Cooper (Worth) S02 T30 R27	124.20'	123.50'	121.00'	119.00'

Crooked, Lake 1 31S 27E	122.60'	122.00'	118.50'	—
Crystal Lake S02 T30 R27	121.40'	121.25'	118.00'	115.00'
Crystal Lake S21 T28 R27	122.90'	122.00'	119.00'	117.00'
Crystal Lake 23 29S 26E	130.00'	129.50'	127.00'	125.00'
Cypress Lake 36 29 28E	100.20'	98.50'	95.00'	93.00'
Lake Daisy S6 T29 R27	130.90'	130.00'	127.00'	126.00'
Lake Deer 25 28 25E	141.30'	140.75'	138.50'	136.50'
Dell, Lake S28 T28 R27	125.70'	123.75'	121.50'	119.50'
Lake Dexter S2 T29 R26	132.20'	132.00'	129.00'	127.50'
Dinner, Lake 15 29S 27E	120.90'	118.50'	116.00'	114.00'
Eagle Lake 29 25E	131.00'	130.75'	128.50'	126.50'
Easy, Lake 19 30 28	115.50'	115.25'	113.00'	111.00'
Echo, Lake S05 T28 R26	132.30'	131.00'	128.00'	126.00'
Effie, Lake 3 30 27	119.60'	118.00'	115.00'	113.00'
Elbert, Lake S22 T28 R26	137.50'	135.50'	133.00'	131.50'
Eloise, Lake 3 29S 26E	132.60'	132.00'	129.50'	127.00'
Fannie, Lake 11 28S 26E	127.00'	125.75'	123.50'	120.00'
Lake Florence S35 T28 R26	128.80'	128.75'	127.00'	125.00'
Lake Fox S6 T29 R27	135.20'	135.00'	132.00'	131.00'
Garfield, Lake 5 30 26E	105.70'	104.75'	101.00'	100.00'
Gator, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
George, Lake S06 T28 R26	130.70'	130.00'	127.50'	125.50'
Gibson, Lake 25 27S 23E	144.20'	143.50'	141.50'	141.50'
Gordon, Lake S16 T28 R27	121.30'	119.00'	116.00'	114.00'
Lake Grassy 2 29 25E	134.80'	129.00'	126.50'	125.50'

Lake Gross (Grassy) S14 T29 R26	138.50'	136.00'	133.50'	132.00'
Hamilton, Lake 18 28S 27E	122.50'	121.50'	119.00'	117.25'
Hancock, Lake 8 29S 25E	102.40'	99.00'	96.00'	94.00'
Hart, Lake 24 29S 26E	124.70'	124.50'	122.00'	120.00'
Hartridge, Lake 8 28S 26E	132.60'	132.00'	129.50'	127.00'
Henry, Lake 16 31S 26E	160.10'	159.00'	156.00'	154.00'
Henry, Lake 36 27S 26E	127.00'	126.50'	124.50'	122.50'
Hickory, Lake 17 32S 28E	98.50'	98.50'	96.00'	94.00'
Howard, Lake 30 28S 26E	132.60'	132.00'	129.50'	127.00'
Ida, Lake 28 31S 28E	80.00'	79.00'	76.50'	75.00'
Ida, Lake S17 T28 R26	136.70'	135.25'	132.00'	130.50'
Idyl, Lake S16 T28 R26	134.90'	134.00'	131.50'	130.00'
Idylwild, Lake 18 28S 26E	132.60'	132.00'	129.50'	127.00'
Jessie, Lake 12 28S 25E	132.60'	132.00'	129.50'	127.00'
Josephine, Lake 13 30 27	121.30'	120.00'	116.50'	114.50'
Josephine, Lake S27 T28 R27	124.10'	121.50'	118.00'	116.50'
Lee, Lake S16 T28 R27	123.50'	123.50'	121.50'	120.00'
Lena, Lake 9 28S 25E	137.10'	137.00'	134.50'	132.50'
Leonore, Lake 10 31S 28E	87.40'	87.00'	84.50'	83.00'
Link, Lake 27 28S 26E	128.70'	128.00'	125.00'	123.00'
Little Aurora Lake (Iris) 13 30 28	103.30'	100.50'	98.00'	96.00'
Little Gum Lake 35 29S 28E	96.80'	96.50'	94.00'	92.00'
Little Lake Hamilton 5 28S 27E	122.50'	121.50'	119.00'	117.25'
LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'

Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	—	124.75'	122.75'	121.00'
Marie, Lake S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha, Lake S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude, Lake S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora, Lake S36 T27 R25	140.40'	138.00'	134.50'	133.00'
Menzie, Lake S28 T28 R27	127.00'	122.00'	120.00'	118.00'
Middle Lake Hamilton 7 28S 27E	122.50'	121.50'	119.00'	117.25'
Lake Millsite 11 29 25E	125.30'	123.50'	121.00'	119.00'
Mirror, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Moody, Lake 17 31S R28E	92.80'	93.50'	91.00'	89.00'
Myrtle, Lake 19 29S 27E	118.70'	118.50'	116.50'	114.50'
Lake Ned S1 T29S R26	129.60'	128.50'	126.00'	124.00'
North Lake Wales S01 T30 R27	116.80'	115.00'	112.00'	110.00'
Otis, Lake 28 28S 25E	128.70'	128.00'	125.00'	123.00'
Pansy, Lake S08 T28 R26	130.00'	129.00'	126.50'	124.50'
Parker, Lake 32 29S 27E	122.50'	122.00'	119.50'	117.50'
Parker, Lake 8 28 24E	131.60'	131.00'	128.75'	127.50'
Parks, Lake 36 29S 28E	104.50'	102.50'	100.00'	98.00'
Polecat, Lake 27 30S 26E	142.40'	142.00'	139.50'	137.50'
Reedy, Lake 35 31S 28E	80.00'	79.75'	77.25	75.25'
Reeves, Lake 13 29S 26E	125.10'	124.50'	122.00'	120.00'
Lake River S1 T29 R26	141.60'	139.50'	136.00'	134.00'
Rochelle, Lake 4 28 26E	129.70'	128.75'	126.50'	124.50'

Round, Lake 13 29S 26E	129.40'	129.25'	126.50'	124.50'
Roy, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Ruby, Lake 12 29S 26E	125.50'	125.25'	123.00'	121.00'
Ruth, Lake S28 T28 R27	123.50'	121.50'	117.50'	115.50'
Saddlebag, Lake 6 30S 29E	106.80'	105.00'	102.00'	100.00'
Saint Anne Lake 14 30 28	97.50'	96.00'	93.00'	91.00'
Sanitary (Marianna), Lake S01 T28 R25	138.60'	137.50'	135.00'	133.00'
Sara, Lake S17 T28 R27	122.50'	121.50'	119.00'	117.25'
Scott, Lake 18 29S 24E	168.60'	168.00'	165.00'	164.25'
Lake Sears 36 28 25E	143.20'	141.00'	138.00'	136.00'
Serena, Lake S12 T30 R27	125.30'	118.00'	115.00'	113.00'
Shipp, Lake 32 28S 26E	132.60'	132.00'	129.50'	127.00'
Silver, Lake 5 32S 28E	105.00'	103.00'	100.50'	98.50'
Silver, Lake S20 T28 R26	147.10'	146.50'	144.00'	142.00'
Smart, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Lake Spirit 35 28 25E	134.10'	131.50'	129.00'	127.00'
Spring, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Starr, Lake 14 29 27	115.50'	113.00'	110.00'	108.00'
Streety Lake 24 32S 27E	108.70'	105.50'	102.50'	101.00'
Summit, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Sunset Lake 10 30 28	101.10'	98.00'	95.50'	93.50'
Surveyors, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
Thomas, Lake 1 30E 28E	104.20'	99.50'	97.00'	95.00'
Lake Thomas 35 28 25E	135.60'	132.00'	128.00'	126.00'
Tractor Lake 14 30 27	125.00'	123.25'	121.00'	119.00'

Trask, Lake S22 T28 R27	114.90'	113.00'	108.00'	106.00'
Trout, Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Twin Lakes S11 T30 R27	124.10'	123.75'	120.00'	118.00'
Venus, Lake 9 29S 27E	126.10'	125.00'	122.00'	120.00'
Wales, Lake S01 T30 R27	114.10'	112.50'	110.00'	108.00'
Walker, Lake 21 30S 26E	143.00'	141.00'	137.00'	135.00'
Warren, Lake S11 T30 R27	124.60'	123.50'	121.00'	119.00'
Weader (Weaver), Lake S03 T30 R27	122.00'	121.75'	119.00'	117.00'
Winterset, Lake 11 29S 26E	132.60'	132.00'	129.50'	127.00'
(aa) In Sarasota County Within the Manasota Basin				
(bb) In Sumter County Within the Green Swamp Basin				
(cc) In Sumter County Within the Withlacoochee River Basin				
LAKES				
Big Gant Lake S14 T22S R22E	76.50'	76.25'	74.50'	72.50'
Black Lake S23 T18S R23E	56.70'	55.00'	53.00'	51.00'
Cherry Lake S24 T18S R23E	56.70'	55.00'	53.00'	51.00'
Deaton, Lake S14 T19S R23E	65.50'	65.00'	62.00'	60.00'
Miona, Lake S27 T18S R2E	56.70'	55.00'	53.00'	51.00'
Okahumpka, Lake S21 T19S R23E	59.90'	58.75'	56.25'	54.00'
Panasofkee, Lake	42.80'	42.50'	39.50'	38.50'

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2004

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004 and April 23, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLES: Medicaid Providers Who Bill on the Non-Institutional 081 Project AIDS Care Waiver Services

RULE NOS.: 59G-13.001 59G-13.110

PURPOSE AND EFFECT: The purpose of proposed Rule 59G-13.110, F.A.C., is to incorporate by reference the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The handbook contains the policies and procedures for Project AIDS Care home and community-based waiver services. The effect will be to incorporate by reference in the rule the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003.

In the Notice of Rule Development, we proposed incorporating the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook in Rule 59G-8.200, F.A.C., Home and Community-Based Waiver Services. For administrative purposes, we are creating a new rule chapter (59G-13) for Medicaid waiver programs so that each waiver program can be incorporated in its own stand-alone rule. Also in the Notice of Rule Development, the draft handbook effective date was October 2003. Based on comments received in the rule development workshops, we changed the effective date to July 2003.

The purpose of proposed Rule 59G-13.001, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, in the new Medicaid waiver rule chapter. Currently the handbook is incorporated in Rule 59G-8.200, F.A.C., along with all the Medicaid waiver programs. Eventually, the content

of Rule 59G-8.200, F.A.C., will be transferred to the new Medicaid waiver program rule chapter. There are no revisions to the handbook itself.

RULE SUMMARY: The purpose of Rule 59G-13.110, F.A.C., is to incorporate by reference in the rule the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The coverage and limitations handbook contains the Project AIDS Care waiver services policies and procedures.

The purpose of proposed Rule 59G-13.001, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, in its own rule, Rule 59G-13.001, F.A.C. There are no revisions to the handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.902, 409.906, 409.907, 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.):

DATE AND TIME: 2:00 p.m., Monday, November 22, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith Young, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-8715

THE FULL TEXT OF THE PROPOSED RULE IS:

MEDICAID WAIVER PROGRAMS

59G-13.001 Medicaid Providers Who Bill on the Non-Institutional 081.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid program to bill the Florida Medicaid program on a paper Non-Institutional 081 form for reimbursement of services performed on a Medicaid eligible recipient must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, which is incorporated by reference and available from the fiscal agent.

(2) The following forms that are included in the handbook are incorporated by reference: Non-Institutional 081 Claim Form, October 2003; Medically Needy Billing Authorization, DF-ES 2902, June 2003; and Provider Inquiry Form, Florida Medicaid Program, IR05, 07/2001.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New _____.

59G-13.110 Project AIDS Care Waiver Services.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the handbook are incorporated by reference: Project AIDS Care Waiver Enrollment Application, July 2003; Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, revised Aug 01 (Formerly the HRS 3008A); Project AIDS Care Waiver: Level of Need (LON) Assessment Case Management Tool, July 2003; PHC Initial Care Management Assessment, AHF/FPHC © 06/2002; PAC Waiver Plan of Care (POC) Summary, July 2003; Project AIDS Care (PAC) Waiver Service Authorization, July 2003; Request for Plan of Care Expenditure Exception, July 2003; Project AIDS Care (PAC) Waiver Request to Transfer to Another PAC Waiver Case Management Agency, July 2003.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Keith Young

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2003

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 Chiropractic Medicine

RULE TITLE: Licensure Examination

RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment sets forth the time frame within which an applicant may retake failed subject areas of the practical examination before being required to retake the entire practical examination.

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

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

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, within 24 months of the date of the first failure, after upon which time the applicant must retake the entire practical examination.

(3) through (4) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

**DEPARTMENT OF HEALTH
 Board of Chiropractic Medicine**

RULE TITLE: Continuing Education
 RULE NO.: 64B2-13.004

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment redefines and establishes that a continuing education provider shall be a current faculty member of a chiropractic college or school.

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

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

SPECIFIC AUTHORITY: 460.408(3) FS.
 LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (2) No change.

(3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) through (c) No change.

(d) Shall be taught by one or more speakers or lecturers with at least one of the following qualifications:

1. A current faculty member level instructor of a chiropractic college or school maintaining a standard and reputability approved by the Board, or a current faculty member level instructor at a medical or osteopathic college or a university which college or university is accredited by, or has

status with, an agency or its successor which is recognized and approved by the United States Office of Education or the Council on Post Secondary Accreditation; or

2. No change.

(4) through (13) No change.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

**DEPARTMENT OF HEALTH
 Board of Dentistry**

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities
 RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes the rule amendments in order to fill vacant positions in areas of critical need.

SUMMARY: The proposed rule amendments establish the requirements for issuance of a temporary certificate to dentists who have not taken, or who have not passed the dental licensure examination within a certain time limit, in order to practice in areas of critical need..

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.
 LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) No change.

(2) Any unlicensed dentist who is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association and who applies to the Board for such certification shall be certified by the Board for receipt of a temporary certificate. To qualify for a temporary certificate, the unlicensed dentist must be eligible to take the Florida dental licensure examination or has not failed the Florida dental licensure examination. If the unlicensed dentist fails to pass the clinical examination in three (3) attempts, he or she must complete a one (1) year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one (1) academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation.

(3) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Section 466.027 or 466.028, F.S., ~~or has failed the Florida dental licensure examination.~~

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels
RULE NO.: 68B-4.019

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the restriction on possession of trap pullers on vessels to allow their use on vessels harvesting from aquaculture leases or pursuant to a federal live rock permit, provided that no wild-caught regulated species are possessed aboard such vessel. The effect of this effort is to allow legitimate use of trap pullers aboard vessels engaged in aquaculture that do not also have wild caught species on board. SUMMARY: Rule 68B-4.019, F.A.C., is amended to allow use of trap pullers aboard vessels engaged in aquaculture so long as wild-caught regulated species are not possessed aboard the vessel.

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.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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-4.019 Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels.

No person shall operate any vessel with a trap puller aboard unless such vessel is operated commercially pursuant to a saltwater products license with either a lobster trap endorsement, stone crab trap endorsement, blue crab trap endorsement, sea bass trap endorsement, or a federal fish trap endorsement. This prohibition shall not apply to a person operating a vessel with a trap puller aboard who has been

granted an accommodation by the Commission under the Americans With Disabilities Act to possess and use such gear or to a person engaging in aquaculture and possessing an aquaculture certificate issued pursuant to Section 597.004, Florida Statutes, or a federal aquacultured live rock permit issued pursuant to 50 C.F.R. 622.4(a)(3)(iii). However, a person taking advantage of this exception for aquaculture activities shall not be in possession of any lobsters, crabs, finfishes, or any other wild-caught species regulated by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 7-15-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

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: Dolphin

RULE TITLES:	RULE NOS.:
Definitions	68B-41.002
Size Limit, Prohibition of Sale	68B-41.003
Recreational Bag and Possession Limits;	
Commercial Trip Limits	68B-41.004
Commercial Permit Requirements	68B-41.006

PURPOSE AND EFFECT: The purpose of these rule amendments and new rule is to expand the scope of this rule chapter and conform it to recent changes to federal regulations that govern harvest of dolphin and wahoo in the Atlantic Ocean. Where appropriate, these changes will be applied throughout Florida. The federal rules apply only in the Atlantic Ocean, not in the Gulf of Mexico, and are designed to conserve these species and maintain historical shares for both recreational and commercial fisheries. Additionally, the rules will designate dolphin and wahoo as restricted species to prevent recreational fishers from selling their catch. The effect of these rules will be to slightly constrain harvest by both sectors through the use of daily limits on both fisheries. Certain

of the federal licensing requirements will be made part of the state rules to clearly designate who is fishing recreationally, as a charter fisher, and as a commercial fisher.

SUMMARY: Rule 68B-41.002, F.A.C., is amended to add definitions of the terms “Atlantic Ocean” and “wahoo.” Rule 68B-41.003, F.A.C., is amended to expand application of the 20-inch fork length minimum size limit to all harvesters in the Atlantic Ocean. The rule is also amended to apply the requirement that dolphin be landed in a whole condition to all harvesters and expand the scope of the requirement to include wahoo. Current provisions of Rule 68B-41.004, F.A.C., which establish a 10 dolphin per day recreational bag limit, is amended to include a maximum 60-dolphin possession limit aboard a vessel, except for for-hire vessels, which will be limited to possession of 10 dolphin per paying customer. A new subsection (2) of the rule will establish a 2-fish daily bag and possession limit for wahoo. A new subsection (3) establishes a 500-pound commercial daily harvest and vessel possession limit for wahoo. A new subsection (4) prohibits sale of recreationally-caught dolphin or wahoo, except that the captain of a for-hire vessel may sell dolphin if he or she otherwise possesses the commercial licenses required by new Rule 68B-41.006, F.A.C. Proposed new Rule 68B-41.006, F.A.C., designates dolphin and wahoo as restricted species and requires a saltwater products license with a restricted species endorsement for commercial harvest. Additionally, a federal permit is required for commercial harvest in the Atlantic Ocean.

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.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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:

DOLPHIN AND WAHOO

68B-41.002 Definitions.

As used in this rule chapter:

(1) “Atlantic Ocean” means all state waters along the east coast of Florida lying between the Florida-Georgia border and 83E West Longitude (near the Dry Tortugas Islands).

(2)(4) “Dolphin” means any fish of the species *Coryphaena hippurus* or *Coryphaena equiselis*, or any part thereof.

(3)(2) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4)(3) “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 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.

(5)(4) “Harvest for commercial purposes” means the taking or harvesting of any dolphin for purposes of sale or with intent to sell. The harvest of any dolphin in excess of the bag limit specified in Rule 68B-41.004, F.A.C., shall constitute harvest for commercial purposes.

(6)(5) “Land,” when used in conjunction with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(7)(6) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(8) “Wahoo” means any fish of the species *Acanthocybium solandri*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-15-96, 1-1-98, Formerly 46-41.002, Amended _____.

68B-41.003 Size Limit, Prohibition of Sale.

(1) In the Atlantic Ocean, no person shall harvest buy, sell, or exchange any dolphin with a fork length less than 20 inches.

(2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land, sell, or exchange any dolphin with a fork length less than 20 inches.

(3) No person harvesting for commercial purposes shall land any dolphin or wahoo in other than a whole condition. The possession by such a person, while in or on state waters, of dolphin or wahoo that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of dolphin or wahoo, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.003, Amended _____.

68B-41.004 Recreational Bag and Possession Limits; Commercial Trip Limits.

(1) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C. possessing a valid saltwater products license, no person shall harvest or land more than 10 dolphin per day, nor possess more than 10 dolphin at any time while in or on the waters of the state. Additionally, no more than 60 dolphin may be possessed aboard any vessel from which dolphin are harvested pursuant to this bag limit, except that 10 dolphin per paying passenger may be possessed aboard a for-hire vessel licensed pursuant to Section 372.57(7), Florida Statutes.

(2) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C., no person shall harvest or land more than 2 wahoo per day, nor possess more than 2 wahoo at any time while in or on the waters of the state.

(3) A person harvesting for commercial purposes is limited to harvest or possession of 500 pounds of wahoo per day. No more than 500 pounds of wahoo shall be possessed aboard any vessel from which wahoo is harvested for commercial purposes.

(4) Any dolphin or wahoo harvested pursuant to the limits established in subsections (1) or (2) may not be sold, except that the captain of a for-hire vessel possessing the licenses required by Rule 68B-41.006, F.A.C., may sell dolphin harvested aboard the for-hire vessel pursuant to subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Formerly 46-41.004, Amended _____.

68B-41.006 Commercial Permit Requirements.

(1) Dolphin and wahoo are designated as restricted species. Each person harvesting dolphin or wahoo for commercial purposes must possess a valid Saltwater Products License with a restricted species endorsement issued pursuant to Section 370.06(2)(b), Florida Statutes.

(2) Each person harvesting dolphin or wahoo for commercial purposes in the Atlantic Ocean shall also possess a valid federal commercial permit issued pursuant to 50 C.F.R. 622.4(a)(2)(xii).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

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: Marine Life

RULE TITLES: Definitions RULE NOS.: 68B-42.002

Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability 68B-42.0065

PURPOSE AND EFFECT: The purpose of this rule amendment and new rule is to control the level of effort in the marine life fishery by implementing a tiered license system for commercial fishers. This will replace the marine life endorsement moratorium that has been in place since 1998. The effect will be to treat directed harvesters and bycatch fishermen equitably by distributing endorsements based on qualifying landings value and gear type. It will reduce potential growth in this fishery after the moratorium expires on July 1, 2005.

SUMMARY: Rule 68B-42.002, F.A.C., is amended by adding definitions of the terms “diving” and “immediate family.” A new Rule 68B-42.0065, F.A.C., is proposed that will establish a tiered system of marine life fishery endorsements. Subsection

(1) requires a marine life tiered endorsement in addition to a saltwater products license with a restricted species endorsement to engage in commercial harvest and sale of marine life species. Subsection (2) provides for initial award or denial of marine life tiered endorsements. Subsection (3) provides a form and general criteria for initial award or denial of these endorsements. Subsections (4) through (6) provide specific qualifying criteria for the Marine Life Bycatch Endorsement (MLB), Marine Life Transferable Dive Endorsement (MLD), and Marine Life Non-transferable Dive Endorsement (MLN). Subsection (7) prohibits conversion of endorsements from one type to another, with an exception. Subsection (8) declares that establishment of an effort management program for this fishery does not create any vested rights for endorsement holders. Subsection (9) limits participants to a single endorsement type and a unique endorsement number. Subsection (10) places a moratorium on the number of tiered endorsements and establishes an annual renewal deadline. Subsection (11) provides requalifying criteria for a marine life transferable dive (MLD) endorsement. Subsection (12) allows conversion of a marine life transferable dive (MLD) endorsement to a marine life non-transferable dive (MLN) endorsement after initial issuance. Subsection (13) authorizes a permanent MLD endorsement for certain persons over age 62. Subsection (14) provides for appeals of disputes or problems arising from initial denial of an endorsement. Subsection (15) prohibits leasing of marine life endorsements. Subsection (16) provides for transferability for marine life bycatch (MLB) and marine life transferable dive (MLD) endorsements. Subsection (17) provides for transferability of a marine life tiered endorsement upon death or disability to a member of the immediate family. Subsection (18) expresses an intention to possibly initiate an endorsement program in the event of a decline in the health of the marine life fishery, subject to legislative appropriation.

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.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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-42.002 Definitions.

As used in this rule chapter:

(1) No change.

(2) "Diving" means swimming at or below the surface of the water.

(2) through (5) renumbered (3) through (6) No change.

(7) "Immediate family" refers to a license holder'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.

(6) through (14) renumbered (8) through (16) No change.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05.

68B-42.0065 Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability.

(1) Beginning in the 2005/2006 license year, in addition to a valid saltwater products license with a valid restricted species endorsement, a marine life tiered endorsement is required to harvest marine life species in quantities greater than the recreational bag limit or to sell marine life species as defined by Rule 68B-42.001, F.A.C.

(2) The Commission shall notify all holders of a 2004/2005 saltwater products license with a marine life endorsement of their initial award or denial of a commercial marine life tiered endorsement. Persons will indicate either their acceptance of the initial award on a Marine Life Tiered Endorsement Application (Form DMF-SL4100 (12-04), incorporated herein by reference) or intent to appeal as specified in subsection (14).

(3) Application for issuance of a commercial marine life tiered endorsement (Form DMF-SL4100 (12-04), incorporated herein by reference), must be received by the Commission no later than September 30, 2005. An applicant may be a person, firm, or corporation.

(a) A tiered endorsement applicant must have held a valid marine life endorsement during the 2004/2005 license year. No new marine life tiered endorsement will be issued to an

applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement pursuant to Section 370.06(2)(j), F.S., at the time of application or on June 30, 2005.

(b) Qualification for a marine life tiered endorsement shall be determined by landings of marine life species as defined by Rule 68B-42.001, F.A.C., and reported on a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement (ML) and as specified in paragraph (c) of this subsection.

(c) Qualified endorsement applicants must have documented commercial marine life 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, 1999 through June 30, 2000; the license year, July 1, 2000 through June 30, 2001; the license year, July 1, 2001 through June 30, 2002; or during the license year, July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by January 1, 2004.

(d) Landings reported on all the applicant's individual and vessel saltwater products licenses with the current marine life endorsement will be used to determine an applicant's eligibility to receive one of the marine life tiered endorsements specified in subsections (4) through (6).

(4) Marine Life Bycatch Endorsement (MLB) – The marine life bycatch endorsement is required to harvest commercial quantities of marine life using bycatch gears as defined in subsection 68B-42.004(3), F.A.C., which does not include harvest by diving.

(a) An applicant for the marine life bycatch endorsement must have an annual landings value of marine life as defined in paragraph (3)(b) of greater than zero dollars but less than \$5000 during any one of the qualifying years specified in paragraph (3)(c).

(b) A marine life bycatch endorsement will be issued on no more than one of an applicant's vessel saltwater products licenses in any one license year. A marine life bycatch endorsement will not be issued on an individual license.

(c) A marine life bycatch endorsement is transferable pursuant to subsections (16) and (17).

(5) Marine Life Transferable Dive Endorsement (MLD) – The marine life transferable dive endorsement is required to harvest commercial quantities of marine life using all allowable gears as defined in subsection 68B-42.004(3), F.A.C., which includes harvest by diving.

(a) No marine life transferable dive endorsement will be issued to an applicant who does not qualify by one of the following methods:

1. An applicant must have qualified as specified in subsection (3) and have documented commercial marine life landings as defined in paragraph (3)(b) of greater than or equal

to \$5,000 in any one of the qualifying years specified in paragraph (3)(c), and have documented dive landings during the qualifying years; or

2. An applicant must hold a live rock state lease or federal permit and have documented live rock landings value of greater than or equal to \$5,000 dollars during any one of the qualifying years specified in paragraph (3)(c) and held a marine life endorsement prior to 1998.

(b) A marine life transferable dive endorsement will be issued on no more than two of an applicant's saltwater products licenses in any one license year, except that an individual who has qualified as specified in subparagraph (a)1. and who has additional landings values of commercial marine life landings pursuant to subsection (3) on a subsequent saltwater products license held by the applicant of greater than \$10,000 may place the marine life transferable dive (MLD) on the additional vessel SPL(s) so qualified.

(c) A marine life transferable dive endorsement is transferable pursuant to subsections (16) and (17).

(6) Marine Life Non-transferable Dive Endorsement (MLN) – The marine life non-transferable dive endorsement is required to harvest commercial quantities of marine life using dive gears as defined in subsection 68B-42.002(3), F.A.C.

(a) No marine life non-transferable dive endorsements will be issued to an applicant who does not qualify by one of the following methods:

1. As specified in paragraph (4)(a); or

2. An applicant must hold a state live rock lease and/or a federal live rock permit and provide documentation of development of the site or sites and must have held a marine life endorsement prior to September 30, 2003.

(b) A marine life non-transferable dive endorsement will be issued on no more than one of an applicant's saltwater products licenses in any one license year.

(c) A marine life non-transferable dive endorsement (MLN) is not transferable, except in the event of death or permanent disability pursuant to subsection (17).

(7) After initial issuance, no endorsement may be converted from one type to another, except as provided in subsection (12).

(8) No Vested Rights. This marine life effort management program does not create any vested rights for endorsement holders whatsoever and may be altered or terminated by the Commission as necessary to protect the marine life resource, the participants of the fishery, or the public interest.

(9) No person, firm, or corporation shall be issued more than one marine life tiered endorsement type or more than one unique marine life tiered endorsement number.

(10) Effective September 30, 2005, no additional tiered endorsements will be issued and no endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (6). Beginning in the 2006/2007 license year, persons holding an endorsement that was active during

the 2005/2006 license year or an immediate family member of that person must request renewal of the endorsement before September 30 of each year. Failure to renew by September 30 of any year will result in forfeiture of the endorsement.

(11) Requalifying. Beginning with license year 2010/2011, a person renewing a marine life transferable dive (MLD) endorsement must document landings of \$5,000 of marine life species as defined by Rule 68B-42.001, F.A.C., in one of the previous three license years. This endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(12) A marine life transferable dive (MLD) endorsement can be converted to a marine life non-transferable dive (MLN) endorsement after the initial issuance. This MLN is not subject to the requalification requirements of subsection (11). This MLN can never be converted back to a MLD.

(13) A permanent marine life transferable dive (MLD) endorsement shall be available to those persons age 62 and older who held a valid MLD in the previous license year, hold a valid saltwater products license and valid restricted species endorsement at the time of application, and renew the permit pursuant to subsection (10).

(14) Appeals. The Director of the Division of Marine Fisheries Management, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of a commercial marine life tiered endorsement. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot an endorsement to the appellant or uphold the denial of an endorsement.

(a) An appeal of the initial denial or award of a commercial marine life tiered endorsement is initiated by submission and receipt of a completed appeals application (Form DMF-SL4110 (3-05), incorporated herein by reference) to the Director of the Division of Marine Fisheries Management before April 1, 2005.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of January 1, 2004.

(c) Special circumstances that can be considered during appeals shall include:

1. Persons who became disabled or can document hardship during the qualifying period, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

2. Persons who were serving in the military during the qualifying years, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

3. Persons involved in a partnership substantiated by documentation within the qualifying period.

(d) The Executive Director of the Commission may accept or disapprove the recommendations of the Director of the Division of Marine Fisheries Management, 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.

(15) Leasing Prohibited. The leasing of marine life endorsements is prohibited.

(16) Transferability. After the initial issuance, the marine life bycatch (MLB) and marine life transferable dive endorsements (MLD) are transferable upon approval of the Commission under the following conditions:

(a) A transferable marine life endorsement may be sold to an otherwise qualified buyer at fair market value upon approval by the Commission.

(b) The buyer must hold a saltwater products license with a valid restricted species endorsement and the seller must hold a transferable marine life tiered endorsement.

(c) The sale or transfer of a marine life transferable dive endorsement (MLD) will result in the forfeiture of the marine life transferable dive endorsement (MLD) on all other licenses held by the seller.

(d) An endorsement holder may elect to permanently forfeit a marine life bycatch endorsement (MLB), a marine life transferable dive endorsement (MLD), or a marine life non-transferable dive endorsement (MLN) to the Commission.

(e) A person who holds a valid marine life bycatch endorsement (MLB) cannot enter into a purchase agreement for a marine life transferable dive endorsement (MLD) until they sell or permanently forfeit the marine life bycatch endorsement (MLB) at the time of transfer.

(f) A marine life bycatch endorsement (MLB) may be transferred, to any person who holds a saltwater products license with a restricted species endorsement.

(g) A marine life transferable dive endorsement (MLD) may be transferred to any person who holds a saltwater products license with a restricted species endorsement.

(h) If the marine life transferable dive endorsement (MLD) has been applied to more than two saltwater products licenses as specified in paragraph (5)(b), only the initial MLD, which serves as an endorsement for no more than two saltwater products licenses, can be transferred. The sale of this portion of the endorsement, will result in the forfeiture of the endorsement on all other licenses held by the seller.

(i) The marine life non-transferable dive (MLN) endorsement is not transferable except as specified in subsection (17).

(j) A person who wishes to transfer a tiered endorsement shall submit a notarized statement of intent, that has been signed by both parties to the transaction, hand delivered, or sent by certified mail, return receipt requested, to the

Commission between September 1 and November 30 each year. Requests received by the Commission before September 1 or post marked after November 30 of the current license year will not be processed. A transfer request must be received by the Commission within three days of the date of the notarized signature of the intended recipient. The statement of intent (Form DMF-SL4120 (3-05), incorporated herein by reference) shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(k) A marine life tiered endorsement shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full within the transfer period.

(l) Upon receipt of a marine life transferable dive endorsement (MLD), the transferee has 12 months from the date of purchase to produce trip tickets and document income from the sale of marine life as defined in Rule 68B-42.001, F.A.C., in order to renew the endorsement. Once renewed, this endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(17) In the event of the death or permanent disability of a person holding a marine life tiered endorsement, the endorsement may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability only after the recipient pays any outstanding fees, fines, or penalties to the Commission in full.

(18) It is the intent of the Commission that in the event of a decline in the health and abundance of the marine life resources, an endorsement buy back program could be initiated upon approval of funding for such buy back program by the Legislature.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 22, 2004

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.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLES:	RULE NOS.:
Conduct of Public Adjuster	69B-220.051
Ethical Requirements	69B-220.201

PURPOSE AND EFFECT: Rule 69B-220.051, F.A.C., sets forth Department policy as to certain matters generally affecting public adjusters. New language will prohibit compensation for referrals. The rule also requires public adjuster contracts to be in writing, to be signed by the public adjuster, to identify the public adjuster, the insured, the loss, the insurer, policy number, date signed, and compensation structure. The rule also requires disclosure of a right to an attorney, and to choose contractors. Additionally, the rule requires the public adjuster the use quotes from only licensed contractors when formulating estimates. Rule 69B-220.201, F.A.C., is being amended to prohibit incompetence, conflict of interest, and deceptive disparagement of insurers or company adjusters. The rule also creates a 3-day rescission period for public adjuster contracts. The rule also prohibits the public adjuster from accepting a power of attorney from an insured. Also several clarifications and technical adjustments are made to the existing language.

SUMMARY: The rule prohibits public adjusters from paying referral fees, incompetence, conflicts of interest, deceptive disparagement of insurers and their adjusters, and accepting powers of attorney. The rule requires disclosures of information about the public adjuster, fees, right to counsel, and selector of estimators. The rule also provides for a 3-day recession period for public adjuster contracts.

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, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) 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., December 2, 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: Jerry Whitmore, Chief of Agent and Agency Investigation, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE FULL TEXT OF THE PROPOSED RULE IS:

- 69B-220.051 Conduct of Public Adjusters.
 - (1) No change.
 - (2) Definitions. The following definitions shall apply for purposes of this rule.
 - (a) No change.
 - (b) “Department” means Florida Department of Financial Services. “Office” means the Department of Insurance Regulation.
 - (c) through (e) No change.
 - (3) Communications Concerning Public Adjuster Services.
 - (a) through (b) No change.
 - (c) Referrals.
 - 1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster conducts business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.
 - 2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.
 - (4) through (5) No change.
 - (6) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:
 - (a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.
 - (b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as a public adjuster, the contract shall show the public adjuster’s:
 - 1. Permanent home address and home phone number;
 - 2. Permanent home state business address and phone number; and
 - 3. Florida Department license number.

(c) The contract shall show:

1. The insured's full name and street address;
2. Address of loss;
3. A brief description of the loss;
4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e)1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

(7) Required Disclosures.

(a) The public adjuster shall advise insureds and claimants of their right to counsel, and choice thereof, to represent the insured or claimant, and that the choice is to be made solely by the insured or claimant.

(b)1. The insured or claimant shall be notified in advance of the name and location of any proposed contractor, architect, engineer, or similar professional before any bid or proposal by any of these persons is used by the public adjuster in estimating the loss or negotiating settlement.

2. The insured or claimant shall have veto power over the employment or use of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional shall be licensed by the Florida Department of Business and Professional Regulation, if subject to that agency's licensing authority.

(6) through (7) renumbered (8) through (9) No change.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.112(1), 626.865(2), 626.874, 626.9541(1)(b), (i) FS. History--New 4-26-94, Amended 12-18-01, _____.

69B-220.201 Ethical Requirements.

(1) Purpose. This rule sets forth the various ethical considerations and constraints for various classes of insurance adjusters.

(1)(2) Definitions. The following definitions shall apply for purposes of this rule:-

(a) "Adjuster," when used without further specification, refers to and includes all types and classes of insurance adjusters, (company, independent, and public), subject to Chapter 626, Florida Statutes, and regardless of whether resident or nonresident, and whether permanent, temporary, or emergency licensees.

(b) "Client" refers to and includes both clients and potential clients; and means any person who consults with or hires an adjuster to provide adjusting services.

(c) through (d) No change.

(3) Violation.

(a) Violation of any provision of this rule shall constitute grounds for administrative action against the licensee, upon grounds, that include but are not limited to, that the violation demonstrates a lack of fitness to engage in the business of insurance.

(b) Additionally, A breach of any provision of this rule constitutes an unfair claims settlement practice.

(4) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall must put the duty for fair and honest treatment of the claimant above the adjuster's own interests; in every instance. The following are standards of conduct that define ethical behavior:-

(a) The following code of ethics shall be binding on all adjusters:

(b)(a) An adjuster shall disclose all financial interest in any direct or indirect aspect of an adjusting transaction. This includes the following For example: an adjuster shall not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest, or who which person will or is reasonably anticipated to provide the adjuster any direct or indirect compensation for the referral or for any resulting business.

(c)(b) An adjuster shall treat all claimants equally.

1. An adjuster shall not provide favored treatment to any claimant.

2. An adjuster shall adjust all claims strictly in accordance with the insurance contract.

(d)(e) An adjuster shall not never approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

(e)(d) An adjuster shall make truthful and unbiased reports of the facts after making a complete investigation.

(f)(e) An adjuster shall handle every adjustment and settlement with honesty and integrity, and allow a fair adjustment or settlement to all parties without any remuneration to himself except that to which he is legally entitled.

(g)(f) An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim thereof.

(h)(g) An adjuster shall promptly report to the Department any conduct by any licensed insurance representative of this state, which conduct violates any provision of the Insurance Code insurance law or Department rule or order.

~~(i)(h)~~ An adjuster shall exercise extraordinary care when dealing with elderly clients, to assure that they are not disadvantaged in their claims transactions by failing memory or impaired cognitive processes.

~~(j)(+)~~1. An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if ~~the said~~ adjuster has knowledge of such representation, except with the consent of the attorney.

2. For purposes of this subsection, the term “third-party claimant” does not include the insured or the insured’s resident relatives.

~~(k)(+)~~1. An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness’s ~~their~~ appearance or testimony during deposition or at the trial ~~or on the witness stand~~.

2. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement ~~thereof~~.

~~(l)(+)~~ An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel to protect the claimant’s interest.

~~(m)(+)~~1. An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.

2. ~~Further,~~ The adjuster shall not conclude a settlement when ~~the such~~ settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above in (m)1.

~~n.(m)~~1. An adjuster shall not knowingly fail to advise a claimant of the claimant’s ~~their~~ claim rights in accordance with the terms and conditions of the contract and of the applicable laws of this state.

2. An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

~~(o)(+)~~1. A company or independent adjuster shall not draft, ~~unless approved in writing in advance by the insurer and such written communication can be demonstrated to the department,~~ special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, unless advance written approval by the insurer can be demonstrated to the Department.

2. Except as provided above, a company or independent adjuster is ~~only~~ permitted only to fill in the blanks in a release form approved by the insurer they represent.

~~(p)~~ An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster’s current expertise.

~~(q)1.~~ No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

~~(r)1.~~ A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

~~(s)1.~~ No public adjuster, while so licensed in the Department’s records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in the Department’s records, may represent or act as a public adjuster.

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:-

(a) A public adjuster shall advise the insured and claimant in advance of the insured or claimant’s ~~their~~ right ~~to choice~~ of counsel, and choice thereof, to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant.

(b)1. The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement,;

2. ~~and~~ The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional ~~shall~~ must be licensed by the Florida Department of Business and Professional Regulation.

(d) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim.

(e) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.

(f) 1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster ~~shall may~~ compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(g) 1. A public adjuster's contract with a client shall be revocable or cancellable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is entered into, ~~should the insured elect to settle the claim directly with an adjuster representing the insurer.~~

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 3 day cancellation period.

(h) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(i) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Whitmore, Chief of Agent and Agency Investigation, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Fountain, Assistant Director of Agent and Agency Services, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Record Maintenance and Production 69L-6.015
Requirements for Employers

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement Chapter 2003-412, § 13, Laws of Florida, which directs the department to specify by rule the business records that an employer must maintain and produce to comply with the workers' compensation law.

SUMMARY: This amendment identifies business records required to be maintained and produced, prescribes a retention period and a location where records are to be maintained, designates approved media, and provides an effective date.

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: 440.05(10), 440.107(5), 440.591 FS.

LAW IMPLEMENTED: 440.05(10), 440.107(3), 440.107(5) 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: 9:00 a.m., November 30, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.015 Record Maintenance and Production ~~Keeping~~ Requirements for Employers ~~Business Owners~~.

~~In order for the Division to determine that an employer is in compliance with the provisions of Chapter 440, F.S., every business entity conducting business within the state of Florida shall maintain for the immediately preceding three year period true and accurate records. Such business records shall include original documentation of the following, or copies, when originals are not in the possession of or under the control of the business entity:~~

(1) Employers must at all times maintain the records required by this rule and must produce the records when requested by the division pursuant to Section 440.107, F.S. All workers' compensation insurance policies of the business entity, and all endorsements, notices of cancellation, nonrenewal, or reinstatement of such policies.

(2) Identity, organizational, and occupational records. Every employer shall maintain the notice that assigns to the employer its Federal Employer Identification Number (IRS Form 575A); records that identify its business name, such as fictitious name registration; records that identify its business form, such as corporation, limited liability company, or partnership; and a copy of its articles of incorporation or organization, occupational licenses, trade licenses or certifications, and competency cards. All records, including correspondence, pertaining to premium audits.

(3) Employment records. Every employer shall maintain employment records pertaining to every person to whom the employer paid or owes remuneration for the performance of any work or service in connection with any employment under any appointment or contract for hire or apprenticeship. Records indicating for every pay period a description of work performed and amount of pay or description of other remuneration paid or owed to each person by the business entity, such as time sheets, time cards, attendance records, earnings records, payroll summaries, payroll journals, ledgers or registers, daily logs or schedules, time and materials listings.

(a) The employment records required by this subsection shall indicate with regard to every such person:

1. Name of the person.

2. Social Security Number, Federal Employer Identification Number, or IRS Tax Identification Number of the person.

3. Each day, month, and year or pay period when the employer engaged the person in employment.

4. Amount of remuneration paid or owed by the employer for work or service performed by the person. Where remuneration is paid or owed on an hourly basis, the record shall indicate the day, month, and year of work or service and the number of hours worked by the person during each pay period. Where remuneration is paid or owed on any basis other than hourly, the record shall specify the basis, such as competitive bid, piece rate, or task, and indicate the day, month, and year, when remuneration was earned.

(b) In addition, every employer shall maintain the following records for each such person:

1. All checks or other records provided to the person for salary, wage, or earned income.

2. All Form 1099 Miscellaneous Income and Form W-2 Wage and Tax Statements issued to the person.

3. All written contracts or agreements between the employer and the person that describe the terms of employment.

4. All employment and unemployment reports filed pursuant to Florida law.

(4) Tax records. Every employer shall maintain all forms, together with supporting records and schedules, filed with the Internal Revenue Service. All contracts entered into with a professional employer organization (PEO) or employee leasing company, temporary labor company, payroll or business record keeping company. If such services are not pursuant to a written contract, written documentation including the name, business address, telephone number, and FEIN or social security number of all principals if an FEIN is not held, of each such PEO, temporary labor company, payroll or business record keeping company; and

(a) For every contract with a PEO: a payroll ledger for each pay period during the contract period identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed during each pay period by each worker, and the amount paid each pay period to each worker. A business entity may maintain such records or contract for their maintenance by the PEO to which the records pertain.

(b) For every contract for temporary labor: work slips for each day temporary labor services were used identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed each pay period by each worker, and the amount paid each pay period to each worker and by the business entity to the temporary labor company. A business entity may maintain such records or contract for their maintenance by the temporary labor provider to which the records pertain.

(5) Account records. Every employer shall maintain monthly, quarterly, or annual statements for all open or closed business accounts established by the employer or on its behalf with any credit card company or any financial institution, such as bank, savings bank, savings and loan association, credit union, or trust company. All contracts to which the business was or is a party for services performed by an independent contractor, or in the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number if an FEIN is not held, of each independent contractor; and proof of workers' compensation insurance held by each independent contractor during the life of the contract for his/her services or records sufficient to prove that the independent contractor was not required pursuant to Chapter 440, F.S., to have workers' compensation insurance coverage during that time period;

(6) Disbursements. Every employer shall maintain a journal of its check and cash disbursements as well as a copy of each cashier's check, bank check, and money order, indicating

chronologically the disbursement date, to whom the money was paid, the payment amount, and the purpose. All check ledgers and bank statements for checking, savings, credit union, or any other bank accounts established by the business entity or on its behalf; and

(7) Employee leasing company, labor pool, and temporary labor service records. All federal income tax forms prepared by or on behalf of the business and all State of Florida, Division of Unemployment Compensation UCT-6 forms and any other forms or reports prepared by the business or on its behalf for filing with the Florida Division of Unemployment Compensation.

(a) Every employee leasing company licensed under Chapter 468, F.S., including a professional employer organization, shall maintain:

1. Records that indicate the Federal Employer Identification Number of each client company.

2. The application of each client company and contract between the employee leasing company and the client company whereby the employee leasing company assigned its employees to a client company.

3. Records that indicate the name, gross pay, deductions from gross pay, net pay, and rate of pay for every employee assigned to each client company.

(b) Every labor pool under Chapter 448, F.S., shall maintain:

1. The written itemized statement showing in detail the wages and each deduction made from wages paid to each day laborer.

2. The annual earnings summary provided to each day laborer.

(c) Every temporary labor service shall maintain records that identify the name, Social Security Number or IRS Tax Identification Number of each employee who the temporary labor service provided to a client, and the payments to and the pay period, type of service, and location of service performed by each such employee. In addition, the temporary labor service shall maintain records of payments that it received from the client.

(8) Subcontractor invoices. Every employer shall maintain all invoices received from a subcontractor for work or service performed by the subcontractor for the employer.

(9) Workers' compensation insurance and certificates of election to be exempt.

(a) Every employer shall maintain all workers' compensation insurance policies obtained by the employer or on the employer's behalf and all endorsements, declaration pages, certificates of workers' compensation insurance, notices of cancellation, notices of non-renewal, or notices of reinstatement of such policies.

(b) Every employer shall maintain all premium audits, including premium self-audits, together with supporting documentation and correspondence provided by the employer to its workers' compensation carrier.

(c) Every contractor shall maintain evidence of workers' compensation insurance of every subcontractor and for every subcontractor that is a corporation or limited liability company that has an officer or a member who elects to be exempt from the coverage requirements of the workers' compensation law the contractor shall maintain a valid certificate of election to be exempt issued to the officer or member under Section 440.05, F.S.

(d) Every corporation that is actively engaged in the construction industry and has officers who possess valid certificates of election to be exempt issued under Section 440.05, F.S., shall maintain written statements of those exempt officers affirmatively acknowledging each such officer's exempt status. A written statement may be in the form of a copy of a completed DWC 250 (rev. 9/01) Notice of Election to be Exempt as adopted in paragraph 69L-6.009(1)(a), F.A.C.

(e) Every employer who claims that an employee or officer of a corporation is exempt from the coverage requirements of the workers' compensation law shall maintain a valid certificate of election to be exempt issued under Section 440.05, F.S. for that employee or officer of a corporation.

(10) Contracts. Each employer shall maintain:

(a) All complete executed written contracts between it and a general contractor, subcontractor, independent contractor, or employee leasing company licensed under Chapter 468, F.S., that specify the terms of reimbursement and performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship.

(b) Any records that establish the statutory elements of independent contractor prescribed in Section 440.02(15)(d), F.S., for each worker who claims to be or who the employer claims to be an independent contractor and not an employee under the workers' compensation law.

(11) Records retention. An employer under the workers' compensation law shall maintain the records specified in this Rule for the current calendar year to date and for the preceding three calendar years, in original form, whether paper, film, machine readable electronic material, or other media. A legible copy of the original record is an acceptable substitute for the original.

(12) Records location. An employer shall maintain the records specified in this rule at the corporate registered office, principal place of business, or job site in Florida.

Specific Authority 440.05(10), 440.107(5), 440.107(2), 440.591 FS. Law Implemented 440.05(10), 440.107(3), 440.107(5), 440.107(2), 440.591 FS. History—New 2-2-00, Formerly 38F-6.015, Amended 3-26-03, Formerly 4L-6.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Sumner, Deputy Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Penalty Calculation Worksheet
 RULE NO.: 69L-6.027
 PURPOSE AND EFFECT: The purpose and effect of the rule is to adopt a penalty calculation worksheet for use by the Bureau of Compliance in calculating penalties for employers who are found to be out of compliance with Chapter 440, Florida Statutes. The worksheet is utilized either as an independent excel spreadsheet or as a component of the Bureau's CCSA (Coverage and Compliance Automated System) database.

SUMMARY: The purpose of the rule is to facilitate the calculation of penalties pursuant to Section 440.107, F.S., for failure to maintain workers' compensation insurance on employees through the adoption of a form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is expected to be a small cost savings to the state by reducing the number of employee hours used to calculate penalties. No external economic impact is expected because the worksheet is based on a statutory formula, and the amount of the penalties will not change.

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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107 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., December 1, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, 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: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to section 440.107, Florida Statutes, the Division shall use form # DFS-F4-1595 (rev. 9/04) which is incorporated herein by reference.

(2) Copies of this form DFS-F4-1595 (rev. 9/04) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Sumner, Deputy Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Forms Adopted
 RULE NO.: 69O-149.022

PURPOSE, EFFECT AND SUMMARY: To adopt forms for medical discount plans.

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: 636.232 FS.

LAW IMPLEMENTED: Chapter 636 Part II 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: 1:00 p.m., November 22, 2004

PLACE: Room 116, 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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms ~~may be obtained from the Document Processing Section, Division of Administration, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0344.~~ Forms are also available and may be printed from the Office's website: www.fldfs.state.fl.us. ~~All forms may be reproduced at will.~~

(2)(a) Form OIR-B2-1507, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter", rev. 9/04 ~~9/02~~.

(b) Form OIR-B2-1507 A, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", rev. 9/04 ~~9/02~~.

(c) through (jjj) No change.

(kkk) Form OIR-B2-XXXX, "Discount Medical Plan", 09/04.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE CHAPTER TITLE: Prepaid Limited Health Service Organizations and Discount Medical Plan Organizations
RULE CHAPTER NO.: 69O-203

RULE TITLES: Definitions 69O-203.201
Standards for Discount Medical Plans 69O-203.202
Standards for the Form and Content of Advertisements or Merchandising Materials 69O-203.203

Filing, Approval of DMPO Plans, Rates and Related Forms 69O-203.204

PURPOSE, EFFECT AND SUMMARY: To implement discount medical plans filing and review standards as promulgated in HB 1629.

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: 636.232 FS.

LAW IMPLEMENTED: Chapter 636, Part II 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: 1:00 p.m., November 22, 2004

PLACE: Room 116, 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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

PREPAID LIMITED HEALTH SERVICE ORGANIZATIONS AND DISCOUNT MEDICAL PLAN ORGANIZATIONS

PART II DISCOUNT MEDICAL PLAN ORGANIZATIONS

69O-203.201 Definitions.

(1) Charges as referred to in these rules mean both the periodic charges, defined herein and any one-time processing fee as provided in Section 636.208, Florida Statutes.

(2) Contract or Form means the document, by whatever name called; such as agreement, certificate or handbook which describes the benefits under the discount medical Plan.

(3) Discount Medical Plan (Plan) is any arrangement or contract purchased by a member that provides access at a discount to one or more medical services as defined by Section 636.202(4), Florida Statutes.

(4) DMPO is the Discount Medical Plan Organization licensed under Part II of Chapter 636 of the Florida Statute that arranges for plan members, for a charge, to have access to providers of medical services at a discount. It is the entity that contracts with providers, provider networks, or other DMPOs, to provide discount medical services to Plan members and determines the charges to the members.

(5) Periodic Charges as referred to in these rules mean any fees, dues, charges, or other considerations paid by or on behalf of a member for the right of the member to receive benefits of a Plan.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.202 Standards for Discount Medical Plans.

(1) Contracts for all Plans shall include all elements contained in this section:

(a) Name and address of the DMPO;

(b) Telephone number for member assistance and Plan information;

(c) Contracts shall include the name of the group, if applicable, and the name of the member;

(d) Effective date and term of contract;

(e) Space for charges and any one-time processing fee;

(f) Mode of payment (monthly, quarterly, etc. with provision for change of mode if applicable);

(g) Renewal, termination and cancellation conditions;

(h) Benefits to be provided;

(i) All limitations, exclusions and exceptions;

(j) Provisions for adding new family members;

(k) All plan contracts and application forms shall have a unique form number in the lower left hand corner; and

(l) Member complaint procedure.

(2) The contract shall contain the entire agreement with the member. If a group arrangement is involved, contract terms may be included in a member handbook if incorporated by reference.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.203 Standards for the Form and Content of Advertisements or Merchandising Materials.

(1) Such materials must comply with the standards of Section 636.210 and 212, Florida Statutes, and must be truthful and not misleading in fact or implication. Words or phrases shall be clear and understandable.

(2) Deceptive Words, Phrases, or Illustrations Prohibited.

(a) Words, phrases, or illustrations shall not be used in a manner through which they mislead or have the capacity or tendency to deceive or mislead.

(b) No advertising shall give false information, contain untrue, deceptive, or misleading words, phrases, statements, references, or illustrations as to the contract benefits, health conditions covered, charges or processing fee.

(c) An advertisement shall not contain descriptions of a contract limitation, exception, or reduction, worded in a positive manner to imply that it is a benefit. Words and phrases used in an advertisement to describe such contract limitations, exceptions, and reductions shall fairly and accurately describe the negative features of such limitations, exceptions, and reductions of the contract offered.

(d) The term “insurance” may not be used as a descriptive term for DMPO benefits. However, the term “insurance” may be used in a disclaimer of any relationship between DMPO benefits and insurance including the disclosures required in Section 636.212, Florida Statutes.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) The DMPO shall file all charges with the Office and shall file for approval by the Office each of the following before use:

(a) All Plan contracts, to be used or issued in connection with any Plan; and

(b) Any periodic charge for any Plan that is in excess of \$30.00 per month.

(2) All filings shall be submitted to the Office electronically to <https://portal.fldfs.com>.

(3) A filing shall consist of the following items:

(a) A letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new Plan, rate revision or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, the date of the disapproval or withdrawal and previous correspondence between the DMPO and the Office.

(b) Form OIR-1507, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter,” completely filled out in accordance with Form OIR-1507A, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet” as adopted by Rule 69O-149.022, F.A.C.

(c) The material being submitted, which may include one or more of the following:

1. Charges; or

2. Contracts, applications or other forms.

(d) Discount Medical Plan Organization Review Standards Checklist, OIR-B2-1607, as adopted by Rule 69O-149.022, F.A.C.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Robleto, Bureau Chief, Bureau of Life and Health
Forms and Rates, Office of Insurance Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Lisa Miller, Deputy Directory, Life
and Health Forms and Rates, Office of Insurance Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 20, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 17, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-2.004 Standards and Procedures for
 Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 27, July 2, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee and as the result of further Board review at its duly noticed meeting on October 12, 2004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions ~~Each institution~~ applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information,~~ in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (4) No change.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

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

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word “free” or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. through (c)6. No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License: Approved Applicant Status:~~

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

2. ~~Provisional License~~, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. ~~Licensed, and licensed~~ colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan, or teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an