

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com.

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 above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Salary Incentive Program RULE CHAPTER NO.: 11B-14

RULE TITLE: General Program Provisions RULE NO.: 11B-14.002

PURPOSE AND EFFECT: Revises Commission form CJSTC-67.

SUMMARY: Revises Training Report form CJSTC-67.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 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: 10:00 a.m., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 5, 2005 May 6, 2004, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) through (15) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund RULE CHAPTER NO.: 11B-18

RULE TITLE: Regional Training Areas RULE NO.: 11B-18.004

PURPOSE AND EFFECT: Adds a new Commission-certified criminal justice training school to Region IX and X.

SUMMARY: Updates the Commission-certified criminal justice training school list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.25(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):

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THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) through (8) No change.

(9) Region IX.

(a) No change.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.

(10) Region X.

(a) No change.

(b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vocational High Technical Center (Central)/Southwest Florida Public Service Criminal Justice Academy.

(11) through (16) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.:

Training Instructors

11B-20

RULE TITLES:

RULE NOS.:

Definitions and Minimum Requirements

for General Certification of Instructors

11B-20.001

Minimum Requirements for High-Liability

and Specialized Topics Instructor

11B-20.0014

Certification

Inspection of Instructor Certification

Applications

11B-20.0016

Maintenance and Duration of Instructor

Certifications

11B-20.0017

PURPOSE AND EFFECT: Revises Commission forms; clarifies the requirements for obtaining high-liability instructor certification; clarifies when a certified law topic instructor shall be used to instruct cross-over training programs; removes obsolete training programs; and revises the deadline for renewal of instructor certifications.

SUMMARY: Revises Commission forms CJSTC-10, 67, 71, and 84; removes the requirement for completing courses in a specific sequence to obtain certification as a high-liability instructor; removes the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; adds rule language to clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and adds the specific date of March 31st for renewal of instructor certifications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3), (9), 943.13(6), 943.14(3) FS.

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THE FULL TEXT OF THE PROPOSED RULE IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(b) through (g) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference;

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

(1) No change.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor

Certification more than four years from the date training was completed, shall complete an internship and demonstrate the proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) No change.

(b) CMS Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics in Commission-approved Basic Recruit Training Programs, the CMS Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(c) No change.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in Commission-approved Basic Recruit Training Programs, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(e) No change.

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(g) No change.

(h) CMS First Aid Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification

pursuant to paragraph 11B-20.001(3)(b), F.A.C., ~~and prior to~~ successfully complete ~~completing~~ the following training courses through a training school:

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:

1. through 4. No change.

~~5. Traditional Correctional to Law Enforcement Basic Recruit Cross Over Training Program.~~

~~5.6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~6.7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~7.8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~

~~8.9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~

~~9.10. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~10.11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

~~12. Law topics in the Commission-approved Basic Recruit Training Programs that require a law topics certified instructor.~~

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses, an instructor applicant is required to complete the following training:

1. Radar Instructor Certification. An instructor applicant shall successfully complete the Radar Speed Measurement Instructor Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

2. No change.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) through (2) No change.

(3) The effective date of the instructor certification shall be the date the application is approved by Commission staff. Application for additional instructor certification topics shall be made pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. An instructor's renewal date shall not change with the addition of instructor certification topics. Any additional instructor certification topics applied for within six months of the instructor's renewal deadline shall automatically renew on the renewal deadline.

(4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3), (9), 943.14(3) FS. History--New 7-29-01, Amended 11-5-02, 11-30-04,_____.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) Instructors shall successfully complete the instructional, proficiency, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

<u>Original Instructor Certification Date</u>	<u>November 21, 2005</u>
<u>Instructor Four-year Anniversary Date</u>	<u>November 21, 2009</u>
<u>Instructor Renewal Deadline</u>	<u>March 31, 2010</u>

~~(2)(+)~~ Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.0012(2)(c), F.A.C.

~~(3)~~~~(2)~~ Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program Course, or non-CMS Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(4)~~~~(3)~~ CMS General Instructor Certification. Instructors who possess a CMS General Instructor Certification shall instruct in a Commission-approved Basic Recruit Training Program Course, Advanced Training Program Course, or Specialized Training Program Course delivered at a training school, or in-service training course delivered at an agency, once every four years.

~~(5)~~~~(4)~~ High-Liability Instructor Certification. Commission-certified Instructors who possess a High-Liability Instructor Certification shall comply with the following requirements, every four years, to maintain an active certificate for each high-liability certification:

(a) through (c) No change.

~~(6)~~~~(5)~~ Specialized Topics Instructor Certification. Instructors who possess a Specialized Topics Certification shall comply with the following requirements, every four years, to maintain certification:

(a) through (b) No change.

~~(7)~~~~(6)~~ Commission staff and Alcohol Testing Program staff responsible for the oversight of training schools are exempt from the instructor maintenance requirements for Commission certification.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification of Criminal Justice

RULE CHAPTER NO.: 11B-21

Training Schools 11B-21

RULE TITLES: Local Advisement and Definitions 11B-21.001

Criminal Justice Training School

Requirements for Certification and Re-certification 11B-21.005

PURPOSE AND EFFECT: Revises Commission forms and revises the deadline for submitting the Training School Customer Survey to Commission staff.

SUMMARY: Requires the Training School Customer Survey to be conducted twice during the school's certification period versus conducted annually and corrects a typographical error on form CJSTC-202.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2) FS.

LAW IMPLEMENTED: 943.12(3), (5), (7), 943.14, 943.17(1)(g), 943.25(5), (9) 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: 10:00 a.m., January 24, 2006

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THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.001 Local Advisement and Definitions.

(1) through (4) No change.

(5) Training School Customer Survey. With respect to the services provided by training schools, ~~an Annual~~ Satisfaction Survey of officer training needs shall be conducted to maintain on-going communication with criminal justice agencies. The survey shall be conducted twice during the certification period and Annual Satisfaction Survey shall be distributed to criminal justice agencies and returned to Commission staff for compilation of survey findings. The survey findings shall be forwarded to the respective training schools for review and a ~~an annual~~ report containing the compilation of survey findings shall be submitted to the Criminal Justice Standards and Training Commission.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), (7), 943.14, 943.25(5), (9) FS. History—New 7-21-82, Amended 1-26-83, 9-1-83, 1-28-86, Formerly 11B-21.01, Amended 1-2-97, 7-7-99, 11-5-02, 11-30-04,_____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission shall comply with the following requirements:

(1) through (3) No change.

(4) Comply with the driving range facility, equipment, and instructor to student ratio requirements, pursuant to subsection 11B-35.0021(4), F.A.C., and as set forth in the Driving Range Facility and Equipment Requirements, form CJSTC-202, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, when conducting Commission-approved vehicle operations training. Should any driving range proposed for construction after July 1, 1988, deviate from the standards set forth in form CJSTC-202, plans for such construction shall be submitted to Commission staff for initial review, and then to the Commission for final approval or disapproval. Justification for such construction shall include a statement of explanation and supporting documentation justifying the need to deviate from the established standard. A recommendation for deviation from the Commission’s driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) through (11) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History—New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

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DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Certification and Employment or Appointment

RULE CHAPTER NO.: 11B-27

RULE TITLES: Moral Character

RULE NOS.: 11B-27.0011

Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

Maintenance of Officer Certification

Temporary Employment Authorization

Background Investigations

Revocation or Disciplinary Actions;

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

Canine Team Certification

PURPOSE AND EFFECT: Revises Commission forms; revises moral character offenses; revises officer discipline penalty guidelines; revises the penalty range for acts that violate Commission rules and statute; revises the mandatory retraining requirement; and adds a time line for submitting certification eligibility form CJSTC-59 to Commission staff.

SUMMARY: Revises Commission forms CJSTC-4 CMS, CJSTC-58, 74, 76, 83, and 259, and creates forms CJSTC-86 and 86A; removes the moral character offense of “making a false statement”; revises officer discipline penalty guidelines and range of penalties for a DUI in certain circumstances; adds rule language requiring completion of the Law Enforcement Officer Firearms Qualification Standard, every two years, as part of the law enforcement officer’s mandatory retraining requirement for retaining his or her certification; and adds a time line of “30 days of the applicant’s compliance with the certification requirements” to submit the certification eligibility form CJSTC-59 to Commission staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3) FS.

LAW IMPLEMENTED: 943.12, 943.12(3), (17), 943.13, 943.13(7), 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), (7), (8), 943.1701, 943.1715, 943.1716, 943.253 FS.

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THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission's implementation of any of the penalties specified in Sections 943.1395(6) or (7), F.S., a certified officer's failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) through (b) No change.

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

1. through 11. No change.

~~12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty with the intent to mislead or deceive. "Agency duty" means any duty as defined by the agency head, or his or her designee.~~

~~12.13. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S. pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of the ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.~~

(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History—New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) No change.

(2) The employing agency head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission's Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Section 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005 ~~February 7, 2002~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. The following documents shall be reviewed for completeness:

1. through 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

- 12. through 15. No change.
- (4) through (6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History—New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

- 11B-27.00212 Maintenance of Officer Certification.
- (1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer’s completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission’s ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference.

- (5) through (14) No change.

(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission’s approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, created August 4, 2005, hereby incorporated by reference, and maintained in the officer’s employment file.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, Form CJSTC-86, created August 4, 2005, hereby incorporated by reference, and maintained in the officer’s employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission’s ATMS, a completed form CJSTC-86.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer’s certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within

the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended 12-3-03, 11-30-04,_____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

- (1) No change.
- (2) An agency head is authorized to request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

- (a) No change.
- (b) Firearms Range Training. The trainee’s proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference, and maintained in the trainee’s file at the employing agency. The instructor shall qualify the trainee with a handgun using the Commission’s Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee’s file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

- (3) through (5) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History—New 11-5-02, Amended 11-30-04,_____.

11B-27.0022 Background Investigations.

- (1) No change.
- (2) The employing agency shall, at a minimum, use the following background investigation procedures:

- (a) No change.
- (b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 5, 2005 ~~May 6, 2004~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

- (c) through (e) No change.
- (3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04,_____.

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

(1) through (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

	Violation	Recommended Penalty Range
10.	Driving or boating under the influence (316.193 and 327.35, F.S.) Second DUI Offense	Probation with substance abuse counseling Prospective suspension to revocation

11. through 12. No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in

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

1. through 9. No change.

paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 11. No change.

	Violation	Recommended Penalty Range
12.	Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12., F.A.C., with the intent to mislead or deceive	Suspension to revocation
12 13.	Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f), F.A.C.	Revocation

(d) No change.

(6) through (10) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History—New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04,_____.

11B-27.013 Canine Team Certification.

(1) through (2) No change.

(3) Required documentation for certification of a patrol canine team. Documentation of compliance for Commission certification of patrol canine teams shall include:

(a) through (b) No change.

(c) Documentation of successful completion of the Patrol Canine Team Proficiency Examination administered by two Commission-approved canine team evaluators, one of whom is not affiliated with the Commission-certified training school or the agency conducting the training, and one of whom is not affiliated with the agency employing the canine team. A Commission-approved canine team evaluator shall not administer a proficiency examination to a canine assigned to them as a work partner. The proficiency examination shall be

documented on the Patrol Duty Canine Team Proficiency Examination and Equivalency, form CJSTC-83, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

1. through 2. No change.

(4) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History—New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
State Officer Certification Examination	11B-30
RULE TITLES:	RULE NOS.:
State Officer Certification Examination	
General Eligibility Requirements	11B-30.006
Applicant Conduct at Test Site and Notice of Protection of Program Privileges	11B-30.009
Examination Scoring and Grade Notification	11B-30.011
Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key	11B-30.012

PURPOSE AND EFFECT: Revises Commission forms; revises the sanctions imposed on applicants who violate the Commission’s statewide certification examination procedures; and revises the procedures for admission into the examination testing site.

SUMMARY: Revises Commission forms CJSTC-67, 510, 511, and 516; provides flexibility for imposing one or more sanctions for acts committed by an applicant for violating the Commission’s statewide certification examination procedures; and require for security purposes that only the Examination Admission Voucher Form CJSTC-517 shall be allowed in the examination test site.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (18), 943.173(3) FS.

LAW IMPLEMENTED: 943.12(17), 943.13(2), (7), 943.131(2), 943.1397(1), (3), 943.173 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: 10:00 a.m., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.006 State Officer Certification Examination General Eligibility Requirements.

(1) For the purposes of this rule chapter, the terms “successfully completed” and “successfully complete” are defined as being denoted with a “Pass,” pursuant to subsection 11B-35.001(7), F.A.C., on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(2) through (4) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.131(2), 943.1397 FS. History—New 1-10-94, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04.

11B-30.009 Applicant Conduct at Test Site and Notice of Protection of Program Privileges.

(1) through (4) No change.

(5) When the Commission finds that an applicant has committed an act that violates subsections (1)–(3) of this rule section, the Commission applicant shall impose one or more of the following sanctions:

- (a) Have their SOCE declared invalid;
- (b) Forfeit the application fee;
- (c) Be ineligible to apply to take the SOCE in any discipline for a period of five years;
- (d) Be subject to denial of certification by the Commission pursuant to Rule 11B-27.007, F.A.C.;
- (e) Be subject to disciplinary action taken against any currently held Commission certification;
- (f) Be subject to the imposition of other sanctions by the Commission, pursuant to Section 943.13(7), F.S., and Rule Chapter 11B-27, F.A.C.

(6) The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than the Commission-approved Examination Admission Voucher CJSTC-517 an applicant identification, and pencils, ~~certificate of completion, Equivalency of Training Proficiency Demonstration form CJSTC 76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission.~~ An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1)-(3) of this rule section and shall be subject to discipline as described in subsection (5) of this rule section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.

Specific Authority 943.03(4), 943.12(1), (18), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(3), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee’s privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.1397(1) FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, _____.

11B-30.012 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key.

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference. To be eligible to file form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the individual’s SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference. Form

CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), (18) FS. Law Implemented 943.12(17), 943.173 FS. History—New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation	11B-35.002
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training	11B-35.003
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Exemption from Basic Recruit Training	11B-35.009

PURPOSE AND EFFECT: Revises Commission forms; revises course names and hours in the Commission’s basic recruit training programs for law enforcement, correctional, and correctional probation; and revises course names and hours in the Commission’s advanced specialized training program courses.

SUMMARY: Revises Commission forms CJSTC-4 CMS and 7 CMS and CJSTC-9, 67, and 76A; decreases course hours in the Traditional Correctional Basic Recruit Training Program and

cross-over training programs; retires the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training program and include provisions for completion of the program prior to implementation of the new CMS Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; corrects basic recruit training program course names; revises and adds advance and specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), (2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.175, 943.17(1), 943.17(1)(a), 943.25 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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: 10:00 a.m., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8615

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (6) No change.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than

75% on the end-of-course examination, exclusive of demonstration of proficiency skills in the ~~High-Liability Basic Recruit Training Courses~~.

(c) through (e) No change.

(8) No change.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a "standardized delivery" of statewide training curricula. A CMS Field-Test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

(a) through (f) No change.

(g) Not withstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

1. A basic recruit student who is unable to graduate from a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by March 31, 2006.

(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

(b) through (c) No change.

(11) through (15) No change.

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs that provide the minimum required knowledge and proficiency

skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

(a)	Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004)	672.0 hours
(b)	Traditional Correctional Basic Recruit Training Program	532.0 hours
(c)	Traditional Correctional Probation Basic Recruit Training Program	412.0 424.0 hours
(d)	CMS Application-Based Law Enforcement Basic Recruit Training Program	760.0 hours
(e)	Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program	156.0 hours
(f)	Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program	134.0 150.0 hours
(g)	Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005)	302.0 hours
(h)	Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program	434.0 hours
(i)(+)	Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program	172.0 180.0 hours
(j)(+)	Traditional Correctional Probation to <u>Law Enforcement</u> Correctional Basic Recruit Cross-Over Training Program	412.0 hours
(k)(+)	Traditional Correctional Probation to <u>Correctional</u> Law Enforcement Basic Recruit Cross-Over Training Program	256.0 hours
(l)(+)	Law Enforcement Auxiliary Officer Basic Recruit Training Program	302.0 294.0 hours
(m)(+)	Correctional Auxiliary Officer Basic Recruit Training Program	254.0 hours
(n)(+)	Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.	

(2) through (7) No change.

(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall

successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

(a) No change.

(b) Traditional Correctional Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJD_770	46.0
2.	Criminal Justice Legal 2	CJD_771	22.0
3.	Criminal Justice Communications	CJD_772	42.0
4.	Interpersonal Skills 1	CJD_773	62.0
5.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
8.	Interpersonal Skills 2	CJD_750	50.0
9.	Emergency Preparedness	CJD_741	26.0
10.	Correctional Operations	CJD_752	64.0
11.	CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL		532.0

(c) Traditional Correctional Probation Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0
2.	Correctional Probation Operations	CJD_791	16.0
23.	Correctional Probation Interpersonal Skills	CJD_792	68.0
34.	Correctional Probation Communication Skills	CJD_793	70.0
45.	Correctional Probation Supervision	CJD_794	58.0 54.0
56.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
67.	CMS Correctional Probation Firearms	CJK_0255 FBA	16.0
78.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
89.	Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	Total		412.0 424.0

(d) CMS Application-Based Law Enforcement Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Introduction and Law	CJK_0006	67.0
2.	Human Issues	CJK_0010	50.0
3.	Communications	CJK_0015	77.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8.	Patrol	CJK_0060	57.0
9.	Investigations	CJK_0070	53.0
10.	Investigating Offenses	CJK_0075	40.0
11.	Traffic Stops	CJK_0080	62.0
12.	Traffic Crash Investigations	CJK_0085	32.0
13.	Tactical Applications	CJK_0090	54.0 14.0
14.	Criminal Justice Special Topics	CJK_0095	20.0
	Total		760.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) through (d) No change.

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the “Law Enforcement Discipline” to the “Correctional Probation Officer Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2.	Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3.	Correctional Probation Operations	CJD_791	16.0
	Total		134.0 150.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005). A correctional officer shall

complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2.	Law Enforcement Legal 3	CJD_730	32.0
3.	Law Enforcement Patrol	CJD_731	64.0
4.	Law Enforcement Traffic	CJD_732	46.0
5.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6.	Law Enforcement Investigations	CJD_734	64.0
	Total		302.0

(g) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Law Enforcement Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2.	Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3.	Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	Patrol	CJK_0060	57.0
6.	Investigations	CJK_0070	53.0
7.	Investigating Offenses	CJK_0075	40.0
8.	Traffic Stops	CJK_0080	62.0
9.	Traffic Crash Investigations	CJK_0085	32.0
	Total		434.0

(h)(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the “Correctional Discipline” to the “Correctional Probation Discipline”:

	Course Name	Course Number	Course Hours
1.	Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2.	Cross-Over Correctional to Correctional Probation	CJD_775	14.0 26.0
3.	Correctional Probation Communication Skills	CJD_793	70.0
4.	Correctional Probation Supervision	CJD_794	58.0 54.0
	Total		172.0 180.0

(i)(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Law Enforcement Discipline”:

1. through 7. No change.

(j)(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the “Correctional Probation Discipline” to the “Correctional Discipline”:

1. through 5. No change.

Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.0024 Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) through (2) No change.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (b) No change.

(c) CMS Criminal Justice Firearms Course.

1. No change.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

3. No change.

(d) through (f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

(h) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Community Interaction		6
3.	Introduction to Basic Law		24
4.	Post Crime Considerations		6
5.	Introduction to Traffic		5
6.	Field Activities		12
7.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
	Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		94
(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d)	CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
	Total Law Enforcement Auxiliary Officer Program Hours		302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

	Topic Areas	Course Number	Minimum Hours
1.	Administration		1
2.	Legal		24
3.	Report Writing		4
4.	Safety Issues		4
5.	Interpersonal Skills		5
6.	Security Procedures and Inmate Supervision		4
7.	Equipment		2
8.	Facility Movement		4
9.	Correctional Operation and Intake Procedures		1
10.	Inmate Property		2
11.	Search Procedures		3
12.	CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
	Total Correctional Auxiliary Officer Prerequisite Course Hours		94

(b)	CMS Criminal Justice Firearms	CJK_0040	80
(c)	CMS Criminal Justice Defensive Tactics	CJK_0050	80
	Total Correctional Auxiliary Officer Program Hours		254

(7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, _____.

11B-35.006 Advanced Training Program.
 (1) No change.

(2) The following is a complete list of Advanced Training Program Courses:

Course Number	Course Name	Course Hours
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and Management Techniques Resolution	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
098	Traffic Homicide Investigation	80 hours
100	Crimes Against the Elderly and Disabled	40 hours
809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
1100	*Field Training Officer Course for Correctional and Probation Officers	40 hours
<u>1151</u>	<u>Conducting Background Investigations</u>	<u>40.0 TBA</u>
<u>1152</u>	<u>Investigation and Supervision of Officer Involved Shootings</u>	<u>40.0</u>

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

(3) through (4) No change.

(5) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) No change.

(b) A Laser Operator Performance Report, form CJSTC-9, revised ~~May 5, 2005~~ ~~May 6, 2004~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History—New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04.

11B-35.007 Specialized Training Program.

(1) through (3) No change.

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

(a) through (cc) No change.

	Course Number	Course Names	Course Hours
(dd)	1149	CMS Special Populations Course	32.0
(ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6.0

(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,_____.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (5) No change.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall, within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.131(2) FS. History—New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Donna Hunt, Government Operations Consultant, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Breath Test Operator and Agency Inspector	11D-8.008
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Revisions to the above rules are necessary to address new instrumentation for use in Florida.

SUMMARY: Revisions to Chapter 11D-8, F.A.C., concerning regulation and implementation of Florida's implied consent and alcohol testing program. The revisions govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; use and maintenance of breath test instruments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) 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, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., January 24, 2006

PLACE: 1819 Miccosukee Commons, Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Donna Hunt at (850)410-8615 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

11D-8.002 Definitions.

(1) through (12) No change.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (26) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3., FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) through (2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Rev. August 2005 for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. August 2005 ~~March 2004~~ for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency

Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 - Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) through (3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. August 2005 ~~March 2004~~, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2004.

(5) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04, _____.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (d) No change.

(e) Submit to the Department a complete written application and proof of course completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion.

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written application and proof of course completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion.

- (d) No change.
- (3) through (8) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04.

11D-8.015 Denial, Revocation, and Suspension of Permits.

- (1) through (2) No change.
- (3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

- (b) through (e) No change.
- (4) through (6) No change.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History—New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

- FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.
- FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.
- FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004.
- FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.
- FDLE/ATP Form 26 – Department Inspection Report – Revised March 2004.
- FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.
- FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004.
- FDLE/ATP Form 35 – Department Inspection Procedures – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004~~.
- FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.
- FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – Revised August 2005.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2., (f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a), (b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History—New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02, 12-9-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, telephone number (850)410-7810

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Ramage, General Counsel, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE CHAPTER TITLE: Edward Byrne Memorial Justice Assistance Grant Program

RULE CHAPTER NO.:

11D-9

RULE TITLES: Definitions

RULE NOS.:

11D-9.001

Funds Availability for JAG-Countywide and JAG Direct

11D-9.002

Limitations on Funds Use

11D-9.003

Eligible Purposes and Programs

11D-9.004

Application and Award Procedures for JAG-Countywide and JAG-Direct

11D-9.005

Forms and Instructions

11D-9.006

PURPOSE AND EFFECT: Revises rule language to comply with the requirements for merging the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program. Repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

SUMMARY: Updates and clarifies rule language to conform to federal program requirements governing the merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program with the Local Law Enforcement Block Grant (LLEBG) Program; Identifies two federal funding streams (60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct); and repeals Rule 11D-9.003, F.A.C., Limitations on Funds Use and Rule 11D-9.004, F.A.C., Eligible Purposes and Programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.403 FS.

LAW IMPLEMENTED: 943.25(1), 943.402 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: 10:00 a.m., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clayton Wilder, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-8700

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting Clayton Wilder at (850)410-8700 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULES IS:

~~EDWARD BYRNE MEMORIAL JUSTICE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM~~

11D-9.001 Definitions.

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended.

(2) "BJA" means the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

(3) "JAG" ~~"Byrne Program"~~ means the Edward Byrne Memorial Justice Assistance Grant Program ~~Memorial State and Local Law Enforcement Assistance Formula Grant Program~~.

(4) "JAG-Countywide" means the 60% funding stream that was formerly known as the Byrne Program.

(5) "JAG-Direct" means the 40% funding stream that was formerly known as the Local Law Enforcement Block Grant Program.

~~(4) "CJRI Plan" means the Criminal Justice Records Improvement Plan.~~

~~(5) "Criminal History Records (CHR) Set-aside Funds" means that percentage of available Anti-Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized~~

~~by state and local units of government for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records.~~

(6) "Criminal Justice System" means agencies established by state and local units of government to apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders.

(7) "Department" means the Florida Department of Law Enforcement.

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.002, 11D-9.003, 11D-9.004 and 11D-9.005, F.A.C.

~~(9) "Florida's Federal Funding Work Group" means the organizational body which will provide recommendations to the Department regarding the state's effort to improve the contents of Florida's Criminal History Records in accordance with the requirements of the federal Anti Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks.~~

~~(9)(10)~~ "Local Applicant" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior.

~~(10)(11)~~ "OCJG" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement.

~~(11)(12)~~ "State Applicant" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act.

~~(12)(13)~~ "Statewide Strategy for Drug Control, Violence Prevention, and System Improvement" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.

~~(13)(14)~~ "Substance Abuse and Violent Crime Identification Matrix" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended 11-5-02,_____.

11D-9.002 Funds Availability for JAG-Countywide and JAG Direct.

(1) JAG-Countywide. The amount of funds available shall be that amount allocated each federal fiscal year to the State of Florida by the federal government under the Act and appropriated by the legislature.

(2) The Department shall attempt to obligate all of the funds available in the current federal fiscal year, but may obligate part or all of the funds in a later federal fiscal year, when permitted by Federal law and applicable Florida Statutes.

~~(3) The percentage of funds obligated to state units of government, in the aggregate, shall be no more than that percentage equal to the state government share of total state and local criminal justice expenditures as determined annually by the BJA.~~

~~(a) Based on appropriations by The Florida Legislature the Department shall notify in writing those state agencies known to have been appropriated a portion of the Act funds, including CHR set aside funds. Such notice shall identify funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.~~

~~(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.~~

(4) The percentage of federal funds obligated to local units of government, in the aggregate, shall be no less than the percentage equal to the local government share of total state and local criminal justice expenditures as determined annually by the BJA.

(3)(a) The Department shall establish a Substance Abuse and Violent Crime Identification Matrix which, ~~less Criminal History Records Set aside Funds~~, shall be used, in conjunction with population, to determine the amount of funds allocated to each county in accordance with paragraph 11D-9.002(4)(c), F.A.C., of this subsection. Through analysis of statewide databases, the Department shall determine the rate, trend and magnitude of the following group indices and their identified variables for the most recent five years of available data in each of Florida's counties:

~~(a)1.~~ Violent Crime Index.

~~1.a.~~ Number of Burglary Offenses.

~~2.b.~~ Number of Larceny Offenses.

~~3.e.~~ Number of Robbery Offenses.

~~4.d.~~ Number of Murder Offenses.

~~(b)2.~~ Juvenile Involvement in Drugs Index.

~~1.a.~~ Number of juveniles arrested for sale and possession of marijuana.

~~2.b.~~ Number of juveniles arrested for sale and possession of cocaine.

~~3.e.~~ Drug Arrest Index. Number of arrests for sale and possession of any drug.

~~(c)4.~~ Cocaine Factor Index. Number of arrests for sale and possession of cocaine.

~~(4)(b)~~ Based on the rate, trend and magnitude of these indices in each county relative to every other county, the Department shall generate a listing of the counties. Such listing shall be generated every two years.

~~(5)(e)~~ Each county shall be allocated a percentage of local share federal funds equal to one-half of the sum of that county's percentage of statewide need as determined by the Substance Abuse and Violent Crime Identification Matrix plus that county's percentage of the total state population.

~~(6)(d)~~ Each application for local share JAG-Countywide Byrne Program funds shall represent agreement on expenditure of grant funds among at least 51 percent of the local units of government which also represent at least 51 percent of the population within the geographic boundaries of the applicant's county.

~~(7)(e)~~ In the event that at least 51 percent of the units of government which also represent at least 51 percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.

~~(5) The Department shall allocate local CHR set-aside funds to the criminal justice system for the purpose of improving the completeness, accuracy and timely submission of information contained in the Florida Department of Law Enforcement's offender criminal history records. The recommendations of the Florida Federal Work Group shall be considered by the Department prior to such allocation.~~

~~(a) Local recipients of CHR set-aside funds shall be notified by the Department.~~

~~(b) The requirement for 51 percent letters that applies to other local applications does not apply in this case.~~

(8) JAG-Direct. BJA determines eligibility of JAG-Direct funds. Distribution of JAG-Direct funds will be determined by using the latest available UCR data and distributed to local units of government.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.003, Amended 3-8-99, Formerly 9B-61.003, Amended 11-5-02,_____.

11D-9.003 Limitations on Funds Use.

~~Restrictions on the use of monies for routine equipment, personnel costs, construction and supplanting of state and local funds, land acquisition, and the number of months applicants may receive financial support are as follows:~~

~~(1) Equipment and Hardware. The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is utilized in an approved program.~~

~~(2) General Salaries and Personnel Costs. Payment of personnel costs with grant funds is prohibited unless the costs for services are directly related to the grant as a part of a program. Grant funds may be used to compensate personnel for time engaged in conducting or participating in training programs or to compensate personnel engaged in research, development, demonstration or short-term programs related to the purposes of the Act.~~

~~(3) Construction. Use of the grant funds for construction projects is prohibited, except construction of correctional facilities.~~

~~(4) Land Acquisition. Acquisition of land with grant funds is prohibited.~~

~~(5) Non-Supplantation. Grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of grants funds, be made available for drug and violent crime law enforcement activities.~~

~~(6) Projects which have received grant funds made available under the Act for an aggregate of 48 calendar months, including funds received under the Anti Drug Abuse Act of 1986 and the Justice Assistance Act of 1984, shall not be considered an eligible project in any subsequent funding cycle, except for the following projects:~~

~~(a) Administration.~~

~~(b) Victims Assistance Programs, or Multijurisdictional Gang or Drug Task Forces.~~

~~(c) Criminal History Records when waived by BJA, because it is essential to continue funding a particular subgrantee to complete an individual project beyond 4 years in order to achieve the goals established by the Act and State's approved CJRI Plan.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.006, 9B-61.006, Amended 11-5-02, Repealed _____.

11D-9.004 Eligible Purposes and Programs.

~~The Act provides that funds may only be used for the purposes as authorized by Congress pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended. Any other uses or proposed uses shall be denied.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.007, 9B-61.007, Amended 11-5-02, Repealed _____.

11D-9.005 Application and Award Procedures for JAG-Countywide and JAG-Direct.

(1) JAG-Countywide Notification Process for State Applicants.

(a) The Department shall notify in writing state agencies that are appropriated a portion of the JAG-Countywide funds. Such notice shall identify the funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(c) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(2)(1) JAG-Countywide Notification Process for Local Applicants.

(a) To initiate a funding cycle, the Department shall notify all eligible agencies and jurisdictions through publication in the Florida Administrative Weekly. The funding cycle shall be advertised in the Florida Administrative Weekly at least 30 days prior to the deadline for submitting applications.

(b) In addition to the notice specified in paragraph (1)(a) of this section, the Department shall send notice of the funding cycle and a program announcement to the Chairman, Board of County Commissioners, in each county. The Department shall also provide a courtesy copy of said notice and program announcement to the Chief Elected Official of the governing body of each city located in each county so notified.

(c) The Chairman, Board of County Commissioners, in each county so notified shall return to the Department within 30 days of receiving notification, a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county. When the county identifies a county coordinator, the Department shall send application forms to the coordinator.

(d) In the event the county declines to serve as the coordinating unit of government, the Department shall request the governing body of each municipality, in descending order of population, to serve as the coordinating unit of government.

(3)(2) JAG-Countywide Local Application Process.

(a) Each applicant is encouraged to appoint a Substance Abuse and Violent Crime Policy Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and

Violent Crime Policy Advisory Board shall serve as the primary body for coordinating drug abuse efforts undertaken with funds provided by the Act.

(b) Each applicant is encouraged to designate an Office of Substance Abuse and Violent Crime Policy for the purposes of:

1. Providing administrative support to the Substance Abuse and Violent Crime Policy Advisory Board;
2. Preparing an application on behalf of at least 51 percent of the local units of government that also represents at least 51 percent of the population in the applicant's county;
3. Administering funds received from the OCJG, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustment, accounting, auditing and fund disbursements; and
4. Coordinating the drug control and violent crime prevention and enforcement activities of the county's criminal justice system, education system and drug treatment systems.

(c) An office or agency performing other functions within the applicant unit of government may be designated as the Office of Substance Abuse and Violent Crime Policy.

(d) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(e) The Department shall review all applications for JAG-Countywide Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

(4) JAG-Direct Notification Process for Local Applicants. To initiate a funding cycle, the Department shall send notice of the funding cycle and a program announcement to the local agency head, being the mayor of the city or the chairman, in each county.

(5) JAG-Direct Local Application Process.

(a) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(b) The Department shall review all applications for Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended 6-22-00, Formerly 9B-61.008, Amended 11-5-02,_____.

11D-9.006 Forms and Instructions.

Copies of the materials and forms incorporated by reference herein may be obtained by writing or calling: Office of Criminal Justice Grants, Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, Telephone (850)410-8700.

Forms Required

- (1) Financial Claims Report OCJG-001 (rev. October 2005 03/25/2002)
- (2) Financial Closeout Package OCJG-002 (rev. October 2005 03/25/2002)
- (3) Project Generated Income Agreement OCJG-003 (rev. October 2005 03/25/2002)
- (4) Program Generated Income Report OCJG-004 (rev. October 2005 03/25/2002)
- (5) Application for Funding Assistance OCJG-005 (rev. April 2005 03/25/2002)
- (6) Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Subgrantee Certification OCJG-006 (rev. October 2005 03/25/2002)
- (7) Certification of Compliance with Equal Employment Opportunity (EEO) Program Requirements/Criminal Justice Agency Certification OCJG-007 (rev. October 2005 03/25/2002)
- (8) Confidential Funds Certification OCJG-008 (rev. October 2005 03/25/2002)
- (9) Criminal Intelligence System Certification OCJG-009 (rev. October 2005 03/25/2002)
- (10) Automated Data Processing (ADP) Equipment and Software and Criminal Justice Information and Communication Systems Request for Approval Form OCJG-010 (rev. October 2005 03/25/2002)
- (11) Sole Source Justification for Services and Equipment Form OCJG-011 (rev. October 2005 03/25/2002)
- (12) Certification of Acceptance of Subgrant Award OCJG-012 (rev. October 2005 03/25/2002)

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended 6-22-00, Formerly 9B-61.009, Amended 11-5-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Clayton Wilder, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-8615

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administrator Clayton Wilder, Florida Department of Law Enforcement, Office of Criminal Justice Grants

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF LAW ENFORCEMENT

Violent Crime and Drug Control Council

RULE CHAPTER TITLE: Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account

RULE CHAPTER NO.: 11N-1

RULE TITLES: Drug Control Investigative Funding Limitations on Drug Control Investigative Funding Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding Procedures for Funding Requests for Drug Control Investigative Funding Contributions Victim/Witness Protection Program

RULE NOS.: 11N-1.0022 11N-1.0031 11N-1.005 11N-1.0051 11N-1.006 11N-1.009

PURPOSE AND EFFECT: To clarify language concerning matching funding for the Violent Crime and Drug Control Strategy Implementation Account, update the name of the database used in tracking drug crime, funding request deadline is changed to allow staff more time to process requests, clarify when and how overtime and leave records for members paid from Council funding is addressed, ensure that penalty language for agencies violating the rule are clear and the information agencies send to FDLE is received in a timely manner, clarify which forms must be sent to which workgroup, change the recipient for Victim/Witness applications from an individual to a position.

SUMMARY: Methods for requesting funding and reporting expenses for the Violent Crime and Drug Control Strategy Implementation Account.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 943.03(4), 943.042 FS.

LAW IMPLEMENTED: 943.031, 943.042 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: 10:00 a.m., January 24, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE MAKING AND A COPY OF THE PRELIMINARY DRAFT IS: Joyce Gainous-Harris, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, telephone number: (850)410-7096
NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting the FDLE Office of Human Resources at (850)410-7900 or TDD Number (850)656-9597.

THE FULL TEXT OF THE PROPOSED RULE IS:

11N-1.0022 ~~Matching~~ Drug Control Investigative Funding.

(1) In determining whether requests for drug control matching funding relate to multi-agency or statewide drug control or illicit money laundering investigative or task force efforts that:

(a) Significantly contribute to achieving the state’s goal of reducing drug-related crime as articulated by the Office of Drug Control;

(b) Represent a significant illicit money laundering investigative effort; or

(c) Otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council, the following criteria shall be considered:

1. Mandatory Factors:

a. through g., No change.

h. The proposed investigative effort shall provide that all known targets in a drug investigation proposed to be funded by the Council funds shall be entered into the “InSite” “DrugNet” database maintained by the Florida Department of Law Enforcement. The funding request shall indicate that such entry has been accomplished. All targets becoming known after application to the Council or after funding by the Council or both shall be promptly entered into “InSite” “DrugNet.” All drug seizures related to drug control Council funded investigations shall be entered into “Insite.” Upon failure to make such entry, the Council is authorized to suspend funding not yet provided and to direct refund of all unexpended funds previously provided by the Council.

2.a. through i., No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Amended 11-5-02, 12-3-03,_____.

11N-1.0031 Limitations on ~~Matching~~ Drug Control Investigative Funding.

(1) Requests for ~~matching~~ funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account shall be limited to case-related investigative expenses, salary and overtime for the efforts of

officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

(2) Each ~~matching~~ funding request shall designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council. Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that agency match funding is available from the new agency and that all requirements of Rule 11N-1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N-1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain agency match funding before presenting its package, with the lead agency's endorsement, to the Chairperson of the Council.

(c) The Council Chairperson shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) No change.

(5) ~~Matching~~ Funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Department of Financial Services, ~~Florida Comptroller's Office of Financial Investigations~~, or a troop of the Florida Highway Patrol.

However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

(6) Limits Upon Drug Control Matching Funding.

(a) The maximum ~~matching~~ funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive ~~matching~~ funding up to \$100,000.

(b) No law enforcement agency as defined herein may receive more than \$200,000 in Council drug control matching funds during the agency's fiscal year.

(c) In each agency fiscal year, payment of overtime with Council matching funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.

(d) The Council may fund all, a portion, or none of a proposed investigative effort seeking drug control matching funding.

(e) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03,_____.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~thirty fifteen~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(3) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03,_____.

11N-1.0051 Procedures for Funding Requests for ~~Matching~~ Drug Control Investigative Funding.

(1) No change.

(2) All requests for ~~matching~~ drug control investigative effort funds from the Violent Crime and Drug Control Council must be developed in conjunction with, and approved by, the Team in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the Team will be considered by the Council.

(3) Prior to submitting a request for drug control matching funds to the Department of Law Enforcement for review and consideration for Council funding, the Team shall assure that the various requirements of this rule have been satisfied. The Team shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the Team shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The Team shall assure that the

funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) through (6), No change.

(7) The Office of Statewide Intelligence (OSI) shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases OSI believes should receive funding priority and the amount of drug control matching funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council matching funding.

(8) The Council will make its drug control matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) No change.

(10) Council-provided drug control matching funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining their amount of agency match funds ~~to be matched by the Council provided funds.~~

(11) No change.

(12) In order to assure careful consideration of original requests for drug control matching funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the Office of Statewide Intelligence no later than 30 days prior to the meeting of the Council in which the request for matching funding might be considered.

(13) Agencies seeking drug control matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control matching funds. The head of each requesting agency that seeks to receive Council drug control matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded

investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, ~~Matching~~ Drug Control & Money Laundering Application, revised 12/03/2004 ~~10/07/01~~, incorporated by reference.

(14) Funding Calculations.

(a) In calculating the amount being provided ~~by~~ as an ~~requesting~~ agency match ~~for which matching Council funds may be provided~~, the Council shall consider:

1. The base salary (including benefits and taxes) and overtime compensation pledged (including benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) No change.

(15) Council-provided funds shall not be used for any purposes ~~used~~ by the requesting agency in calculating its agency match ~~contribution to be matched by Council Funds.~~ Where an employee's overtime has been pledged by an agency as a match ~~contribution to be matched by Council funds~~, no Council-provided funds may be used for the employee's overtime until such time as the agency's ~~pledged~~ match overtime funding has been completely expended. Council Matching funds shall not be used to purchase or lease vehicles, vessels, aircraft or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Council Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in Council matching funds may be applied to an employee's overtime (including benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Council Matching Funding Documentation.

(a) Agencies receiving drug control matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004A, ~~Matching~~ Drug Control Quarterly Report, revised 12/03/2004 ~~10/08/02~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by

a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/OSI-004B, Drug Control Bi-Annual Report, revised 12/03/2004, hereby incorporated by reference.

(b) Agencies receiving ~~matching~~ Council funding shall retain documentation supporting the amounts and purposes of expenditures made from ~~matching~~ Council funds, the amounts and purposes of expenditure of agency match funds pledged as the basis for the amount of funds to be matched by the Council, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with either FDLE/OSI-004A or FDLE/OSI-004B.

(c) Agencies receiving ~~matching~~ Council funding shall provide such other information as ~~may be~~ required by the Council or the Office of Statewide Intelligence in its capacity as support staff, to assist ~~the Council~~ in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and OSI in fulfilling their ~~its~~ role to monitor the performance of funded investigations.

(17) No change.

(18) If an agency receiving Council ~~matching~~ funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the ~~matching~~ funding received from the Council.

(19) If agencies receiving Council funding fail to submit the required forms, FDLE/OSI-004A or FDLE/OSI-004B, by the stated deadline, the Council Chair in consultation with FDLE/OSI staff is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of the funded agencies will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting either form FDLE/OSI-004A or FDLE/OSI-004B by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03,_____.

11N-1.006 Contributions.

Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the

funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving ~~matching~~ Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further ~~matching~~ funding efforts.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01,_____.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to ~~FDLE, OSI the Victim and Witness Protection Review Committee~~, at least 30 ~~15~~ days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting.

Application information and dates of scheduled VCDCC meetings can be found at: <http://osiweb.fldle.flcfn.net/VCDCC/vwcases/vwapplication.htm>.

(3) Completed forms shall be mailed to: Chairperson, Florida Violent Crime & Drug Control Council, c/o Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302-1489, Attn: Violent Crime Agent/Office of Statewide Intelligence ~~Attn: SA Kris Cullen/Office of Statewide Intelligence~~.

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History--New 12-3-03, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Joyce Gainous-Harris, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308-1489, telephone number: (850)410-7096

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Special Agent Supervisor Jennifer Pritt, Florida Department of Law Enforcement, Office of Statewide Intelligence

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Incorporation by Reference	14-15
RULE TITLE:	RULE NO.:
Safety and Security Oversight Program	
Standards Manual for Fixed Guideway	
Transportation Systems	14-15.017

PURPOSE AND EFFECT: This new rule incorporates by reference a new manual, entitled, *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*. Upon adoption of this new rule, Rule Chapter 14-55, F.A.C., Fixed Guideway Transportation Systems Safety Criteria, will be repealed in its entirety.

SUMMARY: The *Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems*, February 2006, edition, is being incorporated by reference within this rule. Upon adoption as a rule, Rule Chapter 14-55, F.A.C., Fixed Guideway Transportation Systems Safety Criteria, will be repealed.

SPECIFIC AUTHORITY: 341.061 FS.

LAW IMPLEMENTED: 341.041, 341.061 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.017 Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems.

The Safety and Security Oversight Program Standards Manual for Fixed Guideway Transportation Systems, February 2006, edition, 725-030-014, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450, or on line at www.dot.state.fl.us/transit.

Specific Authority 341.061 FS. Law Implemented 341.041, 341.061 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Johnson, Administrator, Transit Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2005

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: Law Libraries
 RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: revise population threshold requirements for law library collections; correct references to court forms; revise forms for clarity; and revise the procedure for addressing inmates' failure to return borrowed law library materials.

SUMMARY: The proposed rule: raises the threshold for minor collections from 400 to 500 inmates; eliminates starter collection law libraries; eliminates language allowing law libraries to suspend confinement services for failure to return materials and substitutes language providing for disciplinary action; revises reference to court forms provided by law library; and revises Form DC5-152, Law Library Interlibrary Loan Request, for clarity.

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, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) through (k) No change.

(l) Major collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution

and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph ~~(5)(4)(b)~~.

(m) Minor collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph ~~(5)(4)(b)~~.

(n) through (s) No change.

~~(t) Starter collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary.~~

~~(u) Working day: refers to any weekday, i.e., Monday to Friday, except when the day is an official state holiday.~~

(3) No change.

(4) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) through (e) No change.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. Research items shall be loaned for a maximum of 21 days. Inmates who fail to return ~~If research items are not returned to the law library within 21 days, then the inmate's privilege to borrow research items from the law library shall be subject to disciplinary action as provided in Rules 33-601.301-314, F.A.C suspended until the material is returned.~~ Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(5) Major; and minor ~~and starter~~ collection law libraries.

(a) Major or minor collection law libraries shall be established at all institutions and satellite correctional facilities housing more than ~~500~~ 400 inmates. ~~Starter collection law libraries shall be established at institutions and satellite correctional facilities housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library~~

~~collections.~~ In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:

1. through 5. No change.

(b) No change.

(c) Major; and minor ~~and starter~~ collections shall be maintained in a current condition by annual subscription service. The library services administrator shall be responsible for ensuring that all legal collections are current and complete.

(d) through (e) No change.

(f) Requests for the addition or deletion of titles in major; and minor; ~~and starter~~ law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief of the bureau of programs. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation is approved, the materials shall be ordered and placed in the appropriate law library collections.

(g) No change.

(6) Interlibrary loan services for law libraries.

(a) Major collection law libraries shall provide research assistance to minor ~~and starter~~ collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance. Form DC5-152 is incorporated by reference in subsection (11) of this rule. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate.

(b) No change.

~~(c) Inmates at facilities with starter collection law libraries, who need access to legal materials in major or minor collection law libraries, shall submit Form DC5 152, Law Library Interlibrary Loan Request, to the law library supervisor at the main unit of the institution. The law library supervisor shall review the request to determine whether it can be completed by that institution's law library.~~

1. If the law library has the information that the inmate has requested, the request shall be completed within three working days of receipt, not including the day of receipt, except when the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate. The

law library supervisor shall provide a copy of Form DC5-152, Law Library Interlibrary Loan Request, and the requested material to the inmate.

2. If the law library does not have the information that the inmate has requested, then within 2 working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

- (d) through (g) renumbered (c) through (f) No change.
- (7) through (8) No change.
- (9) Grievance and Court Forms.
- (a) No change.

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to file ~~Rule 3.800 and~~ Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Inmates shall secure fFederal habeas corpus, affidavits of insolvency, and civil rights complaint forms from ~~shall only be supplied if~~ copies of the forms are provided to the law library by the federal courts. ~~In all instances, law libraries are obligated to provide only 1 copy of the form.~~ If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.

- (10) No change.
- (11) Forms. The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC5-152, Law Library Interlibrary Loan Request, effective _____ ~~12-23-03~~.

(b) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Allen Overstreet, Library Services Administrator
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: George Sapp, Assistant Secretary of
 Institutions
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 28, 2005

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE TITLES	RULE NOS.:
Definitions	40A-2.021
Permits Required	40A-2.041
Exemptions	40A-2.051
Reservation of Water	40A-2.223

PURPOSE AND EFFECT: The proposed amendments are intended to reduce the permitting requirements for certain water users whose withdrawals pose minimal impact to the water resources, expedite the remediation of contaminated ground water, describe reservations and provide clarifying definitions.

SUMMARY: The proposed revisions will add definitions that address topics commonly discussed with the public during the permitting of water uses under Chapter 40A-2, F.A.C.; eliminate the requirement that an Individual Water Use Permit be obtained for non-community public water supply uses located in Permit Areas B and C and non-community public supply water uses in Permit Area A withdrawing an annual daily average of 15,000 gallons or less and certain uses associated with ground water remediation projects. Additionally, reservations are described for the Apalachicola and Chipola Rivers and Chipola Cutoff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of regulatory cost was not prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.116, 373.118, 373.171, 373.216, 373.219 FS.

LAW IMPLEMENTED: 373.171, 373.216, 373.219, 373.223, 373.226 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30, p.m., ET., January 26, 2006
 PLACE: District Headquarters, Governing Board Room, U.S. Highway 90, Midway, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Angela Chelette, Chief, Bureau of Ground Water Regulation. For a copy of the proposed rule contact, Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (fax)

THE FULL TEXT OF THE PROPOSED RULES IS:

- 40A-2.021 Definition.
- (1) through (10) No change.

(11) Conservation rate structure – a schedule of utility water rates designed to promote efficient use of water by providing economic incentives.

(11) through (15) renumbered (12) through (16) No change.

(17) Drought rate structure – an element of a utility rate structure intended to provide an economic incentive to reduce water use during times of drought.

(16) through (21) renumbered (18) through (23) No change.

(24) Governing Board – the governing board of a water management district created under Section 373.069, F.S.

(22) through (24) renumbered (25) through (27) No change.

(28) Informative billing – a system of providing water utility customers with useful information on the relationship between the amount of water they use and the cost associated with that use.

(25) through (41) renumbered (29) through (45) No change.

(46)(42) Reclaimed water – except as specifically provided in Chapter 62-610, F.A.C., water that has received at least secondary treatment and basic disinfection, and is reused after flowing out of a wastewater treatment facility.

(43) through (46) renumbered (47) through (50) No change.

(51) Seasonal rate structure – a utility water rate structure in which the amount charged per unit of water increases during the peak demand season.

(52)(47) Soil flooding use – the use of water for raising of water levels on agricultural lands for purposes not directly related to such purposes as crop growth, soil preservation, crop harvesting and pest control.

(53) Stormwater recycling – capturing stormwater for irrigation or other beneficial use.

(48) through (54) renumbered (54) through (60) No change.

(61)(55) Well casing size – the nominal diameter of the well casing (e.g., 4-inch well casing means casing 4.5-inches outside diameter as a standard dimension). For purposes of this rule, the diameter of the well at ground surface will be presumed to be the diameter of the well for the entire length unless the well owner or well contractor can demonstrate that the well has a smaller diameter water bearing casing below ground surface.

(56) through (58) renumbered (62) through (64) No change.

PROPOSED EFFECTIVE DATE: February 27, 2006.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216 FS. History–New 10-1-82; Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05, 2-27-06.

40A-2.041 Permits Required.

(1) through (2) No change.

(3) Unless expressly exempted by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water according to the following criteria:

(a) through (b) No change.

(c) In Area B, as delineated on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for ground water use if:

1. through 3. No change.

4. The withdrawal is for community public supply or bottled water use.

(d) In Area C, as delineated on the map identified in Rule 40A-2.902, Florida Administrative Code, an Individual Water Use Permit is required for ground water use if:

1. through 2. No change.

3. The withdrawal is for community public supply or bottled water use.

(e) An Individual Water Use Permit is required for surface water use if:

1. through 2. No change.

3. The withdrawal is for community public supply or bottled water use.

(f) No change.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: February 27, 2006.

Specific Authority 373.044, 373.113, 373.116, 373.118, 373.171 FS. Law Implemented 373.171, 373.219, 373.226 FS. History–New 10-1-82; Amended 1-5-86, 5-4-87, 8-1-89, 5-31-92, 11-1-93, 10-1-95, 7-1-98, 1-1-05, 2-27-06.

40A-2.051 Exemptions.

(1) No change.

(2) An Individual Water Use Permit shall not be required for withdrawals of water from non-community public supply wells four (4) inches or smaller in diameter, withdrawing an annual daily average of 15,000 gallons or less in Permit Area A.

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

~~(4)(3)~~ An Individual Water Use Permit shall not be required for aquifer or ground water quality remediation projects provided the following conditions are met: the project is conducted under the auspices of the Department or U.S. Environmental Protection Agency ~~amount of water withdrawn is an annual daily average of 100,000 gallons or less, the treated effluent water returned meets applicable Department of Environmental Protection water quality standards, the treated effluent is returned via subsurface infiltration or direct injection into the same formation and supply source from which it was obtained, the project is conducted under the supervision and auspices of the Department or U.S. Environmental Projection Agency and a preliminary well abandonment plan is submitted to the District.~~

(4) through (9) renumbered (5) through (10) No change.
PROPOSED EFFECTIVE DATE: February 27, 2006.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219 FS. History—New 10-1-82, Amended 5-17-83, 3-1-84, 1-5-86, 8-1-89, 5-31-92, 11-2-92, 10-1-95, 7-1-98, 1-1-05, 2-27-06.

40A-2.223 Reservation of Water.

(1) At U.S. Geological Survey gauging station No. 02358000, Apalachicola River at Chattahoochee, the magnitude, duration and frequency of observed flows are reserved for the protection of fish and wildlife of the river, floodplain and Apalachicola Bay.

(2) At U.S. Geological Survey gauging station No. 02358700, Apalachicola River near Blountstown, the magnitude, duration and frequency of observed flows are reserved for the protection of fish and wildlife of the river, floodplain and Apalachicola Bay.

(3) At and below U.S. Geological Survey gauging station No. 02359170, Apalachicola River near Sumatra, the magnitude, duration and frequency of observed flows are reserved for the protection of fish and wildlife of the river, floodplain and Apalachicola Bay.

(4) At U.S. Geological Survey gauging station No. 02359000, Chipola River near Altha, the magnitude, duration and frequency of observed flows are reserved for the protection of fish and wildlife of the Chipola River, Apalachicola River, the associated floodplains and Apalachicola Bay.

(5) The Governing Board finds that consumptive withdrawals of surface water from the main stem of the Apalachicola River are not in the public interest and therefore reserves from use by permit the flows specified in paragraphs (1), (2), and (3). Such reservation is made for all seasons of the year.

(6) The Governing Board finds that consumptive withdrawals of surface water from the main stem of the Chipola River and the Chipola Cutoff are not in the public interest and therefore reserves from use by permit the flows specified in paragraph (4). Such reservation is made for all seasons of the year.

(7) For purposes of this Rule 40A-2.223, F.A.C., consumptive withdrawals shall mean withdrawals minus returns but shall not include evaporative losses. Diversions of surface water for cooling purposes, fish and wildlife propagation, fish and wildlife refuge, water based migratory bird hunting refuges and similar diversions are exempt from the provisions of this Rule 40A-2.223, F.A.C., provided that such diverted water, minus evapotranspiration, is returned to the Apalachicola River Basin.

(8) Nothing in this section shall exempt diversions as specified in paragraph (7) from obtaining consumptive use permits required elsewhere in this Chapter 40A-2, F.A.C.

(9) The Governing Board finds that surface water withdrawals by the City of Port St. Joe from the Chipola River is an alternative water supply as contemplated by sections 373.019, and 373.196 and are therefore exempt from the provisions of this Rule 40A-2.223, FAC. Nothing in this section shall exempt the City of Port St. Joe from the permitting requirements of this Chapter 40A-2, F.A.C.

(10) This section shall terminate on January 1, 2016 unless specifically extended by the Governing Board.
PROPOSED EFFECTIVE DATE: February 27, 2006.

Specific Authority 373.044, 373.113, 373.171, 373.216, 373.219 FS. Law Implemented 373.216, 373.219, 373.223, FS. History—New 2-27-06.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE:	RULE NO.:
Disputed Reimbursement Rule	59A-31
RULE TITLES:	RULE NOS.:
Disputed Reimbursement Avoidance	59A-31.001
Disputed Reimbursement	59A-31.002

PURPOSE AND EFFECT: To repeal Rule 59A-31.001, F.A.C., Reimbursement Avoidance Process, for which the Agency has no grant of rule authority to implement and to amend Rule 59A-31.002, F.A.C., to reflect the Agency's current Utilization and Reimbursement Dispute process.

SUMMARY: The rule repeals the provision for a reconsideration period before a petition for the resolution of a reimbursement dispute can be submitted to the Agency for a determination of the appropriateness of a carrier's disallowance or adjustment of reimbursement.

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: 440.13(7) FS.

LAW IMPLEMENTED: 440.13(7) 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., January 20, 2006

PLACE: Room 104J, Hartman Bldg., 2012 Capital Circle, S.E., Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beverly Williams, Medical Health Care Program Analyst, AHCA, Workers' Compensation Unit, 2727 Mahan Drive, Mail Station 27, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

**UTILIZATION AND REIMBURSEMENT DISPUTE RULE
DISPUTED REIMBURSEMENT**

59A-31.001 Disputed Reimbursement Avoidance.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a)(1) FS. History—New 5-15-91, Formerly 38F-7.517, 4L-7.517, Repealed.

59A-31.002 Disputed Reimbursement.

~~In those instances when a provider does not agree with a carrier's reconsidered reimbursement decision, the Agency will, upon request provide for a settlement of such reimbursement dispute through a review process conducted by the Agency's Bureau of Managed Health Care.~~

(1) through (3)(b) No change.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History—New 5-15-91, Formerly 38F-7.517, 4L-7.517, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beverly J. Williams, Medical Health Care Program Analyst
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas Warring, Chief, Bureau of Managed Health Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE TITLE: Outpatient Hospital Services
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update August 2005 to the Florida Medicaid Provider Reimbursement Handbook, UB-92. The update contains revisions to the instructions for completing a UB-92 claim form. The revisions are necessary in order to maintain compliance with the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in rule update August 2005 to the Florida Medicaid Provider Reimbursement Handbook, UB-92.
SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference update August 2005 to the Florida Medicaid Provider Reimbursement Handbook, UB-92. The effect will be to incorporate by reference in rule update August 2005 to the Florida Medicaid Provider Reimbursement Handbook, UB-92.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.
Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULE NO.: 59G-4.160

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 10:00 a.m., Monday, January 23, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003, updated January 2005, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, updated August 2005, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent by calling Provider Enrollment at (800)377-8216 or from the fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks contractor.

(3) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, UB-92, are incorporated by reference: The UB-92 Claim Form, UB-92 HCFA 1450, one page double-sided; State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one-page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, August 2001, one page. All the forms are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Medicaid Forms.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Vergeson
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE: Filing Initial and Additional Claims; Reopening Previously Filed Claims
RULE NO.: 60BB-3.013

PURPOSE AND EFFECT: This rule implements the federal requirement that a claimant filing for unemployment compensation benefits must disclose any pending child support obligations in accordance with 42 USC 503(e)(2)(A)(i).

SUMMARY: This rule implements the federal requirement that a claimant filing for unemployment compensation benefits must disclose any pending child support obligations in accordance with 42 USC 503(e)(2)(A)(i).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 120.54(6), 443.171(2)(a) FS.

LAW IMPLEMENTED: 443.036(8), 443.091(1), 443.051 FS.

IF REQUESTED WITHIN TWENTY (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: John Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-3.013 Filing Initial and Additional Claims; Reopening Previously Filed Claims.

(1) No change.

(2) No change.

(3) Disclosure of Support Obligations.

Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether he or she owes support obligations which are being enforced by the Florida Department of Revenue pursuant to 42 USC 502(e)(2)(A)(i) and 42 USC 654.

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

Specific Authority 120.53(1)(b), 120.54(6), 443.171(2)(a) FS. Law Implemented 443.036(8), 443.091(1), 443.051 FS. History--New 8-25-92, Formerly 38B-3.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Perry, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mindy K. Raymaker, Deputy General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

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 Nursing Home Administrators

RULE TITLE: Citations
RULE NO.: 64B10-14.006

PURPOSE AND EFFECT: The Board finds it necessary to update the violations which may be disposed of by fines.

SUMMARY: The Board finds it necessary to add a violation that may be resolved by the issuance of a citation. The violation to be added is failure to timely pay the special assessment imposed by Rule 64B10-12.018, F.A.C.

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

SPECIFIC AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.006 Citations.

(1) As used in this rule, "citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee or certificateholder for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint that is the basis for the citation. If a violation for which a citation may be issued is discovered during the course of an investigation for an unrelated violation, the citation must be issued within 6 months from the discovery of the violation and filing of the uniform complaint form by the investigator.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Practice on an inactive license or certificate for less than six months. The fine shall be \$50 for each month of practice.

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be \$500. If the individual has some documentation, the penalty is \$25 per missing hour, to a maximum of \$500. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order.

(c) Failure to comply with Rule 64B10-11.012, F.A.C. (change of address). The fine shall be \$100.00.

(d) Paperwork deficiencies that have been corrected and have no patient harm (violation of Section 468.1755(1)(m), F.S.). The fine shall be \$250.00.

(e) First time failure to comply with Rule 64B10-15.001, F.A.C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.

(f) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. The fine shall be \$500.

(g) Failure to comply with Rule 64B10-12.018, F.A.C. (Special Assessment). The fine shall be \$500.00.

(4) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedure of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.073, F.S., shall apply.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077 FS. History—New 3-1-92, Formerly 21Z-14.006, 61G12-14.006, Amended 7-21-97, Formerly 59T-14.006, Amended 5-15-00, 8-23-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Licensure by Endorsement
RULE NO.: 64B17-3.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria for approval of licensure by endorsement with conditions upon said licensure when the applicant has been out of practice for a period of time.

SUMMARY: The proposed rule amendment sets forth criteria for approval of licensure by endorsement with conditions upon said licensure when the applicant has been out of practice for a period of time.

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: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

(1) An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be license to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicant meeting Florida's minimum education qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

(2) The Board of Physical Therapy may approve licensure of the applicant with any restrictions that the Board deems appropriate, including, but not limited to the requirement to practice under direct supervision, to ensure the safe practice of the licensee and to safeguard the health, safety and welfare of the citizens of Florida. An applicant for licensure by endorsement, who has been out of the practice of physical therapy or practicing physical therapy in a setting that does not involve direct patient care, for a period greater than two (2) years shall be required to practice under direct supervision:

(a) Up to 3 months, if the time out of practice or practicing without direct patient care is greater than 3 years but less than 5 years;

(b) Up to 6 months if the time out of practice or practicing without direct patient care is 5 years or greater but less than 10 years;

(c) Up to 1 year if the time out of practice or practicing without direct patient care is 10 years or greater.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 12-5-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Licensure by Endorsement
RULE NO.: 64B17-4.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria for approval of licensure by endorsement with conditions upon said licensure when the applicant has been out of practice for a period of time.

SUMMARY: The proposed rule amendment sets forth criteria for approval of licensure by endorsement with conditions upon said licensure when the applicant has been out of practice for a period of time.

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: 486.025, 486.107(1) FS.

LAW IMPLEMENTED: 486.107(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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.003 Licensure by Endorsement.

(1) An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet education standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

(2) The Board of Physical Therapy may approve licensure of the applicant with any restrictions that the Board deems appropriate, including, but not limited to the requirement to practice under direct supervision, to ensure the safe practice of

the licensee and to safeguard the health, safety and welfare of the citizens of Florida. An applicant for licensure by endorsement, who has not practiced as a physical therapist assistant or practiced as a physical therapy assistant in a setting that does not involve direct patient care, for a period greater than two (2) years shall be required to practice under direct supervision:

(a) Up to 3 months, if the time out of practice or practicing without direct patient care is greater than 3 years but less than 5 years;

(b) Up to 6 months if the time out of practice or practicing without direct patient care is 5 years or greater but less than 10 years;

(c) Up to 1 year if the time out of practice or practicing without direct patient care is 10 years or greater.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE TITLES: Trauma Registry
Funding for Verified Trauma Centers

RULE NOS.: 64E-2.018
64E-2.040

PURPOSE AND EFFECT: The rule is being amended to provide a precise method for determining funding allocations for distribution to Florida’s trauma centers in accordance with the legislative directives included in House Bill 497 and House Bill 1697 passed during the 2005 Legislative Session and to revise the Trauma Registry Manual, December, 2004.

SUMMARY: The rule implements trauma center funding allocation formulas, defines local funding contribution and weighted ISS volume, and revises the Trauma Registry Manual, December, 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 318.14(5), 318.18(14), 318.21(13), 395.4036, 395.404 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

TIME AND DATE: 10:00 a.m., Monday, January 23, 2006

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; email susan_mcdevitt@doh.state.fl.us; Fax (850)488-2512

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, December 2005 ~~December 2004~~, which is incorporated by reference and available from the department.

Specific Authority 395.405, 401.35 F.S. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 F.S. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05,_____.

64E-2.040 Funding for Verified Trauma Centers.

(1) For Purposes of Section 318.14, F.S., Section 395.4036, F.S. and this rule, in addition to those terms defined in the Florida Trauma Registry Manual, December 2005, (see Rule 64E-2.018, F.A.C.) and elsewhere in these rules, the following definitions also apply:

(a) “Attestation” – means a letter on hospital letterhead, signed under oath consistent with Section 92.50, F.S., by the person with direct or delegated authority to make such a statement, stating that the proceeds received by the hospital under Section 395.4036, F.S., were used in compliance with law.

(b) “Certified Trauma Center”, “Verified Trauma Center” and “Trauma Center” – all means a Level I, Level II or Pediatric Trauma Center.

(c) “Caseload Volume”, “Trauma Caseload Volume”, and “Volume of Trauma Cases” – all mean the number of patients served by a trauma center during a calendar year, after 2004, on whom data timely supplied by the trauma center to the trauma registry satisfies the Florida Trauma Registry Manual, December 2005, reporting requirements for determining trauma caseload volume (see page 5 of the manual). Solely for calendar year 2004, this definition shall be the number of patients served by a trauma center during 2004 on whom data was supplied timely by the trauma center consistent with the Florida Trauma Registry Manual, December 2004.

(d) “Local Funding Contribution” – means local municipal, county or tax district funding dedicated to and received by the trauma center.

(e) “Weighted ISS Volume” – means (The number of patients in the caseload volume for the previous calendar year with an ISS score of 14 and below) + (3 x the number of patients in the caseload volume for the previous calendar year with an ISS score of 15 and above).

(2) Funds collected under Section 318.14(5), F.S., and Section 318.18(14), F.S., and deposited into the department’s administrative trust fund shall be distributed during the subsequent first quarter and during the subsequent third quarter as follows:

(a) First quarter distribution shall be calculated, consistent with (d) and (e) below, using timely submitted caseload volume data from the year preceding the previous calendar year.

(b) Third quarter distribution shall be calculated, consistent with (d) and (e) below, using timely submitted caseload volume data for the previous calendar year.

(c) All distribution shall be consistent with (2) or upon resolution of all relevant administrative and judicial challenges, whichever is later.

(d) Funds collected under Section 318.14(5), F.S. and deposited into the department’s administrative trust fund shall be distributed to the trauma center as follows: $[(.5 \times \text{funds}) / \text{Current total number of trauma centers}] + [(.5 \times \text{funds}) \times (\text{Caseload volume for the trauma center for the previous calendar year} / \text{The sum of caseload volume for all trauma centers during the previous calendar year})]$.

(e) Funds collected under Section 318.18(14), F.S. and deposited into the department’s administrative trust fund under Section 395.4095(1), F.S., shall be distributed as follows:

1. To each trauma center in a region receiving a local funding contribution as of December 31 of the previous year: $(.2 \times \text{funds}) \times (\text{Caseload volume for the trauma center for the previous calendar year} / \text{The sum of caseload volume for all trauma centers receiving funding under (2)(e)1. of this rule})$.

2. To each trauma center: $[(.4 \times \text{funds}) \times (\text{Caseload volume of the trauma center during the previous calendar year} / \text{The sum of caseload volume for all trauma centers during the previous calendar year})]$.

3. To each trauma center: $[(.4 \times \text{funds}) \times (\text{The trauma center’s weighted ISS volume} / \text{The sum of all trauma centers’ weighted ISS volume})]$.

Specific Authority 318.14(5), 318.18(14), 318.21(13), 395.4036, 395.404 FS. Law Implemented 395.4036 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan McDevitt, Executive Community Health Nursing Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director, Division of Emergency Medical Operations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2005
DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005 and October 14, 2005
P.O. B00829

DEPARTMENT OF HEALTH

Office of Public Health Research

RULE TITLE: Institutional Review Board
RULE NO.: 64H-2.001

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to adopt federal regulations concerning human research protections. The effect is that the Institutional Review Board will conduct business according to federal regulations pursuant to Section 381.86, F.S. The federal regulations set forth requirements for conducting research involving human subjects.

SPECIFIC AUTHORITY: 381.86 FS.

LAW IMPLEMENTED: 381.86 (1) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Sylvia McDaniel, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin A24, Tallahassee, FL 32399

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-2.001 Institutional Review Board.

The Institutional Review Board adopts the federal regulations for human research protections as set forth in 45 C.F.R. part 46 and 21 C.F.R. parts 50 and 56.

This rule shall become effective January 24, 2006.

Specific Authority 381.86 FS. Law Implemented 381.86(1) FS. History—New 1-24-06.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency

RULE TITLES: RULE NOS.:
Food Stamp Program Definitions 65A-1.601
Food Stamp Program Case Processing 65A-1.602
Food Stamp Issuance 65A-1.604

PURPOSE AND EFFECT: Economic Self-Sufficiency Rules were reviewed to determine those that needed amendment to remove obsolete and overlapping language; align with state/federal laws and regulations; and, combine rules that address the same subject. Administrative Rules 65A-1.601, 65A-1.602, and 65A-1.604, F.A.C., contain obsolete and overlapping Food Stamp Program (FSP) language. The proposed rule amendments provide for the repeal of Administrative Rules 65A-1.601 and 65A-1.604, F.A.C., and pertinent provisions moved to Rule 65A-1.602, F.A.C. Rule 65A-1.602, F.A.C., will be amended to provide clarification of FSP case processing and definitions; Electronic Benefit Transfer (EBT) issuance requirements; Simplified Reporting (SR) option requirements; and, Child Support Enforcement (CSE) option requirements.

SUMMARY: The proposed rule amendments remove obsolete FSP definitions and overlapping language and provide for the addition of food stamp SR and CSE cooperation requirements. Administrative Rules 65A-1.601 and 65A-1.604, F.A.C., will be repealed and the EBT requirements and relevant food stamp definitions moved to Administrative Rule 65A-1.602, F.A.C. Rule 65A-1.602, F.A.C., will be amended to clarify FSP case processing and definitions and provide EBT Requirements. It also provides for the adoption of the SR option requiring assigned assistance groups (AG) to semi-annually report changes in income unless their gross income exceeds 130 percent of the federal poverty level for their size AG and establishes CSE requirements as a condition of eligibility for food stamps. It also incorporates forms by reference to notify individuals of the CSE requirements.

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: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31, 414.32 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: 10:30 a.m., January 20, 2006

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, Telephone (850)921-0253

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.601 Food Stamp Program Definitions.

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 1-31-94, Formerly 10C-1.601, Amended 11-30-98, Repealed _____.

65A-1.602 Food Stamp Program Case Processing.

(1) Food Stamp Program case processing is done in accordance with the eligibility determination process in Administrative Rule 65A-1.205, and 7 CFR 273.2. Application Processing Delays Caused by the Department. If during the 30 day period which begins the date of application an applicant's eligibility for food stamps is not determined due to delays caused by the department, the application will continue to be processed until an eligibility determination is made. The applicant will not be required to submit a new application in making this determination.

(2) Food Stamp Program Verification-

(a) ~~When an AG provides incomplete verification or indicates they will have difficulty in obtaining required verification the case manager will offer assistance. If the third party refuses to provide the requested verification, the case manager will accept the information provided by the AG after resolving any discrepancies.~~

(b) ~~AGs are required to provide verification of reported changes which result in an increase in benefits prior to the department taking action on the changes.~~

(3) ~~Certification Periods for AGs entitled to Expedited Service. When an AG is certified on an expedited service basis and has postponed verification, the AG will be assigned either a certification period which is limited by the postponed verification, i.e., either one or two months in length, or the certification period warranted by the AG circumstances.~~

(2) Responsible Member is defined as any member of the Standard Filing Unit (SFU) capable of representing the Assistance Group (AG) by providing sufficient and accurate information concerning the AG circumstances.

(3) Authorized Representative is defined as an adult non-household member authorized to represent the household during an interview. The authorized representative must be appointed in writing by the head of the AG, the spouse or responsible household member.

(4) 24-Month Reporting Requirements: Apply to AGs in which all members of the SFU meet all of the following criteria:

(a) Are elderly or disabled;

(b) Do not have any earned income; and

(c) Have stable circumstances.

(5) Able Bodied Adults Without Dependents (ABAWD). ABAWDs are required to report whenever their hours of employment are less than 20 hours per week. They may have their certification period shortened in order to comply with the time limit provisions assigned to them.

(6) Simplified Reporting (SR): Simplified Reporting applies to all AGs except those that meet the criteria in paragraph (4) or (5). AGs assigned to the SR category will have a six-month certification period. AGs assigned to SR are only required to report a change in income and circumstances during the certification period when an income change causes their gross income to exceed 130 percent of the Federal Poverty Level for their AG size. Gross income means the amount of all earned and unearned income before any deductions, such as taxes, are applied. The change in income must be reported within the first ten days of the month, following the month of change. Voluntarily reported changes will be processed as a required change when received and verification is provided according to regular food stamp processing procedures. The food stamp reporting requirements do not change the reporting requirements for other programs such as Medicaid and Temporary Cash Assistance.

(7) Child Support Enforcement (CSE) Cooperation. Child Support Enforcement cooperation by a custodial parent or caretaker relative is required as a condition of eligibility for food stamps in accordance with Section 414.32, F.S. and 7 CFR 273.11(o), unless good cause for non-cooperation exists.

(a) Information on good cause criteria will be provided when application for benefits is being made using CF-ES Form 2641, Claim Notice Good Cause for Refusal to Cooperate, May 05, incorporated by reference.

(b) Right to Claim Good Cause. The right to claim good cause exists when cooperation in establishing paternity or in establishing, modifying, or enforcing a child support order may not be in the best interest of the child, or the parent, or the caretaker relative and the child pursuant to 7 CFR 273.11(o)(1)(i), (iii), or (iv) and (2), or if cooperation is expected to result in at least one of the following:

1. Physical harm to the child – examples are broken bones, bruises, burns, lacerations, etc.,

2. Emotional harm to the child – examples are poor school performance, sleep disturbances, self-destructive behavior, eating disorders, etc.,

3. Physical harm to the custodial parent or caretaker relative which reduces their capacity to care for the child adequately (such as broken bones, bruises, burns, lacerations, or life threatening injury),

4. Emotional harm to the custodial parent or caretaker relative to such a degree that their capacity to adequately care for the child is diminished (such as psychological disorder or dysfunction which has a serious negative impact on their ability as a caretaker),

5. The child was conceived as a result of incest or rape,

6. Legal proceedings for the adoption of the child are pending before a court, or

7. The custodial parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether or not to relinquish the child for adoption (this circumstance is valid for three months).

(c) Upon determination by the department that the custodial parent or caretaker relative's failure to cooperate was without good cause, the application will be denied or a food stamp penalty imposed for the non-cooperative individual only and a notice of adverse action will be mailed to the individual. The non-cooperative individual's income will be prorated and their assets will be counted in full in determining eligibility for the remaining AG members. The remaining AG members meeting eligibility requirements may be approved. The non-cooperative individual will be excluded until verification of CSE cooperation is received by the department.

(d) Upon verification that the individual is cooperating with CSE and all other eligibility requirements have been met, action will be taken to add the individual to the AG or to remove the sanction and reinstate food stamp benefits.

(8) Food stamps are issued through the Electronic Benefit Transfer (EBT) system.

(9) Benefit Availability.

(a) Food stamp availability dates are staggered over the first 15 days of each month. Benefit availability to AGs is based on the terminal digits of the AG's case number. AGs are able to receive their monthly allotment on their assigned availability date or any subsequent day in that month. Food stamp benefits placed in the EBT account may be accessed for 365 days after the date of their initial availability in the account.

(b) The EBT system supports mass overrides of benefit availability dates in instances of disasters or other emergencies. This permits individuals in areas where hurricanes or other disasters are threatening to be able to access their benefits earlier to prepare for such events.

Specific Authority 414.45 FS. Law Implemented 409.942, 414.31, 414.32 FS. History–New 1-31-94, Formerly 10C-1.602, Amended 7-29-01, _____.

65A-1.604 Food Stamp Issuance.

Specific Authority 414.45 FS. Law Implemented 409.942, 414.31 FS. History–New 1-31-94, Formerly 10C-1.604, Amended 3-18-03, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 20, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General: Ownership, Short Title, Severability and Definitions 68A-1

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

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise or update the definitions for all-terrain vehicle, crossbow season and total length in freshwater fish. The effect of the proposed rule change is to enable the agency to better manage fish and wildlife resources.

SUMMARY: Proposed changes would redefine an all-terrain vehicle from having a wheelbase of less than 60 inches to having a wheelbase of less than 70 inches; establish a definition for a crossbow season as the calendar period during which certain game may be taken only by the use of a bow or crossbow; revise the definition of muzzleloading gun season to also allow use of a bow or crossbow during this season where authorized by Commission rules; and establish a definition for total length pertaining to freshwater fish as the straight line distance from the most forward point of the head with the mouth closed to the farthest tip of the tail with the tail squeezed or compressed.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-1.004 Definitions.

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

(1) through (4) No change.

(5) All-terrain vehicle – An engine-powered vehicle with wheels or tracks of less than a 70 60-inch wheelbase measured from the center of the forward wheel or hub to the center of the rearmost wheel or hub.

(6) through (24) No change.

(25) Crossbow season – The calendar period in a zone during which certain game may be taken only by the use of a bow or crossbow when authorized by Commission rules.

(25) through (45) renumbered (26) through (46) No change.

(47)(46) Muzzleloading gun season – The calendar designated period in a zone during which certain game may be taken only by the use of a bow, crossbow, or muzzleloading gun when authorized by Commission rules.

(47) through (80) renumbered (48) through (81) No change.

(82) Total length – In freshwater fish means the straight line distance from the most forward point of the head with the mouth closed to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

(81) through (90) renumbered (83) through (92) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Licenses and Permits: Issuance and Revocation

RULE CHAPTER NO.: 68A-5

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance

RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to merge the quota hunt program into the Total Licensing System (TLS) to provide a modern, streamlined application process. This will require modifying out dated regulations for the old paper application process. The proposed modifications to this rule will eliminate the constant need to change the rule as the TLS quota program evolves. General eligibility, restrictions, and limits remain in the rule. The proposal would also allow the preference drawing to be expanded to other quota hunt programs.

SUMMARY: The basic rules of operation remain unchanged. References to application forms, the mailing of forms, etc., were removed. Application periods and deadlines will now be specified in the application instructions and were removed from rule. Quota Hunt Permits and Special-Opportunity Permits were separated into their own sections. Each specific quota hunt program is identified. The regular and special quota programs were renamed. The management area permit requirement was extended to all quota hunt programs. Exempt hunters will remain exempt from the management area permit requirement. The preference drawing was limited to three quota programs, changes will allow it to be expanded to other programs.

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 Const.
LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.57(4)(f) FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES

DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607

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, at (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:

(Substantial rewording of Rule 68A-5.005 follows. See Florida Administrative Code for present text.)

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

(1) The application for, selection of, and issuance of Quota Hunt Permits and Special-Opportunity Permits as designated by Rule 68A-15.005, F.A.C., and in the number specified in Rule 68A-15.005, F.A.C., shall be as provided in this rule, unless other procedures are set forth in the application instructions for a particular hunt.

(2) Quota Hunt Permits.

(a) Types of Quota Hunt Permits:

1. Gun
2. Archery/Muzzleloading
3. Quail
4. Youth
5. Family
6. Spring Turkey
7. Track
8. Airboat
9. Mobility-impaired
10. Hog

(b) Applicant Requirements:

1. All applicants, unless exempt, must have a valid Management Area Permit, or other license or permit that includes a Management Area Permit.

2. Track and Airboat Quota Hunt applicants must provide proof of a current track vehicle registration or airboat vessel registration.

3. Youth Quota Permit applicants must be at least eight years old by the first day of the earliest hunt date and less than 16 years old by the last day of the latest hunt that they apply for.

4. Mobility-impaired Quota Hunt applicants must be certified mobility-impaired as established by Rule 68A-9.008, F.A.C.

(c) Phase I – Application; Selection; Issuance:

1. Quota Hunt Permits for each hunt type shall be selected by random drawing from the applications submitted during the Phase I application period. The Phase I application period will be specified in the application instructions.

2. A preference drawing may be held for each Quota Hunt type if specified in the application instructions.

a. Preference eligibility – All applicants included in either the preference drawing or second drawing, and not issued a Quota Hunt Permit, shall be eligible for the preference drawing the following year for that specific Quota Hunt type. All applicants applying as a group must be eligible for the preference drawing in order for the group to be included in the preference drawing.

b. When a preference drawing is specified, a second random drawing will be held for all applicants who applied during the Phase I application period and were not eligible for the preference drawing.

3. Only one application may be submitted per applicant for each type of Quota Hunt during Phase I, except that airboat and track applicants may submit an application for each track or airboat owned by the applicant. Only one Quota Hunt Permit may be issued per applicant during Phase I for each type of Quota Hunt. An applicant that receives a Track Quota Hunt Permit is not eligible to receive an Airboat Quota Hunt Permit during Phase I.

(d) Phase II – Application; Selection; Issuance:

1. Quota Hunt Permits remaining un-issued after the Phase I random drawings will be issued on a first-come, first-served basis during Phase II. The Phase II period will be specified in the application instructions.

2. Applicants that received a Quota Hunt Permit in Phase I can not apply for that same type of Quota Hunt Permit in Phase II.

3. Only one application may be submitted and only one Quota Hunt Permit may be issued for each type of Quota Hunt during Phase II.

4. An applicant that received a Track Quota Hunt Permit in Phase I or II is not eligible to receive an Airboat Quota Hunt Permit during Phase II.

(e) Phase III – Application; Selection; Issuance:

1. Quota Hunt Permits remaining un-issued after Phase II will be issued on a first-come, first-served basis during Phase III. The Phase III period will be specified in the application instructions.

2. Persons issued a Quota Hunt Permit during Phase I or Phase II may apply for additional permits for the same Quota Hunt type during Phase III.

3. No applicant for Mobility Impaired Quota Hunt Permits shall be eligible to receive more than one Quota Hunt Permit for the same hunt, including permits that were issued during Phase I and II.

4. All other applicants shall not be eligible to receive more than five Quota Hunt Permits for the same hunt, including permits that were issued during Phase I and II.

(3) Special-Opportunity Hunts.

(a) Special-Opportunity Hunt Permits shall be issued by a random drawing from applications and non-refundable application fees submitted during the application period. The application period will be specified in the application form instructions.

(b) Special-Opportunity Permit fees for applicants chosen in the random drawing must be paid by the deadline. Selected applicants who fail to pay the fees by the deadline forfeit their permit to the next applicant selected for that specific hunt.

(c) Applicants may submit more than one application for each Special-Opportunity Hunt.

(d) Permits will be limited to one Special-Opportunity Permit per person, per hunt.

(e) No more than ten percent of the Special-Opportunity Permits for each specific hunt shall be issued to non-residents provided that at least one permit may be available to non-residents in the event that the ten percent calculation results in a number less than one.

(4) Duplicate Quota and Special-Opportunity Permits – A replacement permit may be issued to the original permittee following loss, destruction or non-receipt of mail upon submission of a written statement to the Office of Licensing and Permitting, attesting to the non-delivery or setting forth circumstances leading to the loss or destruction of the original permit. No person shall be eligible for more than one replacement permit per season. The original permit shall be invalid upon the issuance of a duplicate permit. The use or possession of an original permit that has been invalidated by the issuance of a duplicate permit is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57(4)(f) FS. History–New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, 6-23-99, Formerly 39-5.005, Amended 5-13-02, 7-28-02, 5-1-03, 7-1-04, 3-15-05,_____.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Miscellaneous Permits
 RULE TITLE: Special-Use Permits; Short-Term Use Permits; Fees; Special-Opportunity Hunting and Fishing
 RULE CHAPTER NO.: 68A-9
 RULE NO.: 68A-9.007

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to encourage outdoor family recreation on Wildlife Management Areas. The effect of the proposed rule change is to exempt the spouse and dependent children of a WMA permit holder from daily-use fees on FWC managed WMAs where such fees apply, when participating in non-hunting related activities.

SUMMARY: The proposed rule change would exempt the spouse and dependent children of a WMA permit holder from daily-use fees on FWC managed WMAs where such fees apply.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.57 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607

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, at (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:

68A-9.007 Special-Use Permits; Short-Term Use Permits; Fees; Special-Opportunity Hunting and Fishing. Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

- (1) through (3) No change.
- (4) The Commission establishes short-term permits and fees as follows:
 - (a) No change.
 - (b) Andrews WMA, Three Lakes WMA, Fred C. Babcock/Cecil M. Webb WMA, Chassahowitzka WMA, J.W. Corbett WMA, and those portions of Hilochee WMA in Lake county.

1. A daily-use permit for outdoor recreational activities other than hunting is \$3 per person or \$6 per non-commercial vehicle.

2. For groups of 25 to 100 people, a daily-use permit is \$75.

3. For groups of 101 people or more, a daily-use permit is \$150.

4. A daily-use permit shall not be required for persons participating in Commission-sponsored meetings or activities.

5. A daily-use permit shall not be required for persons using the Florida Trail for recreational hiking.

6. A daily-use permit shall not be required for persons exempt from management area permit requirements by Section 372.562, F.S.

7. A daily-use permit shall not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Rules Relating to Game 68A-12
 RULE TITLE: RULE NO.:
 General Methods of Taking Game; Prohibitions 68A-12.002

PURPOSE AND EFFECT: The purpose of the proposed rule change is to facilitate the establishment of new opportunities for hunting with bows and crossbows. The effect of the proposed rule change is to provide additional hunting opportunities.

SUMMARY: The proposed rule would prohibit the possession of firearms during crossbow season to enable the establishment of a season when only bows and crossbows would be permitted for hunting.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const. THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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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:

68A-12.002 General Methods of Taking Game; Prohibitions.
 (1) through (2) No change.

(3) Game birds, crows or game mammals may be taken with any of the following:

- (a) through (c) No change.
- (d) Bow or crossbow.

1. The possession or use of arrows having explosive or drug-administering heads while hunting is prohibited.

2. Any arrow used in the hunting of deer, hog or turkey shall be equipped with a broadhead that has a minimum of two sharpened edges with a minimum width of 7/8 inches.

3. Hunting with a bow equipped with sights or aiming devices with electronic computational capabilities or light projection (laser) features during any archery season is prohibited.

4. No person shall possess any firearm or crossbow while archery hunting during any special archery season.

5. No person shall possess any firearm during any crossbow season.

- (e) No change.
- (4) through (9) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Rules Relating to Game 68A-12
 RULE TITLE: RULE NO.:
 Taking Destructive Birds and Mammals 68A-12.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to replace the current nuisance wildlife trapper permit requirement with a registration requirement and allow

airport personnel to take wild turkey from airport property when aircraft safety is threatened. The effect of the proposed rule changes is to allow more efficient record keeping regarding nuisance wildlife trappers and to reduce the risk of aircraft-bird strikes.

SUMMARY: The proposed rule change would replace the current permit requirement for nuisance wildlife trappers with a registration requirement and allow airport personnel to take wild turkey from airport property when aircraft safety is threatened.

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 Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607

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, at (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:

68A-12.009 Taking Destructive Birds and Mammals.

(1) through (5) No change.

(6) Destructive or nuisance wildlife may be taken on another's property by any person or entity only at the property owner's request and if registered with the Commission authorized by a permit issued by the executive director, except that family members of or persons with an employee-employer relationship with the property owner, may do so without such registration permit as provided in subsection 68A-12.009(1),

F.A.C. Application for registration for taking destructive or nuisance wildlife shall be on such form and submitted in a manner as prescribed by the Commission.

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

(c) Airport personnel may take deer or wild turkey on airport property if their presence poses a potential threat to aircraft safety and human lives. Deer may be killed with the use of a gun and light at night. Other methods of taking deer may be authorized by permit under subsection 68A-12.009(3), F.A.C. Carcasses of deer or wild turkey killed under this rule shall be buried, incinerated on-site or donated to a charitable, non-profit institution or agency. No deer or wild turkey carcasses killed under this rule shall be retained for use by airport personnel.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-85, Formerly 39-12.09, Amended 4-14-92, 4-12-98, 6-23-98, 9-21-98, Formerly 39-12.009, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: General Hunting Regulations RULE CHAPTER NO.: 68A-13

RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots RULE NO.: 68A-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise season dates and bag limits for waterfowl and coots in conformance with federal regulations. The effect of the proposed rule changes is to allow the harvest of snow geese statewide and move the 30-day canvasback season from the first 30 days to the last 30 days of the waterfowl hunting season.

SUMMARY: The proposed rule changes would allow snow geese to be taken statewide and move the 30-day canvasback season from the first 30 days to the last 30 days of the waterfowl hunting season.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

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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:

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

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

- (1) Duck, light goose, and coot season:
 - (a) Open season:
 - 1. First phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.
 - 2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January.
 - 3. Canvasback season – The last 30 days of the season ~~first phase and the first 21 days of the second phase~~ as specified in this paragraph (1)(a).

(b) through (f) No change.

~~(g) Light geese may only be taken north and west of the Suwannee River.~~

(2) through (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Hunting Regulations	68A-13
RULE TITLE:	RULE NO.:
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits	68A-13.004

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish new opportunities for hunting with bows and crossbows and to revise and update the process by which antlerless deer permits are obtained. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and provide additional hunting opportunities.

SUMMARY: The proposed rule would establish new crossbow seasons (5 days in the South and Central zones and seven days in the Northwest Zone) where use of bows and crossbows would be allowed with deer harvest restricted to antlered deer only, except under provisions of an antlerless deer permit. In the South and Central zones, the proposed crossbow season would open the day following the close of archery season. In the Northwest Zone, the proposed crossbow season would open the Monday following Thanksgiving Day. The proposed rule would establish the bag limit for deer taken during the proposed crossbow season as two antlered deer per day. The

proposed rule would allow harvest of antlerless deer during crossbow season under the authority of an antlerless deer permit where the aggregate daily bag of antlerless and antlered deer shall not exceed 2. The proposed rule changes would simplify and update the process by which antlerless deer permits are obtained and delete record-keeping requirements.

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 Const.
LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

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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:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits. The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) Deer: Possession limit, four; daily bag as follows:

1. Two (2) antlered deer during the antlered deer, crossbow, muzzleloading gun or archery/muzzleloading gun seasons.

2. One (1) antlered and 1 antlerless deer or 2 antlered deer during the antlerless deer season.

3. Two (2) antlerless deer, or 2 antlered deer, or 1 antlered and 1 antlerless deer during the archery season.

4. Antlerless deer taken under the authority of an antlerless deer permit issued under subsection (3) of this rule shall be included in the daily bag, but the aggregate daily bag of antlerless and antlered deer shall not exceed 2.

(b) through (d) No change.

(2) Open seasons:

(a) through (h) No change.

(i) Notwithstanding the provisions of paragraphs (2)(a), (b), (c), (d), (e), and (h), antlered deer, gobblers or bearded turkeys, gray squirrel, quail and wild hogs may be taken:

1. During a crossbow season opening 19 days prior to the first day of the antlered deer season and closing 4 days thereafter in the South Zone; opening 19 days prior to the first day of the antlered deer season and closing 4 days thereafter in the Central Zone, and opening on the Monday following Thanksgiving Day and closing 6 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

~~2.1.~~ During a muzzleloading gun season opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the South Zone; opening 14 days prior to the first day of the antlered deer season and closing 8 days thereafter in the Central Zone, and opening 6 days prior to the first day of the antlered deer season and closing 2 days thereafter in the Northwest Zone except that turkey may not be taken in Holmes County.

~~3.2.~~ During an ~~archery~~/muzzleloading gun season in the Northwest Zone opening the day following the last day of the antlered deer season and closing 10 days thereafter, provided that turkeys may not be taken.

(3) Issuance of antlerless deer permits to landowners – Antlerless deer may be taken under permit from the executive director during the crossbow, muzzleloading gun, archery/muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) A person who owns, leases or otherwise has written permission to take antlerless deer on specifically identified lands may apply for an antlerless deer permit in accordance with this subsection. An antlerless deer permit will be issued for property or an aggregate of contiguous properties not less than 640 acres in size; or for property or an aggregate of contiguous properties not less than 150 acres in size which are contiguous to property under a current antlerless deer permit. The owners of the property (not less than 640 acres or not less than 150 acres if the applicant land is contiguous to land receiving antlerless deer permits) where the antlerless deer are to be taken shall make written application (on GFC Form ADPA 1000, effective July 1, 1998, adopted and incorporated herein by reference, and available from the Commission's regional offices) to the executive director showing proof of ownership of the land in question. A group of landowners may

~~apply jointly provided the aggregate contiguous acreage is at least 640 acres.~~ Agricultural lands that have been permitted under Rule 68A-12.009, F.A.C., within the previous 12 months for taking of deer for crop depredation purposes shall be exempt from the minimum acreage requirement of this rule.

~~(b) Applications for antlerless deer permits shall be on such a form as prescribed by the Commission and shall include: a written description of the property boundaries; total acreage of the property; name, street or physical address, and telephone numbers for the applicant and the landowner; a signature of the landowner or legal agent of the landowner providing permission to take antlerless deer where the landowner is not the applicant; and other information pertaining to the proposed activity necessary for permit issuance and enforcement of this subsection. A Commission biologist shall assess the status of the deer population and recommend the number of antlerless deer to be removed.~~

~~(c) Upon approval, the Division of Wildlife shall furnish to the landowner an identifying tag for each antlerless deer to be taken from the approved area. These tags may be issued to individual persons at the discretion of the landowner.~~

~~(c)(4) The permittee shall be furnished an identifying tag for each antlerless deer to be taken from the permitted area.~~ Each person who takes an antlerless deer shall immediately lock the identifying tag to the carcass of the deer. Antlerless deer may not be possessed unless the identifying tag has been locked on the carcass. Each tag shall remain locked on the carcass until the deer is dismembered and stored at the hunter's domicile.

~~(e) The landowner to whom the permit and the identifying antlerless deer tags are furnished shall maintain records on forms (GFC Form ADR 1001, effective July 1, 1998, adopted and incorporated herein by reference) furnished by the Commission.~~

~~(f) Records of all antlerless deer taken shall be returned to the Commission within 30 days following the close of the deer season.~~

~~(d)(g) Commission personnel shall be granted access to collect biological specimens and data on antlerless deer taken under the provisions of this subsection.~~

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Hunting Regulations	68A-13
RULE TITLE:	RULE NO.:
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007

PURPOSE AND EFFECT: The purpose of the proposed rule change is to provide standard rule language regarding the possession of dogs on public lands. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on public lands.

SUMMARY: The proposed rule is a technical correction, providing standard rule language regarding the possession of dogs.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

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by contacting the ADA Coordinator, at (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:

68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas.

(1) No change.

(2) The general regulations for public small-game hunting areas shall be as follows:

(a) through (c) No change.

(d) Waterfowl retrievers, bird dogs, and other dogs with a shoulder height of 17 inches or less may be used for hunting during open seasons unless prohibited by specific area regulation. Dogs may be possessed, under physical restraint only, during any period in which the taking of wildlife by the use of dogs is prohibited. ~~Dogs not normally used for hunting may be possessed provided they are kept under restraint.~~

(e) through (m) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-4-82, Formerly 39-13.07, Amended 7-1-89, 7-1-96, Formerly 39-13.007, Amended 4-30-00, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
RULE TITLE: Establishment Orders
RULE CHAPTER NO.: 68A-14
RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow public small-game hunting areas (PSGAs) to be established within Public Use Areas (PUAs) and not limit the legal to take on PSGHAs to dove only. The effect of the proposed rule change is to enable the agency to better manage fish and wildlife resources and public use on public lands.

SUMMARY: The proposed rule would clarify that PSGAs may be established for special hog hunts on Wildlife Management Areas, Wildlife and Environmental Areas, Fish Management Areas and PUAs.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

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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:

68A-14.001 Establishment Orders.

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

(1) through (2) No change.

(3) Public small-game hunting areas may be established within wildlife management areas, wildlife and environmental areas, ~~and~~ fish management areas, and public use areas

pursuant to Rule 68A-13.007, F.A.C., ~~for the purpose of designating dove hunt only areas.~~ Regulations for each public small-game hunting area so established shall supersede ~~supereede~~ regulations for the wildlife management area, wildlife and environmental area, ~~or~~ fish management area or public use area within which it occurs.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-21-82, Formerly 39-14.01, Amended 10-28-97, 6-30-99, Formerly 39-14.001, Amended 12-20-99, 7-18-00, 5-1-03, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas RULE CHAPTER NO.: 68A-15

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

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise general regulations on all Wildlife Management Areas (WMAs). The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would codify the change from WMA Stamp to WMA Permit; delete the daily use permit exemption for recreational use by spouse and dependent children for Babcock/Webb, Yucca Pens Unit and Corbett WMAs, as the exemption is being applied in another rule to all management areas requiring a daily use fee; clarify that dogs may be possessed under physical restraint on WMAs, unless prohibited by specific area rule; and allow a person with a valid Concealed Weapon or Firearm License to possess a

concealed handgun throughout the year, pursuant to the provisions of Section 790.06, F.S., unless pre-empted by federal or state law.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.121, 372.57 FS.

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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:

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

(1) No change.

(2) Permits required:

(a) A wildlife management area permit stamp as provided by Section 372.57, F.S., in addition to all regular license requirements, is required for persons, except those exempted in subsection (3) hereof, to hunt, trap or be in possession of a gun, trap or other device for taking wildlife or fur-bearing animals on a wildlife management area.

(b) No change.

~~(c) A wildlife management area stamp shall be required of any person, except those exempted in subsection (3) hereof, who engages in any outdoor recreation activity on the J. W. Corbett and Cecil M. Webb areas (except for organized group activity under contractual agreement with the Commission).~~

~~Members of a stampholder's family (includes spouse and dependent children) traveling in the company of a stampholder are exempt from these recreational stamp requirements.~~

~~(c)(d)~~ A written authorization or permit issued by the Department of Defense, in addition to licensing as required by Section 372.57, F.S., shall be required to hunt, fish or frog on any Wildlife Management Area owned by the United States of America, Department of Defense. This authorization or permit shall be displayed for inspection upon the request of any law enforcement officer.

~~(d)(e)~~ The lead managing agency or landowner of a wildlife management area may authorize persons to engage in otherwise prohibited activities not relating to the taking of fish or wildlife, to allow for access, vehicles, vessels, camping, or horses, valid only during periods closed to hunting. The landowner of a wildlife management area that requires a Recreational Use Permit (RUP) may only give such authorization to persons holding a RUP for that area. Persons so authorized must possess a copy of the authorization when engaged in such activities.

(3) through (5) No change.

(6) Guns:

(a) No person shall possess any gun on any wildlife management area during any period in which hunting by the use of a gun is prohibited unless otherwise authorized by permit from the executive director.

(b) The possession of a firearm or crossbow is prohibited on any wildlife management area during established seasons for archery hunting unless otherwise stipulated in a regulation established for a specific area. The possession of a gun (except a muzzleloading gun) is prohibited on any wildlife management area during seasons for muzzleloading gun hunting. The possession of a gun is prohibited on any wildlife management area during any season open only for the taking of fur-bearing animals or frogs unless otherwise stipulated in a regulation established for a specific area.

(c) Notwithstanding the provisions of paragraphs (a), (b), or (f), a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise prohibited pursuant to state or federal law.

~~(d)(e)~~ No person shall have any gun under his control while under the influence of alcohol or drugs.

~~(e)(d)~~ The possession of center-fire rifles is prohibited during small game season.

~~(f)(e)~~ The possession of any firearm containing shells or cartridges, or any capped or primed muzzleloading gun is prohibited on any public campsite or check station area. The discharge of firearms is prohibited on, from or across any campsite or check station area.

~~(g)(f)~~ Centerfire shotguns are permitted during established area seasons when one or more migratory game birds are legal to take except when prohibited by specific area rule.

(7) Dogs:

(a) through (b) No change.

(c) Dogs may be possessed, under physical restraint only, during any period in which the taking of wildlife by the use of dogs is prohibited, unless otherwise prohibited by specific area rule.

(d) No change.

(8) through (15) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE CHAPTER NO.: 68A-15

RULE TITLE: Quota Permits; Antlerless Deer Permits;
 RULE NO.: 68A-15.005

Special-Opportunity Permits 68A-15.005

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow increased hunting opportunities for young persons on public lands, restrict the transfer of quota permits issued to exempt persons (underage, disabled, senior citizen) to persons within specified exemption classifications, revise hunter quotas on wildlife management area (WMAs) and wildlife and environmental areas (WEAs), add new hunter quotas for recently established WMAs, make clarifications and standardizations to the quota list, and reincorporate the list of quotas by area and hunt. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on public lands.

SUMMARY: The proposed rule changes would allow one person younger than 16 years of age to accompany an adult quota permit holder and participate in the hunt on WMAs or WEAs where no exemptions are allowed, provided the bag limit of game is shared and specify that permits issued to persons in a specific exempt category (underage, disabled,

senior citizen) may be transferred only to persons in the same category, except permits issued to a senior citizen may also be transferred to an underage hunter.

The proposed rule would make technical clarification revisions for Green Swamp WMA – to clarify that spring turkey quota permits are issued through the Total Licensing System for the first weekend and each day at the check station following the first weekend; Green Swamp West WMA – to clarify quota permits are issued each day at the check station during small game season; Upper Hillsborough WMA – to clarify quota permits are issued each day at the check station during small game and spring turkey seasons; Arbuckle WMA – to clarify that quota permits are issued each day at the check station during the weekday archery and muzzleloading gun hunts, and the entire spring turkey season; Hilochee WMA – to clarify that quota permits are issued each day at the check station during small game season; Lake Marion Creek WMA – to clarify that quota permits are issued each day at the check station during small game season; Lake Wales Ridge WEA – Royce Unit – a technical correction to delete the dove hunt quota which is established by a public small game hunting area executive order; Big Bend WMA, Snipe Island Unit – to clarify that a quota permit is needed only during the first nine days of the archery season; Cedar Key Scrub WMA – to clarify that half the quota permits are issued each day at the check station during the general gun season; Flying Eagle WMA – to clarify that quota permits are issued each day at the check station during the early duck and small game seasons; Homosassa WMA – to clarify that quota permits are issued each day at the check station during the small game season; Potts WMA – to clarify that quota permits are issued each day at the check station during the small game season; Mallory Swamp WMA – to clarify that half the quota permits are issued each day at the check station during the muzzleloading gun season; Devil’s Hammock WMA – to clarify that half the quota permits are issued each day at the check station during the archery, muzzleloading gun, general gun and spring turkey seasons; Middle Aucilla WMA – to clarify that there are no exemptions during the archery, muzzleloading gun, general gun or spring turkey seasons; Little River WMA – to clarify that there are no exemptions during the archery and muzzleloading gun seasons; Bayard WMA – to clarify that there are no exemptions during the archery, muzzleloading gun and spring turkey seasons; Steinhatchee Springs WMA – to clarify that half the quota permits are issued each day at the check station during the muzzleloading gun, general gun and spring turkey seasons; CREW WEA – to make a technical change in spelling from “Crew” to “CREW” for all seasons; John C. and Marianna Jones WMA – to correct a spelling error in the name of the WMA, from Marianna to Mariana; Half Moon WMA – to clarify that quota permits are issued each day at the check station during the small game and general gun hog

seasons; Lake Panasoffkee WMA – to clarify that quota permits are issued each day at the check station during the small game season.

The proposed rule would revise quotas for Hilochee WMA – general gun hog (quota increased from 20 to 30); Camp Blanding WMA – first archery hunt (quota removed); Goethe WMA – general gun still (season increased from four to six days, split season into two three-day hunts and quota increased from 250 to 300 per hunt), general gun dog (season increased from five to seven days, split season into a three-day and a four-day hunt, and quota increased from 105 to 125 per hunt); spring turkey (season increased from nine to 16 days, split season into two hunts, and quota increased from 100 to 130 per hunt); Talquin WMA – eliminate one-day antlerless deer hunt; Dinner Island Ranch WMA – archery, muzzleloading gun and general gun seasons (quota increased from 30 to 45, each hunt), spring turkey (quota increased from 15 to 20); Seminole Forest WMA – small game (quota increased from 50 to 75); and Salt Lake WMA – archery, muzzleloading gun and general gun (quota increased from 30 to 40, each hunt), general gun hog (quota increased from 15 to 20, each hunt).

The proposed rule would establish new quota hunts on Hickory Hammock – archery (five by special quota application, no exemptions); Lochloosa WMA – general gun (add third hunt, 50 by regular quota application); Andrews WMA – family hunt (20 by family hunt application, each hunt, no exemptions); Citrus WMA – spring turkey (25 by spring turkey application, each hunt, no exemptions); Devil’s Hammock WMA – family hunt (10 each hunt by family hunt application and 10 each day at the check station, no exemptions); Lafayette Creek WMA – archery (10 by special quota application, each hunt, no exemptions), muzzleloading gun (10 by special quota application, no exemptions), family hunt (7 by family hunt application, no exemptions), general gun (10 by regular quota application, each hunt, no exemptions), spring turkey (5 by spring turkey application, each hunt, no exemptions); Wakulla WMA – archery (25 by special quota application, each hunt, no exemptions); archery and muzzleloading gun (25 by special quota application, each hunt, no exemptions), spring turkey (10 by spring turkey application, each hunt, no exemptions); and Dinner Island Ranch WMA – family hunt (30 by family hunt application, each hunt, no exemptions).

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, Florida 32607

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, at (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:

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

(1) During the first nine days of the general hunting season and at other times specified herein, a quota or special-opportunity permit in addition to other license, permit and stamp requirements, shall be required for any person while hunting on wildlife management areas, wildlife and environmental areas, and fish management areas or specified units thereof, identified in this rule. Those persons exempt from license requirements by Section 372.57(1), F.S., or stamp requirements by Section 372.57(4), F.S., or persons age 65 or over who have obtained a Florida lifetime hunting or lifetime sportsman's license are also exempt from quota permit requirements on all areas except those specified by "(no exemptions)" in this rule. On those areas specified by "(no exemptions)," one person younger than 16 years of age may accompany a person older than 18 years of age who holds a valid regular, special, or spring turkey quota permit and participate in the hunt provided that both hunters must share a single bag limit of game. Quota, antlerless deer and special-opportunity permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee. Quota, antlerless deer, and special-opportunity permits shall be transferable, except that ~~quota, antlerless deer, and special-opportunity permits issued to exempt persons shall be transferable only to another exempt person, and application for same, if necessary, shall be made in accordance with Rule 68A-5.005, F.A.C.~~ Quota and antlerless deer permits issued to an underage applicant may only be transferred to another underage hunter. Quota hunt and antlerless deer permits issued

to a disabled applicant may only be transferred to another disabled hunter. Quota hunt and antlerless deer permits issued to a senior citizen may only be transferred to another senior citizen or underage hunter.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," dated May 1, ~~2006~~ 2005, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) Antlerless deer permits will be issued on specified wildlife management areas or wildlife and environmental areas during such hunting seasons or portions thereof as may be ordered by the Executive Director. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued. Antlerless deer permits shall be transferable. No person shall take any antlerless deer on a management area unless authorized by permit or by area regulations.

(4) No person shall sell, purchase or offer to purchase any quota permit or any antlerless deer permit.

PROPOSED EFFECTIVE DATE: May 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03, 7-1-03, 9-29-03, 7-1-04, 7-2-04, 8-1-04, 5-1-05, 5-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE CHAPTER NO.: 68A-15

RULE TITLE: Regulations Relating to Miscellaneous Areas
 RULE NO.: 68A-15.006

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations for miscellaneous areas. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on the Kissimmee River Public Use Area.

SUMMARY: The proposed rule changes would revise specific area regulations on Kissimmee River Public Use Area by allowing the take of wild hog with no size or bag limit during small game season and prohibit modern firearms in the posted archery/muzzleloading gun area during all established seasons. 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 Const.
 LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

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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:

68A-15.006 Regulations Relating to Miscellaneous Areas.

- (1) No change.
- (2) Kissimmee River Public Use Area.

(a) No change.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Wild hogs may be taken only during open seasons for deer or squirrel. Antlerless deer may be taken only during the archery seasons and during the eighth and ninth days of the antlered deer seasons for the South and Central Zones, as applicable, established in Rule 68A-13.004, F.A.C. Bag and possession limits and shooting hours shall be those established under Rules 68A-13.003, 68A-13.004 and 68A-13.008, F.A.C., except that shooting hours for turkeys during the spring season shall be from one-half hour before sunrise until 1 p.m., and there shall be no bag or size limits on wild hogs.

(c) General regulations:

1. The possession of guns shall be prohibited in the marshes and uplands except during the period beginning on the opening day of rail season established in Rule 68A-13.008, F.A.C., and ending on the closing day of spring turkey season established in Rule 68A-13.004, F.A.C. Center-fire rifles are prohibited. The marshes shall be those lands outside the Kissimmee River channel, the C-38 canal, and the Istokpoga canal. In posted archery/muzzleloading gun areas, only bows may be used during the zonal archery season, only muzzleloading guns may be used during the zonal muzzleloading gun season, only bows may be used during the antlered deer season, and only bows and muzzleloading guns may be used during other established seasons ~~spring-turkey season~~. The possession of guns shall be prohibited in the marshes and uplands in the northern portion of Bluff Hammock lying in the west 1/2 of Section 26 and the east 1/2 of Section 27, Township 34 South, Range 31 East, which are posted as closed to possession of guns.

2. Shooting frogs shall be permitted only during hunting seasons established for this area and only with guns that are legal to use during each particular open hunting season.

3. All public use shall be prohibited in those areas posted as closed to afford protection to biologically sensitive resources or sites, protection of archeological or cultural resources, or for public safety reasons. Hunting shall be prohibited within 300 yards of any active construction site.

4. The use of airboats is prohibited in those areas posted as closed to airboat use.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art IV, Sec 9, Fla. Const. History—New 12-9-99, Amended 5-13-02, 5-1-03, 5-23-04, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005
 BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE CHAPTER NO.: 68A-15
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Southwest Region
 RULE NO.: 68A-15.061

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

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

Green Swamp WMA – The proposed rules would allow vehicle access during periods open for camping, scouting, and fishing and frogging; and require hunters to remove hunting equipment on the last day of each hunting season.

Green Swamp West WMA – The proposed rule would list hog as legal to take with no size or bag limit and list furbearers, other than bobcat and otter, as legal to take.

Babcock/Webb WMA – The proposed rule would allow hunting equipment to be taken on the area one week prior to archery season.

Upper Hillsborough WMA – The proposed rule would clarify hog as legal to take with no size or bag limit.

KICCO WMA – The proposed rule would clarify hog as legal to take with no size or bag limit and allow vehicles to be parked within 25 feet of a named or numbered road in addition to designated parking areas.

Hickory Hammock WMA – The proposed rules would allow the take of hog with no size or bag limit during all quota hunts; establish a new archery hunt; establish the bag limit for the new archery hunt as one antlered and one antlerless deer per quota permit; add one additional day to each of five quota hunts; and move one weekend muzzleloader hunt to a weekdays.

Walk-in-the-Water WMA – The proposed rule would allow the take of hog with no size or bag limit during small game season.
 Lake Marion Creek WMA – The proposed rule would add a general gun hog season with hog only as legal to take with no size or bag limit.

Croom WMA - The proposed rules would expand duck and coot season to the statewide waterfowl season and allow the take of hog with no size or bag limit during small game season.
 Chassahowitzka WMA – The proposed rule would expand duck and coot season to the statewide waterfowl season.

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; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

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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:

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

(1) Green Swamp Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ through January ~~7~~ 8.

2. Archery – September ~~23~~ through October ~~22~~ 23, Fridays, Saturdays and Sundays only.

3. Small game – January ~~13~~ ~~14~~ through February ~~11~~ ~~12~~, Saturdays and Sundays only.

4. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May ~~5~~ ~~6~~ to June ~~17~~ ~~18~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

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

(c) No change.

(d) General regulations:

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

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

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

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

5. Hunting with dogs (other than bird dogs) is prohibited. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

6. Vehicles may be operated from 1.5 hours before sunrise until 1.5 hours after sunset during established open seasons, except during the designated fishing and frogging season when vehicles may be operated during daylight hours only. Vehicles may be operated after 8 a.m. until 1.5 hours after sunset one day prior to each archery hunt, general gun season and spring turkey season for scouting. Vehicle access to the designated campsites is allowed at anytime after 8 a.m. one day prior to archery hunts, general gun season and spring turkey season until 1.5 hours after sunset on the last day of the hunt or season, and after 4 p.m. on Friday until 1.5 hours after sunset on Sunday during the small game and fishing and frogging seasons. No person shall operate a motorized vehicle except during established open seasons or by written permission of the Southwest Florida Water Management District. Motorized vehicles may be operated only on named or numbered roads, except Stanley Fish Hole, Orange Lake and Tillman Lake roads shall be open only during the designated fishing and frogging season. Bicycles may be operated only on named or numbered roads and designated bicycle trails. During the designated fishing and frogging season Tanic Grade, Powder Grade and Levee Road north of Main Grade will be closed to vehicle traffic. Designated unimproved roads are open only during the fishing and frogging season.

7. Tracked vehicles, airboats, motorcycles, all-terrain vehicles and horses are prohibited.

8. Camps shall be removed by 8:00 p.m., April ~~22~~ ~~23~~ and June ~~17~~ ~~18~~ from the Rock Ridge campground and by April ~~22~~ ~~23~~ from the 471 campground.

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

10. Authorized hunting equipment or dogs may be taken on the area after 8 a.m. one day before the opening of a season and shall be removed from the area on the last day of each season.

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

(a) Open season:

1. Special-opportunity turkey – March ~~17-20~~ ~~18-21~~, March ~~26-29~~ ~~27-30~~, March 31 through April 3 ~~4~~, April 9-12 ~~10-13~~ and 14-17 ~~15-18~~.

2. Special-opportunity archery – November ~~4-7~~ ~~5-8~~ and 16-19 ~~17-20~~.

3. Special-opportunity general gun – December 14-17 ~~15-18~~, January 8-11 ~~9-12~~ and 18-21 ~~19-22~~.

4. Special-opportunity hog-still – February 2-4 ~~3-5~~.

5. Special-opportunity hog-dog – February 14-16 ~~15-18~~.

6. Small game – February 23-25 ~~24-26~~ and March 2-4 ~~3-5~~.

7. Fishing and frogging – Permitted throughout the year.

8. Trapping – Prohibited.

(b) Legal to take: All legal game, ~~and hogs~~, fish, frogs and furbearers (except bobcat and otter). Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag or size limits on ~~wild hogs. Fish and frogs throughout the year.~~

(c) through (d) No change.

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

(a) Open season:

1. General gun – October ~~28~~ ~~29~~ through November 5 ~~6~~.

2. Small game:

a. November 11-19 ~~12-20~~, and

b. November 22 ~~23~~ through January 14 ~~15~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November 24 ~~25~~.

3. Fishing and frogging – Throughout year.

4. Archery – September 9-10 ~~10-11~~.

5. Quail – Wednesday, Thursday, Saturday, and Sunday – November ~~15-19~~ ~~16-20~~, ~~22-26~~ ~~23-27~~, November ~~29~~ ~~30~~ through December ~~3~~ ~~4~~, December ~~6-10~~ ~~7-11~~, ~~13-17~~ ~~14-18~~ and ~~20-24~~ ~~21-25~~.

(b) through (c) No change.

(d) General regulations:

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

2. Users may enter the designated campsite at anytime. All users shall enter the remainder of the management area via Tucker Grade (I-75 side). During archery season, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 9:00 p.m. During all other periods open to hunting, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m. During periods closed to hunting, users shall enter the area no earlier than one-half (1/2) hour before sunrise and shall exit no later than one-half (1/2) hour after sunset.

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

a. General gun – October ~~28~~ ~~29~~ through November ~~5~~ ~~6~~, by walking hunters.

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

c. Field trial quail – January ~~27-28~~ ~~28-29~~.

d. Archery season – by walking hunters.

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

5. Hunting camps may be set up after 8:00 a.m. October ~~20~~ ~~21~~ and shall be removed by 9:00 p.m. the last day of the small game season. Camping is permitted from 5:00 p.m. Friday to 9:00 p.m. Sunday and on Memorial Day, Independence Day, Martin Luther King Jr. Day, and Labor Day during the remainder of the year.

6. Bird dogs may be trained in designated areas during the bird dog training season, September ~~16~~ ~~17~~ through February ~~11~~ ~~12~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited. During quail season, bird dogs may be trained on Mondays, Tuesdays, and Fridays only.

7. During closed seasons vehicles may be operated only on named or numbered roads in the recreational area lying south of the northern boundaries of Sections 19, 20 and 21, Township 41S, Range 24E and west of the first north-south fence line east of the Seaboard Grade. The operation of vehicles is prohibited in Sections 13, 14, 23 and 24, Township 42S, Range 24E and the west 1/2 of Section 19, Township 42S, Range 25E.

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

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

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

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

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

13. Authorized hunting equipment may be taken on the area beginning one week prior to the archery season.

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

(a) Open season:

1. General gun – October ~~28~~ ~~29~~ through November ~~5~~ ~~6~~.

2. Small Game – November ~~11~~ ~~12~~ through January ~~14~~ ~~15~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~24~~ ~~25~~.

3. Muzzleloading gun – October ~~13-15~~ ~~14-16~~.

4. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:

1. Archery – December ~~9-17~~ ~~10-18~~ and January ~~6-14~~ ~~7-15~~, Saturdays and Sundays only.

2. Muzzleloading gun – November ~~11~~ ~~12~~ through December ~~3~~ ~~4~~, Saturdays and Sundays only.

3. Small game – January ~~20~~ ~~21~~ through February ~~4~~ ~~5~~, Saturdays and Sundays only.

4. Spring turkey – March ~~21-22~~ ~~22-23~~, ~~28-29~~ ~~29-30~~, April ~~4-5~~ ~~5-6~~, ~~11-12~~ ~~12-13~~ and ~~18-19~~ ~~19-20~~.

5. Fishing and frogging – Permitted year-round.

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

(c) No change.

(d) General regulations:

1. No deer, turkey or hog may be dismembered or quartered until checked and tagged.

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

3. Tracked vehicles, airboats, motorcycles and all-terrain vehicles are prohibited.

4. Horses are prohibited during periods when hunting is allowed, but are permitted at other times with written permission from the Southwest Florida Water Management District.

5. Motorized vehicles may be operated only on named or numbered roads designated as open to vehicular traffic.

6. Bicycles may be operated only on named or numbered roads or designated bicycle trails.

7. During periods not open for hunting, access to the area is limited to pedestrians.

8. Hunting with dogs other than bird dogs is prohibited. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

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

10. Guns and camping equipment may be taken into the area beginning 3:00 p.m. the day before each hunting period and shall be removed by 8:00 p.m. the last day of each hunting period except during spring turkey season when guns and camping equipment shall be removed by 5:00 p.m. the last day of each hunt.

11. During the small game season, only shotguns are permitted. During the spring turkey season only muzzleloading guns, shotguns and bows and arrows are permitted.

(6) Arbuckle Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14~~ ¹⁵ through November ~~3~~ ⁴.

2. Muzzleloading gun – November ~~4-12~~ ⁵⁻¹³.

3. General gun hog – November ~~18-26~~ ¹⁹⁻²⁷, Saturdays and Sundays only.

4. Spring turkey – March ~~20-22~~ ²¹⁻²³ and April ~~3-5~~ ⁴⁻⁶.

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

(b) through (d) No change.

(7) KICCO Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ²⁴ through October ~~22~~ ²³, Saturdays and Sundays only.

2. Muzzleloading gun – October ~~28~~ ²⁹ through November ~~5~~ ⁶, Saturdays and Sundays only.

3. General gun hog – November ~~11~~ ¹² through December ~~10~~ ¹¹, Saturdays and Sundays only.

4. Small game – December ~~16~~ ¹⁷ through January ~~7~~ ⁸.

5. Spring turkey – March ~~17~~ ¹⁸ through April ~~15~~ ¹⁶, Saturdays and Sundays only.

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

(b) Legal to take: All legal game, hog, fish, frogs, and furbearers; ~~(except bobcat, and otter)~~. Turkey bag limit – one per quota permit. No size or bag limit on ~~wild~~ hogs. During the general gun hog season, only ~~wild~~ hogs may be taken.

(c) No change.

(d) General regulations:

1. Hunters in possession of a valid quota hunt permit may operate motor vehicles on named or numbered roads during the archery, muzzleloading gun, spring turkey, and general gun hog seasons. Vehicles must be parked in designated parking areas or within 25 feet of a named or numbered road. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. Horses are prohibited except by written permission from the South Florida Water Management District.

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

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

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

5. Only tents may be used for camping at designated hunt campsites.

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

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

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

9. Vehicular access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

(8) Hickory Hammock Wildlife Management Area.

(a) Open season:

1. General gun hog – September ~~15-17~~ ¹⁷⁻¹⁸ and ~~22-24~~ ²⁴⁻²⁵ and January ~~12-14~~ ¹⁴⁻¹⁵.

~~2. Archery – October 20-22.~~

~~3. Muzzleloading gun – October 30 through November 1~~ ²⁹⁻³⁰ and November ~~3-5~~ ⁵⁻⁶.

~~4. General gun – November 10-12~~ ¹²⁻¹³.

~~5. Small game – November 13~~ ¹⁴ through January ~~7~~ ⁸.

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

~~7. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one-half (1/2) hour before sunrise until noon.~~

~~8.7.~~ Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.

~~9.8.~~ Spring turkey – March ~~22-24~~ ~~23-25~~ and April ~~12-14~~ ~~13-15~~.

~~10.9.~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers ~~except wild hogs may be taken only during the general gun hog season.~~ Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. During the muzzleloading gun and general gun seasons the bag limit for antlered deer shall be one per quota hunt permit. During the archery season the bag limit for deer shall be one antlered and one antlerless deer per quota permit. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. Only wild hog may be taken during the general gun hog season.

(c) through (d) No change.

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

(a) Open season:

1. Archery – ~~September 30 through October 15~~ ~~4-16~~.

2. Muzzleloading gun – ~~October 27-29~~ ~~28-30~~.

3. General gun hog – ~~January 13-21~~ ~~14-22~~.

4. Small game – ~~November 18~~ ~~19~~ through ~~December 10~~ ~~11~~ and ~~February 3-18~~ ~~4-19~~.

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

(b) Legal to take: All legal game (except turkeys), hog and fish. Deer bag limit – one per day. No size or bag limit on hog. ~~Wild hog bag limit – no size or bag limits.~~ During the general gun hog season only ~~wild~~ hogs may be taken.

(c) through (d) No change.

(10) Hilochee Wildlife Management Area.

(a) Open season:

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

2. Spring turkey – ~~March 23-25~~ ~~24-26~~ and ~~April 6-8~~ ~~7-9~~.

3. Muzzleloading gun – ~~November 3-5~~ ~~4-6~~.

4. General gun hog – ~~December 1-3~~ ~~2-4~~, ~~January 12-14~~ ~~13-15~~ and ~~19-21~~ ~~20-22~~.

5. Small game – ~~January 26~~ ~~27~~ through ~~February 4~~ ~~5~~.

6. Archery – ~~October 20-22~~ ~~21-23~~.

7. Fishing – Permitted on Peat Lake, Little Peat Lake, Hidden Lake, Stock Lake, and Turtle Pond by those in possession of a Hilochee Fishing Permit. The possession of nets (except dip nets), fish traps, trotlines, set lines, minnow seines, cast nets, or bush hooks is prohibited. Fishing is

permitted on Saturdays only and during daylight hours only. Ten fishing permits shall be available for each Saturday. Permits shall be nontransferable with no exemptions.

(b) through (d) No change.

(11) Lake Marion Creek Wildlife Management Area.

(a) Open season:

1. Archery – ~~September 23-25~~ ~~24-26~~ and ~~September 29~~ ~~30~~ through ~~October 1~~ ~~2~~.

2. Muzzleloading gun – ~~October 28-30~~ ~~29-31~~.

3. General gun – ~~November 11-13~~ ~~12-14~~ and ~~17-19~~ ~~18-20~~.

4. Small game – ~~December 8-10~~ ~~9-11~~ and ~~15-17~~ ~~16-18~~.

5. General gun hog – January 6-8.

~~6.5.~~ Spring turkey – ~~March 17-19~~ ~~18-20~~, ~~March 30~~ ~~31~~ through ~~April 1~~ ~~2~~ and ~~April 13-15~~ ~~14-16~~.

~~7.6.~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers. One antlered deer may be taken per quota ~~hunt~~ permit. No more than one antlerless deer may be taken per archery quota permit. Antlerless deer may be taken by permit only during the muzzleloading and general gun seasons. There shall be no size or bag limit restrictions on wild hogs. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota ~~hunt~~ permit. Only wild hog may be taken during the general gun hog season.

(c) through (d) No change.

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

(a) Open season:

1. Archery – ~~September 23~~ ~~24~~ through ~~October 22~~ ~~23~~ in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – ~~October 28~~ ~~29~~ through ~~November 5~~ ~~6~~ in areas and during days specified by the Installation Commander.

3. General gun – ~~November 11~~ ~~12~~ through ~~January 21~~ ~~22~~ in areas and during days specified by the Installation Commander.

4. Small game – ~~January 1~~ ~~2~~ through ~~March 4~~ ~~5~~ in areas and during days specified by the Installation Commander.

5. Spring turkey – ~~March 17~~ ~~18~~ through ~~April 22~~ ~~23~~ in areas and during days specified by the Installation Commander.

6. Antlerless deer – ~~November 18-24~~ ~~19-25~~ in areas and during days specified by the Installation Commander.

7. Trapping – Prohibited.

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

(b) through (d) No change.

(13) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – ~~October 27-29~~ ~~28-30~~.

2. General gun – ~~November 11~~ ~~12~~ through ~~December 3~~ ~~4~~.

- 3. Small game – December ~~4~~ ⁵ through March ~~4~~ ⁵.
- 4. Spring turkey – March ~~20-22~~ ²¹⁻²³, April ~~3-5~~ ⁴⁻⁶ and ~~17-19~~ ¹⁸⁻²⁰.
- 5. Fox, raccoon and bobcat – December ~~14~~ ¹⁵ through March ~~11~~ ¹². Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.
- 6. Fishing and frogging – Throughout year.
- 7. Duck and coot – During the migratory game bird seasons as established by Rule 68A-13.003, F.A.C.
 - (b) Legal to take: All legal game, hog, fish, frogs and furbearers. No size or bag limit on ~~wild~~ hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota ~~hunt~~ permit.
 - (c) No change.
 - (d) General regulations:
 - 1. Hunting with dogs is prohibited November ~~11~~ ¹² through December ~~3~~ ⁴. Hunting with dogs other than bird dogs is prohibited December ~~4-13~~ ⁵⁻¹⁴, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the ~~Tucker Hill~~ Croom ~~graded~~ road, bounded on the east by Croom-Rital Road to its juncture with the boundary fence of the Croom Motorcycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East, and thence bounded by said boundary fence. Trailing dogs on a leash are permitted.
 - 2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. ~~During the general gun, muzzleloading gun, spring turkey and small game seasons, all terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.~~
 - 3. Horses may be ridden only on named or numbered roads or on designated horse trails.
 - 4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.
 - 5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

- 6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.
- 7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.
 - (14) Chassahowitzka Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~23~~ ²⁴ through October ~~22~~ ²³.
 - 2. Muzzleloading gun – October ~~27-29~~ ²⁸⁻³⁰.
 - 3. General gun – November ~~11~~ ¹² through January ~~7~~ ⁸.
 - 4. Duck and coot – Wednesdays, Saturdays and Sundays ~~only during the migratory game bird seasons as of the duck and coot season established by Rule 68A-13.003, F.A.C.~~
 - 5. Fishing, frogging and other recreational use – Permitted year-round.
 - ~~6. Small game – December 1 through January 8.~~
 - ~~6.7. Spring turkey – March 24-27 25-28 and March 28 29 through April 1 2.~~
 - (b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03, 7-1-04, 7-1-05, ~~7-1-06~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE TITLE: Specific Regulations for Wildlife Management Areas – North Central Region
 RULE CHAPTER NO.: 68A-15
 RULE NO.: 68A-15.062

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the North Central Region and

conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

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

Cypress Creek WMA – The proposed rule change would allow camping at any time with a permit from the landowner.

Gulf Hammock WMA – The proposed rule changes would increase general gun season from 58 to 72 days; increase muzzleloading gun season from three to nine days; allow hogs to be taken during the entire general gun season; and, establish a still hunt only area where the possession or use of dogs, other than waterfowl retrievers or bird dogs is prohibited, except as provided by Rule 68A-15.004, F.A.C.

Lochloosa WMA – The proposed rule changes would add a third quota hunt to the general gun season and prohibit tracked vehicles, ATVs and unlicensed vehicles on the area.

Osceola WMA – The proposed rule changes would require that in the area south of I-10, vehicles be restricted to numbered roads throughout the year and increase the number of roads open for public use to conform with a change in U.S. Forest Service access regulations; eliminate a redundant rule allowing shotguns during archery season; and, make a technical correction to allow guns on the gun range year-round.

Big Bend WMA, Tide Swamp Unit – The proposed rule changes would open additional roads for a new driving tour and make a technical correction to allow dogs on a leash for trailing wounded game and during non-hunting periods.

Big Bend WMA, Hickory Mound Unit – The proposed rule change would allow only the taking of migratory game birds, within the Hickory Mound Impoundment, on days that waterfowl and coot hunting is allowed.

Big Bend WMA, Snipe Island Unit – The proposed rule changes would make a technical correction to allow dogs on a leash for trailing wounded game and during non-hunting periods.

Raiford WMA – The proposed rule change would allow the take of hogs with no size or bag limit.

Andrews WMA – The proposed rule changes would add a third 3-day small game hunt; establish two 2-day family hunts for hogs only; allow only the take of deer and hog during the youth hunt; allow hunters to have their zone tag in their possession rather than wearing it; and, make a technical change to eliminate the name of a road.

Big Shoals WMA – The proposed rule change would only require hunters to have their zone tag in their possession rather than being required to wear it visibly.

Twin Rivers WMA – The proposed rule change would eliminate the requirement for a quota permit and zone tag during the small game season.

Holton Creek WMA – The proposed rule would allow camping at any time with a permit from the landowner.

Goethe WMA – The proposed rule changes would increase the length of the archery season from 16 to 23 days; increase the length of the general gun still season from four to six days and split the quota hunt into two 3-day hunts; increase the length of the general gun dog season from five to seven days and split the quota hunt into a 3-day and a 4-day hunt; increase the length of the small game season from 16 to 23 days and move the season from late November to mid January; increase the length of the spring turkey season from nine to 16 days and add a second quota hunt; allow camping with a permit from the landowner; create a dove only hunting area in which only shotguns would be allowed; and, prohibit public access from 1.5 hours after sunset until 1.5 hours before sunrise (camping allowed by permit).

San Pedro Bay WMA – The proposed rule changes would increase the length of the muzzleloading gun season from three to nine days and remove the bag and size limit, and time frame restriction on taking hogs.

Citrus WMA – The proposed rule changes would establish three new 3-day spring turkey hunts; allow the take of hogs with no size or bag limit during small game season; and, make a technical correction to clarify the boundary of the field trial area.

Flying Eagle WMA – The proposed rule change would allow the take of hogs with no size or bag limit during small game season.

Potts WMA – The proposed rule change would add all furbearers, except bobcat and otter, as legal to take.

Homosassa WMA – The proposed rule changes would require hunters to check their game and change the word “firelines” to “trails”.

Devil’s Hammock WMA – The proposed rule changes would establish two 2-day family hunts for hogs with only hog as legal to take and increase the length of the small game season from 16 to 30 days.

Mallory Swamp WMA – The proposed rule changes would allow the take of hogs with no size or bag limit during small game season; expand the still hunt area by adding approximately 3,000 acres, which are currently closed to hunting, and allow hunting in this new area except during general gun season; and, reduce the checking requirement during the general gun season.

Middle Aucilla WMA – The proposed rule change would make a technical correction to allow dogs on a leash for trailing wounded game and during non-hunting periods.

Little River WMA – The proposed rule change would allow camping at any time with a permit from the landowner.

Troy Springs WMA – The proposed rule change would allow camping at any time with a permit from the landowner.

Bayard WMA – The proposed rule change would allow public access year-round in an area that is not open for hunting.

Grove Park WMA – The proposed rule changes would increase the length of the muzzleloading gun season from three to nine days and clarify that persons without a Recreational Use Permit may access the recreational trails, identified on the WMA brochure map, for horseback riding, bicycling and hiking.

Steinhatchee Springs WMA - The proposed rule change would make a technical correction to allow dogs on a leash for trailing wounded game and during non-hunting periods.

Nassau WMA – The proposed rule changes would increase the length of the muzzleloading gun season from three to nine days, and make a technical correction to allow dogs on a leash for trailing wounded game and during non-hunting periods.

Ralph E. Simmons WMA – The proposed rule change would allow only one quota permit to be used per person, per season; and, establish a bag limit for deer of one antlered and one antlerless deer per person, except that antlerless deer may only be taken during the archery and mobility-impaired seasons.

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; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

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

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~.

2. Spring turkey – Hunters shall be afforded at least two five-day periods of hunting, with specific hunt dates and locations to be determined by, and at the discretion of, the Camp Blanding Base Commander.

3. Archery – September ~~27-29~~ ~~28-30~~ and October ~~4-6~~ ~~5-7~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~ in the designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – The Saturday and Sunday prior to Columbus Day, and the Saturday and Sunday 12 and 13 days (respectively) after Columbus Day, site to be determined.

5. Muzzleloading gun – October ~~11-13~~ ~~12-14~~ and ~~18-20~~ ~~19-21~~, north of State Road 16 and County Road 215 and east of County Road 225 only.

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

7. Trapping – December 1 through January ~~7~~ ~~8~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) through (d) No change.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~17-25~~ ~~18-26~~.

2. Archery – September ~~23~~ ~~24~~ through October ~~8~~ ~~9~~.

3. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

4. Fishing – Permitted throughout the year.

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

(b) No change.

(c) Camping: ~~Prohibited during periods when the area is open to hunting. During the periods closed to hunting, camping is~~ allowed by permit only, from the Suwannee River Water Management District.

(d) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ ~~12~~ through January ~~21~~ ~~8~~.

2. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

3. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

4. Muzzleloading gun – October 28 through November ~~5~~ ~~4-6~~.

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

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

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on established roads.

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

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

4. Fires other than campfires are prohibited.

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

6. The taking of wildlife by use of a gun on or from the right-of-way of Butler Road south of its intersection with Buckhead Road is prohibited as provided by Rule 68A-4.008, F.A.C.

7. The possession or use of dogs, other than bird dogs or waterfowl retrievers, is prohibited in that portion of the area south of King Road, east of the powerline right-of-way, south of Howell Road and east of Butler Road; except as provided by paragraph 68A-15.004(7)(c) and (d), F.A.C.

(4) Lochloosa Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-24~~ ~~12~~, November ~~25~~ through December ~~10~~ and December ~~11~~ through January ~~7~~ ~~8~~.

2. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

3. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

4. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

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

6. Small game – January ~~8~~ ~~9~~ through March ~~4~~ ~~5~~.

7. Fishing and frogging – Throughout year.

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

(c) No change.

(d) General regulations:

1. The taking of hogs by the use of dogs is prohibited.

2. Vehicles are restricted to established roads. Tracked vehicles, all-terrain vehicles (ATVs) and unlicensed vehicles are prohibited. Non-motorized bicycles are permitted, but may be ridden only on established roads.

3. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

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

5. Fires are prohibited on the area.

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

(5) Osceola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~.

2. Small game – January ~~8~~ ~~9~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~24~~ through October ~~15~~ ~~16~~.

5. Muzzleloading gun – October ~~20-27~~ ~~21-28~~ in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August ~~5~~ ~~6~~ through September ~~26~~ ~~27~~ in the dog hunt portion of the area only from sunset to sunrise.

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

8. Fishing and frogging – Throughout year.

9. Trapping – January ~~8~~ ~~9~~ through March 1.

(b) Legal to take: All legal game, fish, frogs, furbearers. Wild hogs may be taken only during the archery, muzzleloading gun, general gun and small game seasons ~~hunts~~. No size or bag limits on wild hogs.

(c) No change.

(d) General regulations:

1. The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 233, 232, 262, 214, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36 to the Baker County/Columbia County line, then north along the west side of Section 31, Township 1 South, Range 19 East, to the northwest corner of Section 30, Township 1 South, Range 19 East, then east along the north boundary of Section 30, Township 1 South, Range 19 East, to the NE corner of the NW 1/4 of the NW 1/4 Section 29, Township 1 North, Range 19 East, then south to the south boundary of Section 29, Township 1 South, Range 19 East, then east to the southeast corner of Section 27, Township 1

South, Range 19 East, then north along the east side of Section 27, Township 1 South, Range 19 East, to the northwest corner of Section 23, Township 1 South, Range 19 East, then east to Forest Road 5, then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to State Road 2, then southeast along State Road 2 to Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, then southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point on County Road 125. Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

2. Deer dogs may be trained from October ~~28~~ 24 through November ~~6~~ 2, except in the still hunt area.

3. Taking of wildlife by use of a gun on or from the rights-of-way of Interstate 10, County Roads 250, 250A, 229, 127 and 125, Forest Service Road 236 (between U.S. 90 and C.R. 250), and State Road 2 is prohibited as provided by Rule 68A-4.008, F.A.C.

~~4. In that portion of the western dog hunt area, north of Forest Service Road 262, vehicles shall be restricted to numbered roads from August 1 through January 15. In that portion of the area south of I-10 vehicles shall be restricted to numbered roads year-round. In that portion of the area lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County, vehicles shall be restricted to numbered roads year-round. Vehicles shall be restricted to numbered roads during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Service Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Service Road 262. Vehicles shall be restricted to numbered roads on those lands lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County.~~

5. All deer taken must be checked at a check station. No deer shall be dismembered until checked at a check station.

6. Operation of a vehicle in areas posted as closed to vehicles is prohibited.

~~7. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., but only by hunters meeting the permit and license requirements for hunting ducks.~~

~~7.8.~~ No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Service Road 285; on Forest Service Road 236 eastward from US 441; on Forest Service Road 263; on Forest Service Road 262 east from US 441; on Forest Service Road 233 north from County Road 250; on Forest Service Road 233 east from US 441 to its juncture with Forest Service Road 237 and then north on Forest Service Road 237 to the boundary of the dog hunt area, and on Forest Service Road 232 west from the east dog hunt area.

~~8. Persons may possess and use guns year-round on the shooting range. Guns being transported to and from the range shall be unloaded and cased. During periods when hunting is not allowed guns must be transported to and from the range from US 90, north on McCloskey Avenue to Forest Road 278, then west to the gun range; or from Williams Road to Forest Road 217, then easterly on Forest Road 278 to the range.~~

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

(a) Open season:

1. General gun – November ~~11~~ 12 through January ~~7~~ 8.

2. Archery – September ~~23~~ 24 through October ~~22~~ 23.

3. Muzzleloading gun – October ~~27-29~~ 28-30.

4. Small game – January ~~8~~ 9 through March ~~4~~ 5.

5. Fishing and frogging – Throughout the year.

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

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

8. Spring turkey – March ~~17~~ 18 through April ~~22~~ 23.

9. Trapping – January ~~8~~ 9 through March 1.

(b) through (c) No change.

(d) General regulations:

1. Possession or use of dogs other than waterfowl retrievers ~~or and~~ bird dogs is prohibited, except as provided by paragraph 68A-15.004(7)(c) or (d), F.A.C.

2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31 all motorized vehicles shall be operated only on Dallis Creek Road, Hagen's Cove Road, Tide City Mainline, Turkey Track Tram, Pine Island Road, Indian Island Road and Bridge Road Bradley Springs Road.

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

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

5. Fires are prohibited.

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

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

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

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

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Archery – September ~~23 24~~ through October ~~22 23~~.

3. Muzzleloading gun – October ~~27-29 28~~ through ~~30~~.

4. Small game – January ~~8 9~~ through March ~~4 5~~.

5. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

6. Trapping – January ~~8 9~~ through March 1.

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

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

9. Fishing and frogging – Throughout year.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Small game – January ~~8 9~~ through March ~~4 5~~.

3. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

4. Archery – September ~~23 24~~ through October ~~22 23~~.

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

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

7. Fishing and frogging – Throughout the year.

8. Trapping – January ~~8 9~~ through March 1.

(b) through (c) No change.

(d) General regulations,

1. Duck and coot shooting hours for the Hickory Mound Impoundment: From the beginning of shooting hours established pursuant to Rule 68A-13.003, F.A.C., until noon.

2. Airboats or vehicles are prohibited inside the Hickory Mound Impoundment Area. Gas-powered outboard motors are prohibited in the Hickory Mound Impoundment from August 31 until March 31. Gas-powered outboard motors of 4 h.p. or less are permitted in the Hickory Mound Impoundment from April 1 through August 30.

3. Commercial fishing or crabbing is prohibited in the Hickory Mound Impoundment.

4. Possession of shotguns within the Hickory Mound Impoundment is allowed only during days when duck and coot hunting is allowed and only for taking migratory game birds permitted.

5. The discharge of any firearm from the Hickory Mound Impoundment dikes is prohibited.

6. Hunters shall check in and out at a designated check station when entering or exiting the area and shall check all game taken during the archery, general gun, spring turkey, early duck and regular duck and coot seasons. Hunters shall obtain a daily hunt permit upon checking in and retain it in their possession while on the area.

7. Only shotguns or bows and arrows are permitted in the Hickory Mound Impoundment.

8. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31, motorized vehicles may be operated only on Cow Creek Grade, Coker Road, Swartz Tram west of Cow Creek Grade and J.C. Franklin Grade.

9. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

10. Hunting from permanent blinds or structures in the Hickory Mound Impoundment is prohibited.

11. Fires are prohibited.

12. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers may be used during the early duck season.

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

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

3. Small game – January ~~8 9~~ through March ~~4 5~~.

4. Fishing and frogging – Permitted throughout the year.

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

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

7. Trapping – January ~~8 9~~ through March 1.

(b) through (d) No change.

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

(a) Open season:

1. Archery – September ~~23~~ 24 through October ~~22~~ 23.
2. Muzzleloading gun – October ~~27-29~~ 28-30.
3. General gun – November ~~11~~ 12 through December ~~3~~ 4.
4. Small game – January ~~6~~ 7 through February ~~4~~ 5.
5. Spring turkey – March ~~17~~ 18 through April ~~8~~ 9.
6. Trapping – January ~~6~~ 7 through March 1.
7. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General Regulations:

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

2. Fires are prohibited.

3. Vehicles shall be operated only on named and numbered roads from September 1 through April 30. From May 1 to August 31, vehicles shall be operated only on Mandalay Road and Snipe Island Grade.

4. All hunters shall check in and out at the check station on Mandalay Road or Snipe Island Grade when entering and exiting the area. Hunters shall check all game taken. When check stations are unmanned, hunters shall use self-service check stations.

5. The possession or use of dogs other than waterfowl retrievers ~~or~~ and bird dogs is prohibited, except as provided by paragraph 68A-15.004(7)(c) or (d), F.A.C.

6. Horses are permitted only during periods closed to hunting.

(11) No change.

(12) Raiford Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ 24 through October ~~8~~ 9.
2. Muzzleloading gun – October ~~27-29~~ 28-30.
3. Archery and muzzleloading gun – November ~~11-19~~ 12-20.
4. Spring turkey – March ~~17-25~~ 18-26.
5. Fishing and frogging – During periods in which hunting is allowed.

(b) Legal to take: All legal game, hog, fish, frogs, and furbearers. No size or bag limit on hog. Wild turkeys may be taken during the muzzleloading gun and archery/muzzleloading gun seasons.

(c) through (d) No change.

(13) Cedar Key Scrub Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-19~~ 12-20.
2. Archery – September ~~23~~ 24 through October ~~8~~ 9.
3. Muzzleloading gun – October ~~27-29~~ 28-30.

(b) - (d) No change.

(14) Andrews Wildlife Management Area.

(a) Open season:

1. Archery – September ~~29~~ 30 through October ~~1~~ 2 and October ~~6-8~~ 7-9.

2. Muzzleloading gun – October ~~27-29~~ 28-30 and November ~~3-5~~ 4-6.

3. General gun – November ~~17-19~~ 18-20.

4. Small game – January ~~5-7~~, ~~6-8~~ 12-14 and ~~19-21~~ 13-15.

5. Family hunt – February 3-4 and 10-11.

~~6.5.~~ Spring turkey – March ~~23-25~~ 24-26 and April ~~13-15~~ 14-16.

~~7.6.~~ Supervised deer-hog youth hunt – October ~~14-15~~ 15-16 and ~~21-22~~ 22-23.

~~8.7.~~ Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. The bag limit shall be one deer per quota hunt permit. No size or bag limit on ~~wild~~ hogs. During the family hunt, only hog may be taken. During the supervised deer-hog youth hunt, only antlered deer, antlerless deer by permit only, and hog may be taken.

(c) Camping: Prohibited.

(d) General regulations:

1. A quota permit shall be required for each hunter entering the area. The hunter quota has been divided proportionately between zones as follows:

a. Archery – A-4, B-10, C-12, D-12, E-6, F-16.

b. Muzzleloading gun and general gun, small game, and supervised youth hunts – A-3, B-7, C-7, D-9, E-4, F-10.

c. Family hunt – A-2, B-4, C-4, D-4, E-2, F-4.

d.e. Spring turkey – A-2, B-5, C-5, D-7, E-3, F-8.

2. No person shall hunt in any zone other than that to which he is assigned by zone tag. Zone tags shall not be transferred. All hunters shall keep the zone tag in their possession wear zone tags visibly. Zone tags shall be returned to the check station before exiting the area. Zone tags may be reserved for the next day.

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

4. Vehicles may be operated only on designated portions of named or numbered roads. During periods when the area is closed to hunting, persons may enter the area no earlier than one-half hour before sunrise and shall exit no later than one-half hour after sunset. Horses and all-terrain vehicles are prohibited on the area.

5. Hunting with dogs is prohibited.

6. During the supervised youth hunts, only persons under sixteen years of age but not younger than eight years of age, and under the supervision and in the presence of an adult no younger than 18 years of age as provided in Section 790.22, F.S., may hunt.

7. During open hunting seasons access to the area shall be restricted to individuals with a valid quota hunt permit for the area.

8. During periods open to hunting, no person shall enter the area prior to one hour before legal shooting hours or exit the area after one hour past legal shooting hours.

9. During periods open to hunting, entry into or exit from the area at locations other than designated entrances ~~the check station via CR 211~~ is prohibited.

10. Fires are prohibited.

(15) Big Shoals Wildlife Management Area.

(a) Open season:

1. Archery – September 25-30 ~~26 through October 1, October 2-7~~ ~~3-8~~ and 9-14 ~~10-15~~.

2. Muzzleloading gun – October 27-29 ~~28-30~~ and November 3-5 ~~4-6~~.

3. Small game – December 18-23 ~~19-24~~ and December 25-30 ~~26-31~~.

4. Spring turkey – March 22-24 ~~23-25~~ and April 12-14 ~~13-15~~.

5. Fishing – Permitted throughout the year.

(b) Legal to take: During the archery season only antlerless and antlered deer, wild hogs, turkey of either sex ~~either sex turkeys~~, rabbit, and gray squirrel may be taken. During the muzzleloading gun season only antlered deer, wild hogs, rabbits and gray squirrels may be taken. During the small game season only rabbits and gray squirrels may be taken. During the spring turkey season only bearded turkeys or gobblers may be taken. No size or bag ~~or size~~ limit on wild hogs. All legal fish.

(c) No change.

(d) General regulations:

1. No person shall hunt in any zone other than that to which he is assigned by zone tag. Zone tags shall not be transferred. All hunters shall keep the zone tag in their possession ~~wear zone tags visibly~~.

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

3. During hunting periods, access for hunters will be only through the check station on CR 135.

4. Vehicles may be operated only on designated portions of named or numbered roads. The use of tracked vehicles, motorcycles, airboats or all-terrain vehicles is prohibited on the area. Horses are permitted on roads open to vehicular use or on designated horse trails.

5. Hunting with dogs is prohibited.

6. Persons may enter the area no earlier than one and one-half (1 1/2) hours before sunrise and shall exit no later than one and one-half (1 1/2) hours after sunset year around.

(16) Twin Rivers Wildlife Management Area.

(a) Open season:

1. Archery – September 23 ~~24~~ through October 8 ~~9~~.

2. Muzzleloading gun – October 27-29 ~~28-30~~.

3. General gun – November 11-21 ~~12-22~~.

4. Small game – December 2-24 ~~3-25~~.

5. Spring turkey – March 23-25 ~~24-26~~ and April 13-15 ~~14-16~~.

6. Fishing – Throughout the year.

(b) through (c) No change.

(d) General regulations:

1. ~~A quota permit shall be required for each hunter entering the area.~~ The quota has been divided proportionately between zones as follows: Archery, Muzzleloading Gun and General Gun, A-5, B-35, C-20; Spring Turkey, A-4, B-15, C-5.

2. Hunters shall check in and out at the check station on Highway 90 in Zone B during the archery, muzzleloading gun, general gun and spring turkey seasons and report all game taken.

3. During archery, muzzleloading gun, general gun and spring turkey seasons, no person shall hunt in any zone other than that for which he has a zone tag.

4. Hunters shall obtain a zone tag when they check in at the check station, except during the small game season, and keep it in their possession while hunting on the area.

5. Horses are permitted only during daylight hours on designated roads.

6. Vehicles may be operated only during daylight hours and only on the following roads: Zone A – Spring Road (only during the period from the first Monday after the close of the spring turkey season through Labor Day) and Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, and Springs Road.

7. All-terrain vehicles are prohibited on the area.

8. Persons may enter and exit the area only on the following roads and trails: Zone A – Loop Road; Zone B – Withlacoochee Road, Powerline Road, Loop Road and West Road; Zone C – Road A, Road B, Road C, Road 1, Road 2, Road 3, Springs Road, and the Florida Trail.

9. Hunting with dogs is prohibited except during the small game season.

10. Wild hogs may not be transported alive.

(17) No change.

(18) Jennings Forest Wildlife Management Area.

(a) Open season:

1. Archery – September 23 ~~24~~ through October 8 ~~9~~.

2. Supervised small game – October 14-22 ~~15-23~~, east of Black Creek only.

3. Muzzleloading gun – October 27-29 ~~28-30~~.

4. General gun – November 11-26 ~~12-27~~.

5. Small game – January 12 ~~13~~ through February 11 ~~12~~, Fridays, Saturdays and Sundays only.

6. Spring turkey – March 17-20 ~~18-21~~ and 21-25 ~~22-26~~.

7. Fishing – Throughout the year.

(b) Legal to take: All legal game, fish and furbearers except bobcat and otter. During the archery, muzzleloading gun and general gun seasons, the bag limit for deer shall be one per

quota ~~hunt~~ permit. During the spring turkey season, the bag limit for turkeys shall be one gobbler (bearded turkey) per quota ~~hunt~~ permit. No size or bag limits on wild hogs.

(c) through (d) No change.

(19) Holton Creek Wildlife Management Area.

(a) Open season:

1. Mobility-impaired general gun – October ~~13-15~~ ~~14-16~~, ~~27-29~~ ~~28-30~~, November ~~3-5~~ ~~4-6~~ and December ~~15-17~~ ~~16-18~~.

2. Mobility-impaired spring turkey – March ~~23-25~~ ~~24-26~~ and April ~~13-15~~ ~~14-16~~.

3. Fishing – Throughout the year.

(b) Legal to take: Any deer (except spotted fawns), wild hogs, bearded turkey, gray squirrel and rabbit. The bag limit shall be one deer and one turkey per quota ~~hunt~~ permit. No size or bag limit on hogs. All legal fish.

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

(d) No change.

(20) Goethe Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~15~~ ~~9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun (still hunt) – November ~~11-13~~ ~~and 14-16~~ ~~12-15~~.

4. General gun (dog hunt) – November ~~17-19~~ ~~and 20-23~~ ~~16-20~~.

5. Small game – ~~January 13 through February 4~~ ~~November 26 through December 11~~.

6. Spring turkey – March ~~17-23~~ ~~and March 24 through April 1~~ ~~18-26~~.

7. Fishing – Throughout the year.

(b) No change.

(c) Camping is allowed by permit only, from the Division of Forestry. ~~Prohibited during periods when the area is open to hunting. During periods closed to hunting, camping is by special permit only from the Division of Forestry.~~

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads unless otherwise posted as closed.

2. Taking wildlife by use of a gun on or from the rights-of-way of State Road 121 or county roads 343, 326, 337, or 336 is prohibited as provided by Rule 68A-4.008, F.A.C.

3. Fires are permitted only at locations specified by the Division of Forestry.

4. Hunting with dogs is prohibited during the general gun still hunt season, archery season, and muzzleloading gun season. Hunting with dogs other than bird dogs is prohibited during the small game season.

5. The use of tracked vehicles, airboats, and all-terrain vehicles is prohibited. Horses are permitted only on roads and designated horse trails.

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

7. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun dog hunt.

8. The portion of the area north of Hospital Road and east of County Road 337 (also known as Hog Pond Tract) shall be open for hunting only during the small game season.

9. Hunters shall check all deer, hogs, and turkeys at one of the area check stations before leaving the area.

10. That portion of the area south of County Road 326 and adjacent to the east side of County Road 337 shall be open only for taking doves as established by Rule 68A-13.008, F.A.C. Only shotguns are allowed on this portion of the area.

11. Public access is prohibited from 1.5 hours after sunset until 1.5 hours before sunrise, except by persons in possession of a camping permit from the Division of Forestry.

(21) San Pedro Bay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~.

2. Small game – January ~~8~~ ~~9~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

5. Muzzleloading gun – October ~~28~~ ~~through November 5~~ ~~28-30~~.

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

7. Fishing and frogging – During periods the area is open.

8. Trapping – January ~~8~~ ~~9~~ through March 1.

(b) Legal to take: All legal game, hog, fish, frogs, and furbearers. No size or bag limit on hog. ~~Wild hogs may be taken only during the archery season, muzzleloading gun season, and the first 30 days of general gun season.~~

(c) through (d) No change.

(22) Citrus Wildlife Management Area.

(a) Open season:

1. General gun – December ~~16-17~~ ~~17-18~~ and January ~~6-7~~ ~~7-8~~.

2. Small game – January ~~8~~ ~~9~~ through March ~~4~~ ~~5~~.

3. Muzzleloading gun – December ~~9-10~~ ~~10-11~~ and December ~~30-31~~ ~~31~~ ~~through January 1~~.

4. Archery – November ~~11~~ ~~12~~ through December ~~3~~ ~~4~~.

5. Spring turkey – March 20-22, April 3-5 and 17-19.

~~6-5~~ Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game (~~except turkeys~~), hog, fish, frogs and furbearers. During the archery, muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. Turkey may be taken only during the spring turkey

season. The bag limit shall be one gobbler (or bearded turkey) per spring turkey quota permit. No size or bag limit on ~~for~~ wild hogs.

(c) Camping: Permitted in designated campsites only.

(d) General regulations:

1. Only bird dogs may be used for hunting during the small game season. Dogs are prohibited at other times except as authorized.

3. Vehicles may be operated only on named or numbered roads. 2. The use of all-terrain vehicles is prohibited.

4. No deer shall be dismembered or removed until checked at the check station.

5. The use of horses for hunting is prohibited except during the small game season.

6. The take of ~~Hunting~~ quail is prohibited ~~east of County Road 491~~ between Trail 16 and ~~County Road~~ ~~State Road~~ 480.

7. Bird dogs may be used during authorized field trials.

8. Bird dogs may be trained in the area ~~east of County Road 491~~ between Trail 16 and Trail 20 October 1 through 31. Scheduled bird dog trial events are authorized only in the area ~~east of County Road 491~~ between Trail 16 and County Road 480.

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

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

11. Camping equipment may not be taken into the area prior to 14 days before the archery season and shall be removed by 6:00 p.m. six days after the close of the small game season.

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

13. Horses are restricted to named or numbered roads and designated horse trails.

(23) Flying Eagle Wildlife Management Area.

(a) Open season:

1. Archery – ~~September 30 through~~ October ~~8~~ ~~1-9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-19~~ ~~12-20~~.

4. Small game – November ~~24-26~~ ~~25-27~~ and December ~~15-17~~ ~~16-18~~.

5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

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

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers (except otter). Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limit on ~~wild~~ hogs.

(c) through (d) No change.

(24) Potts Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

2. Archery – October ~~7-15~~ ~~8-16~~.

3. Muzzleloading gun – November ~~3-5~~ ~~4-6~~.

4. General gun hog-dog – November ~~17-19~~ ~~18-20~~.

5. Small game – December ~~8-10~~ ~~9-11~~, January ~~5-7~~ ~~6-8~~, and February ~~2-4~~ ~~3-5~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) Legal to take: All legal game, ~~wild~~ hogs, fish, ~~and~~ frogs ~~and~~ furbearers (except bobcat and otter). The bag limit for turkey shall be one gobbler (or bearded turkey) per spring turkey quota ~~hunt~~ permit. No size or bag limit on ~~wild~~ hogs. Only ~~wild~~ hogs may be taken during the general gun hog-dog ~~season~~ ~~hunt~~.

(c) No change.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District with the following exception: vehicular access is permitted one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game season.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

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

5. No game shall be dismembered until checked at the check station.

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

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

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than three ~~3~~ dogs per quota permit shall be allowed. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

9. During the general gun hog-dog season, a quota permit shall be required for each group of two hunters, and only one gun may be possessed per quota permit.

(25) Homosassa Wildlife Management Area.

(a) Open season:

1. Small game – November ~~11-12~~ through December ~~3-4~~ and December ~~23-24~~ through January ~~7-8~~.

2. General gun hog – February ~~8-11~~ ~~9-12~~ and ~~22-25~~ ~~23-26~~.

3. Special-opportunity spring turkey – March ~~17-23~~ ~~18-24~~ and March 31 through April 6-7.

4. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: Only wild hogs may be taken during the general gun hog season. No size or bag limit on hog. There is no bag or size limit restrictions on hogs. All legal small game and furbearers may be taken during the small game season. Wild turkeys may only be taken during the special-opportunity spring turkey season. The bag limit for turkeys shall be one gobbler (or bearded turkey) per special-opportunity permit. Fish and frogs are legal to take throughout the year.

(c) Camping: Prohibited.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less, is prohibited. Hunting hogs with dogs is prohibited.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated trails firelines.

3. Vehicles shall be parked within 25 feet of a named or numbered road.

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

5. Hunters shall enter and exit the area at designated entrances, ~~and~~ register at the hunt headquarters and check all game taken.

6. Public access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

7. A special-opportunity hunt permit shall be required for every person entering the area during special-opportunity hunts.

8. The possession of centerfire rifles is prohibited.

(26) Devil’s Hammock Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23-26~~ ~~24-27~~, September ~~27-28~~ through October ~~1-2~~ and October ~~2-8~~ ~~3-9~~.

2. Family hunt – October ~~14-15~~ and ~~21-22~~.

~~3-2~~ Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

~~4-3~~ General gun – November ~~11-14~~ ~~12-15~~ and ~~15-19~~ ~~16-20~~.

~~5-4~~ Small game – November 25 through December 24 ~~10-25~~.

~~6-5~~ Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

~~7-6~~ Trapping – Prohibited.

~~8-7~~ Fishing – Permitted year-round.

(b) Legal to take: Deer, gray squirrel, rabbit, ~~wild~~ hogs, game birds, and fish. No size or bag limits on ~~wild~~ hogs. Only hog may be taken during the family hunt.

(c) - (d) No Change.

(27) Mallory Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23-24~~ through October ~~22-23~~.

2. Muzzleloading gun – October ~~28-29~~ through November ~~5-6~~ (still hunt area only).

3. General gun – November ~~11-12~~ through January ~~7-8~~.

4. Small game – January ~~8-9~~ through February ~~4-5~~.

5. Spring turkey – March ~~17-18~~ through April ~~1-2~~.

6. Duck and coot – During the duck and coot season and the early duck season in September established pursuant to Rule 68A-13.003, F.A.C.

7. Trapping – January ~~8-9~~ through March 1.

8. Fishing and frogging – Throughout the year.

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

(c) Camping: Prohibited.

(d) General regulations:

1. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun season. Hunting with dogs other than bird dogs is prohibited in the still hunt area, which are those that portions of the area lying west of Crapps Tower Grade and north of L.A. Bennett Grade, and in that portion of the area lying west of Crapps Tower Grade and south of Deserter’s Hammock Road, and that portion of the area lying south and east of McCall’s Chapel Grade and east of East Mainline.

2. During the muzzleloading gun season and first nine days of the general gun seasons, hunters shall check all game taken at the check station.

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited, except that all-terrain vehicles and motorcycles shall be allowed only by permit from the Suwannee River Water Management District. Horses are permitted only on roads and designated horse trails during daylight hours and only during periods closed to hunting.

4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.

5. Fires are prohibited.

6. Licensed trappers may possess .22 rimfire rifles or pistols from February ~~5-7~~ through March 1.

7. During the general gun season, taking of wildlife is prohibited south and east of McCall’s Chapel Grade and east of East Mainline.

(28) Middle Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-12~~ through January ~~7-8~~.

2. Muzzleloading gun – October ~~28-29~~ through November ~~5-6~~.

3. Small game – January ~~8-9~~ through March ~~4-5~~.

4. Archery – September ~~23-24~~ through October ~~22-23~~.

5. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

6. Trapping: Prohibited.
7. Fishing: Permitted throughout the year.
- (b) through (c) No change.
- (d) General Regulations:
1. Vehicles may be operated only on designated roads.
 2. The use of all-terrain vehicles is prohibited.
 3. Fires are prohibited.
 4. The possession or use of dogs, other than bird dogs or waterfowl retrievers, is prohibited, except as provided by paragraph 68A-15.004(7)(c) or (d), F.A.C.
 5. A quota permit is required of all hunters entering the area during open hunting seasons, except during the small game season.
 6. Hunting hogs by the use of dogs is prohibited.
- (29) Little River Wildlife Management Area.
- (a) Open season:
1. Archery – September 23-25 24-26, September 30 through October 2 1-3 and October 7-9 8-10.
 2. Muzzleloading gun – October 27-29 28-30.
 3. Small game – December 2-6 3-7 and 23-27 24-28.
 4. Fishing – Permitted throughout the year.
 5. Trapping – Prohibited.
- (b) No change.
- (c) Camping is allowed by permit only, from the Suwannee River Water Management District. ~~Permitted only by landowner permit.~~
- (d) No change.
- (30) Troy Springs Wildlife Management Area.
- (a) Open season:
1. Small game – November 11 12 through January 7 8, except on Sundays, and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.
 2. Fishing – Permitted throughout the year.
- (b) No change.
- (c) Camping is allowed by permit only, from the Suwannee River Water Management District. ~~Permitted year round on Ruth Springs and Walker tracts. Permitted only during periods closed to hunting on the Adams Tract. A written permit from the Suwannee River Water Management District is required for all camping.~~
- (d) No change.
- (31) Bayard Wildlife Management Area.
- (a) Open season:
1. Archery – September 23 24 through October 8 9 and November 18-26 19-27.
 2. Muzzleloading gun – October 28 29 through November 5 6.
 3. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.
4. Trapping – Prohibited.
5. Fishing and frogging – Permitted throughout the year.
- (b) Legal to take: All legal game, fish, frogs, and furbearers. The bag limit shall be one deer per quota hunt permit; wild hogs of any size with no bag limit may be taken during any hunt except spring turkey.
- (c) No change.
- (d) General regulations:
1. Hunting with dogs is prohibited.
 2. Vehicles may be operated only on named or numbered roads.
 3. Vehicles may be parked only at designated parking areas.
 4. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.
 5. During hunting periods, public access in Areas 2, 3 and 4 is restricted to those individuals with valid hunt permits.
 6. All hunters must check in and out at the designated check station and check all game taken.
 7. Horses are permitted throughout the year in Area 1 but only during non-hunting periods in Areas 2, 3 and 4.
 8. Horses and non-motorized bicycles may be used only on named or numbered roads and designated trails.
 9. Vehicular access is permitted on all hunt days plus the weekend and the day before all hunts except spring turkey season when it shall be permitted only on hunt days and the day before each hunt.
 10. Hunting is prohibited in Area 1.
 11. Only shotguns may be used during the spring turkey season.
 12. Vessels may be used to access the area from the St. Johns River.
- (32) Grove Park Wildlife Management Area (~~Alachua County~~).
- (a) Open season:
1. Archery – September 23 24 through October 22 23.
 2. Muzzleloading gun – October 28-30 through November 5.
 3. General gun – November 11 12 through January 7 8.
 4. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
 5. Trapping – December 1 through January 7 8.
 6. Spring turkey – March 17 18 through April 22 23.
 7. Fish and frogging – Throughout the year.
- (b) through (c) No change.
- (d) General regulations:
1. Hunting with dogs other than bird dogs is prohibited.
 2. Vehicles are prohibited year-round in the Camps Canal area, in those lands lying south of County Road 346, and in those lands lying north of County Road 2082. Vehicles are restricted to named or numbered ~~established~~ roads in the

remaining portion of the area. Non-motorized bicycles are permitted, but may be ridden only on named or numbered established roads or designated recreational trails identified in the area brochure.

3. Taking of wildlife by use of a gun on or from the rights-of-way of County Roads 325, 2082, and 346 is prohibited as provided by Rule 68A-4.008, F.A.C.

4. Fires are prohibited on the area.

5. Horses are prohibited during periods open to hunting, except on the designated recreational trails identified in the area brochure. ~~permitted only~~ During periods closed to hunting, ~~h~~Horses may be ridden only on named or numbered established roads or designated recreational trails.

6. Access is permitted only by individuals possessing a valid recreational user permit, except as provided by Section 372.57, F.S. or by any person using the designated recreational trails identified in the area brochure for horseback riding, bicycling or hiking.

7. Non-permitted individuals may not operate any vehicle on any portion of the area, except when engaging in through travel on Prison Farm, Ivey and Johnson Roads.

(33) Steinhatchee Springs Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23 24~~ through October ~~22 23~~.
2. Muzzleloading gun – October ~~27-29 28-30~~.
3. General gun – November ~~11 12~~ through December ~~3 4~~.
4. Small game – January ~~20 21~~ through February ~~18 19~~.
5. Spring turkey – March ~~17 18~~ through April ~~8 9~~.
6. Trapping – Prohibited.
7. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. The possession or use of dogs, other than waterfowl retrievers ~~or and~~ bird dogs is prohibited, except as provided by paragraph 68A-15.004(7)(c) or (d), F.A.C.

2. Motorized vehicles may be operated only on named or numbered roads.

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

4. Fires are prohibited.

5. Horses are prohibited during periods open to hunting. During periods closed to hunting, horses shall be restricted to designated roads and trails.

6. Hunters shall check all game taken during the muzzleloading gun, general gun, and spring turkey seasons.

7. The taking or attempt to take wildlife or the display or use of a gun on or from the rights-of-way of State Road 51 or County Road 357 is prohibited as provided by Rule 68A-4.008, F.A.C.

(34) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Small game – January ~~8 9~~ through March ~~4 5~~.

3. Spring turkey – March ~~17 18~~ through April ~~22 23~~.

4. Archery – September ~~23 24~~ through October ~~22 23~~.

5. Muzzleloading gun – October 28 ~~30~~ through November 5.

6. Fishing and frogging – During periods the area is open for hunting or scouting.

7. Trapping – January ~~8 9~~ through March 1.

(b) No change.

(d) General regulations:

1. The possession or use of dogs, other than bird dogs ~~or and~~ waterfowl retrievers is prohibited, except as provided by paragraph 68A-15.004(7)(c) or (d), F.A.C. during the general gun season.

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

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

4. Fires are prohibited.

5. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Vehicles may only enter and exit the area at designated locations.

6. Access to the area is permitted only by individuals possessing a valid recreational use permit and only from the Saturday prior to the archery season through the last day of the spring turkey season.

(35) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14-15 15-16~~, November ~~4-5 5-6~~ and ~~18-19 19-20~~, December ~~9-10 10-11~~ and ~~23-24 24-25~~.

2. Muzzleloading gun – December ~~30-31 31~~ through January 1 and January ~~13-14 14-15~~.

3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.

(b) through (d) No change.

(36) Ralph E. Simmons Memorial Wildlife Management Area.

(a) Open season:

1. General gun – November ~~18-26 19-27~~.

2. Archery – September ~~23 24~~ through October ~~1 2~~.

3. Muzzleloading gun – October ~~28 29~~ through November ~~5 6~~.

4. General gun for mobility-impaired – October ~~14-17 15-18~~.

5. Small game – December ~~18-31 19~~ through January 1 and February ~~3-11 4-12~~.

6. Trapping – Prohibited.

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

8. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, hog, furbearers, fish, and frogs and furbearers. The bag limit for deer shall be one antlered and one antlerless deer per quota permit. Antlerless deer (except spotted fawns) may be taken only during the archery and general gun for mobility-impaired seasons ~~only~~. Only one quota permit may be utilized per individual, per season. No size or bag limit on hog. The bag limit shall be one antlered deer and one antlerless deer per quota hunt permit. Wild hogs of any size with no bag limit.

(c) No change.

(d) General regulations:

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

2. Vehicles may be operated only on named or numbered roads except that mobility-impaired hunters may use tracked vehicles, all-terrain vehicles, and horses throughout the area during the general gun for mobility-impaired season.

3. Vehicles may be parked only at designated parking areas, except during the general gun for the mobility-impaired season.

4. Vehicular access is permitted on all hunt days plus the weekend and day before all hunts except spring turkey, and small game seasons when it shall be permitted only on hunt days and the day before each hunt. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited.

5. During hunting periods, public access is restricted to those individuals with valid hunt permits, except during small game season. ~~Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.~~ No more than two non-disabled helpers may accompany a mobility-impaired permit holder. Non-disabled helpers may not hunt or possess firearms during the general gun for mobility-impaired season.

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

7. Horses are prohibited during periods open to hunting except when used by mobility-impaired hunters. During periods closed to hunting, horses may be used only on named or numbered roads and designated trails.

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

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas

RULE CHAPTER NO.: 68A-15

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

RULE NO.: 68A-15.063

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

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

Apalachee WMA – The proposed rule change would list hog as legal to take with no size or bag limit.

Apalachicola WMA – The proposed rule changes would list hog as legal to take and clarify that guns may be possessed and used year-round at the shooting range and transported to and from the range unloaded and encased.

Apalachicola Bradwell Unit WMA – The proposed rule change would list hog as legal to take.

Blackwater WMA – The proposed rule changes would clarify that deer dogs may only be used in the dog hunt area and only during the general gun dog hunt season; list hog as legal to take with no size or bag limit; and allow the use of dogs with a shoulder height of 15 inches or less during the small game season, except in the field trial area.

Blackwater WMA – Carr Unit – The proposed rule change would extend the special-opportunity released quail hunts from four to seven days and no longer allow quail to be released the day before the first day of each hunt.

Joe Budd WMA – The proposed rule changes would define antlerless deer as any deer (except spotted fawns) without antlers or any deer with antlers less than one inch in length visible above the hairline; revise legal to take as deer with at least one antler having three or more points of at least one inch in length; and list hog as legal to take.

Blue Water Creek WMA – The proposed rule change would list hog as legal to take with no size or bag limit.

Talquin WMA – The proposed rule changes would eliminate the one-day antlerless deer quota hunt; establish a 24-day small game season (January 5 through March 4 on Fridays, Saturdays and Sundays only); and remove redundant language prohibiting guns on the area outside of hunting season.

Ochlockonee River WMA – The proposed rule changes would allow vehicles on named roads in addition to numbered roads and remove redundant language prohibiting guns on the area outside of hunting season.

Tate's Hell WMA – The proposed rule change would list hog as legal to take.

Aucilla WMA – The proposed rule changes would allow archery hunting for deer in the small game area, located south of Highway 98, during the archery and general gun season; allow fishing year-round throughout the area; allow the use of dogs to take hog with no size or bag limit during the general gun season; remove daily hunt permit requirement for the Western Sloughs portion of the area; and allow vehicles to be operated only on named or numbered roads.

Flint Rock WMA – The proposed rule changes would extend the muzzleloading gun season from three to nine days; extend the general gun season from 58 to 72 days; require all persons to enter and exit the area through a designated entrance only; and remove requirement for hunters to check in and out at a check station and check all game taken.

Escambia River WMA – The proposed rule changes would prohibit the taking of fish and wildlife from Keyser Landing Road and Webb Landing Road and list hog as legal to take with no size or bag limit.

Tyndall AFB WMA – The proposed rule change would list hog as legal to take with no size or bag limit.

Choctawhatchee River WMA – The proposed rule change would list hog as legal to take with no size or bag limit.

Upper Chipola River WMA – The proposed rule change would list hog as legal to take with no size or bag limit.

Yellow River WMA – The proposed rule changes would prohibit alcohol in the Grassy Point area and list hog as legal to take with no size or bag limit.

Econfina Creek WMA – The proposed rule changes would allow fishing on the Fitzhugh/Carter area with daily quotas (one angler per 10 acres of open water); prohibit the taking of wildlife from Cat Creek Road and Enfinger Road; require all persons to enter and exit the Fitzhugh/Carter area through a designated entrance only; and list hog as legal to take with no size or bag limit.

Box-R WMA – The proposed rule change would list hog as legal to take.

Lafayette Creek WMA – The proposed rule changes would create regulations for a new WMA with the following open seasons: (a) Archery – October 14-20 and 21-29; (b) Muzzleloading gun – November 17-19; (c) Family hunt – November 23-26; (d) General gun – January 20-23 and 24-28; (e) Small game – December 1 through January 14 (Fridays,

Saturdays and Sundays only); (f) Spring turkey – March 17 through April 22 (Saturdays and Sundays only); and (g) Fishing and other recreational uses – during daylight hours only during periods closed to hunting. It would establish as legal to take all legal game, hog, fish, frogs and furbearers with no size or bag limit on hog. The new area would (a) Allow camping at designated sites or by permit from the Northwest Florida Water Management District; (b) Allow vehicles to be operated only on named or numbered roads; (c) prohibit ATVs; (d) Allow hunting with bird dogs and retrievers; (e) Require all persons to enter and exit the area at a designated entrance; and (f) Allow horses on designated horse trails only; and (g) Allow one or two persons per hunt permit under 16 years of age but not younger than 8 years of age to hunt during the family hunt provided that an adult may only hunt when in the presence of at least one person under 16 years of age but not younger than 8 years of age.

Wakulla WMA – The proposed rule changes would create regulations for a new WMA with the following open seasons: (a) Archery – October 14 through November 12 (Fridays, Saturdays and Sundays only); (b) Archery and muzzleloading gun – November 24-26 and December 9-31 (Fridays, Saturdays and Sundays only); (c) Small game – January 5 through March 4 (Fridays, Saturdays and Sundays only); (d) Spring turkey – March 17 through April 22 (Saturdays and Sundays only); (f) Fishing and frogging – throughout the year. It would establish as legal to take, all legal game, hog, fish, frogs and furbearers with no size or bag limit on hog. The new area would (a) Allow camping at designated sites by permit from the Division of Forestry; (b) Allow vehicles to be operated only on named or numbered roads; (c) Prohibit ATVs; (d) Allow hunting with bird dogs and retrievers; (e) Allow the use of modern shotguns, muzzleloading guns and bows during the spring turkey season; and (f) Require all hunters entering or exiting the area to do so only at a designated entrance.

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; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

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

(1) Apalachee Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9-10~~ through February ~~11-12~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).

2. Archery – October ~~14-15~~ through November ~~12-13~~.

3. Fishing and frogging – Throughout the year.

4. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

5. Early duck – On Tuesdays, Thursdays, Saturdays and Sundays of the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – On Tuesdays, Thursdays, Saturdays and Sundays of the duck and coot season established in Rule 68A-13.003, F.A.C.

7. Dove – On Tuesdays, Thursdays, Saturdays and Sundays of the dove season established in Rule 68A-13.008, F.A.C.

8. Quail (Zone A) – December ~~19-20~~ through January ~~7-8~~ (Mondays, Wednesdays and Fridays closed to hunting).

9. Spring turkey (Zones B and C) – March ~~17-18~~ through April ~~22-23~~ (Fridays, Saturdays, and Sundays only).

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. Antlerless deer may be taken during the general gun season by permit only. Quail may be taken in Zone A only during the archery, and muzzleloading gun, and during the quail season by permit only. No size or bag limit on hog.

(c) Camping: Prohibited.

(d) General regulations:

1. ~~Taking wildlife~~ ~~Hunting~~ with dogs is prohibited except that bird dogs and retrievers are permitted during the general gun, muzzleloading gun, early duck, duck and coot, dove, and quail seasons.

2. Dove and waterfowl may be hunted in accordance with federal migratory bird regulations on Tuesdays, Thursdays, Saturdays and Sundays.

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

4. The possession or use of rifles is prohibited, except during the muzzleloading gun season.

5. Hunters shall check in and out at a check station when entering and exiting Zone A and shall check all game taken when hunting in Zone A.

6. Taking of wildlife by use of a gun on or from rights-of-way of County Road 271 is prohibited as provided by Rule 68A-4.008, F.A.C.

7. Two hundred zone tags will be issued for Zone A on a first-come, first-served basis at the check station. A zone tag is not required in Zones B or C.

8. During quail season, taking quail after 3:00 p.m. Central Standard Time is prohibited.

(2) Apalachicola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9-10~~ through ~~January 31~~ ~~February 1~~.

2. Small game – November ~~11-22~~ ~~12-23~~, November ~~27-28~~ through December ~~8-9~~ and February ~~1-2~~ through March ~~4-5~~.

3. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

4. Archery – October ~~14-15~~ through November ~~12-13~~.

5. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

6. Muzzleloading gun and archery – February ~~15-25~~ ~~16-26~~.

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

8. Fox, raccoon, opossum and bobcat – October 1 through March ~~4-5~~ in that portion of the area in Liberty County lying west of State Road 65 (except in that portion of the area lying north and east of the Florida River and Larkins Slough) and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 349 and 357, on the west by Forest Roads 348 and F.H. 13, 309, 314, and 344. No guns may be used prior to November ~~23-24~~.

9. Trapping – February ~~1-2~~ through March 1.

10. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~23-26~~ ~~24-27~~ and from December ~~9-20~~ ~~10-21~~. ~~Hog Wild hogs~~ may be taken only during the archery, muzzleloading gun, general gun, archery and muzzleloading and small game seasons hunts. No size or bag limits on ~~wild~~ hogs.

(c) Camping: Throughout the year.

(d) General regulations:

1. Camping is permitted only on designated campsites during general gun season, except on Northwest Florida Water Management District lands where camping is permitted throughout the area.

2. Bird dogs may be trained from June 1 through March 4 5. Deer dogs may be trained from October 28 29 through November 16 17 in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. Dove hunting is permitted during the first phase of the established dove season.

4. During the November 11 12 through March 4 5 period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

5. Taking of wildlife by use of a gun on or from rights-of-way of State Road 267, 67, 375, 65, 299, 368, 369, 260, 373, 263, 379, 12 or that portion of County Road 22 east of the Ochlockonee River is prohibited as provided by Rule 68A-4.008, F.A.C.

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

7. Taking of deer is prohibited on or from the rights-of-way of State Road 375 and 50 yards outward from the rights-of-way.

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

9. Persons may possess and use guns year-round on the shooting range. Guns being transported to and from the range shall be unloaded and cased.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) Open season:

1. General gun – November 23–26 24-27 and December 9–13 10-14.

2. Archery – October 14–29 15-30.

3. Muzzleloading gun – November 17–19 18-20.

4. Small game – November 11–16 12-17 and 20–22 21-23.

5. Spring turkey – March 17–18 18-19 and March 30 31 through April 1 2.

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

7. Fishing and frogging – Throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs, and furbearers. Antlerless deer may be taken by permit only. The bag limit for antlered deer shall be one per quota ~~hunt~~ permit. During spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per quota ~~hunt~~ permit. Hog Wild

~~hogs~~ may be taken only during the archery, muzzleloading gun, and general gun seasons ~~hunts~~. No size or bag limit on ~~wild~~ hogs.

(c) Camping: Prohibited.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.

2. Taking wildlife Hunting with dogs, other than bird dogs and retrievers, is prohibited.

(4) Blackwater Wildlife Management Area.

(a) Open seasons in the still hunt area (which includes that portion of the area south of Highway 4 except for the field trial area and that portion of the area north of State Road 4 except for the dog hunt area):

1. General gun – November 23–26 24-27 and December 9 10 through January 31 February 1.

2. Small game – November 11–22 12-23, November 27 28 through December 8 9 and February 1 2 through March 4 5.

3. Spring turkey – March 17 18 through April 22 23.

4. Archery – October 14 15 through November 12 13.

5. Muzzleloading gun – November 17–19 18-20.

6. Muzzleloading gun and archery – February 15–25 16-26.

7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Bird dog training – October 1-15 and November 14-30.

9. Fishing and frogging – Throughout the year except on the fish hatchery.

(b) Open seasons in the dog hunt area (which includes that portion of the area north of State Road 4 and west of Three Notch Road, east of Mason West Road, and north of Camp Henderson Road; and that portion of the area north of State Road 4, west of Beaver Creek Highway and Hurricane Lake Road, and east of Belandville Road; and that portion of the area north of Break Fork Fire Line, north of Eadie Cotton Road and Peaden Bridge Road, west of Sherman Kennedy Road, south of Mattie Kennedy Road and Kennedy Bridge Road, west of Bullard Church Road, and east of Beaver Creek Highway and Hurricane Lake Road):

1. General gun dog – November 23–26 24-27, December 9-24 10-25, and January 8 9 through January 31 February 1.

2. General gun still ~~(use of dogs for taking deer is prohibited and hunting with dogs other than bird dogs or retrievers is prohibited)~~ – December 25 26 through January 7 8.

3. Small game – November 11-22 12-23, November 27 28 through December 8 9 and February 1 2 through March 4 5.

4. Spring turkey – March 17 18 through April 22 23.

5. Archery – October 14 15 through November 12 13.

6. Muzzleloading gun – November 17-19 18-20.

7. Muzzleloading gun and archery – February 15-25 16-26.

8. Fox, raccoon, opossum and bobcat – May 1 through March ~~11~~ ~~12~~, in that portion of the dog hunt area east of Belandville Road.

9. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

10. Bird dog training – October 1-15 and November 14-30.

11. Fishing and frogging – Throughout the year.

(c) Open seasons in the field trial area (which includes that portion of the area bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point ½ mile northeast of the Coldwater Recreation Area:

1. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.

2. Muzzleloading gun and archery – January ~~19-21~~ ~~20-22~~.

3. Dove – During the first phase of the dove season (Monday through Saturday only), the second phase of the dove season (Monday through Wednesday only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.

4. Bird dog training – October 1-15 and November 14-30.

5. Quail – February ~~5-8~~ ~~6-9~~ and February ~~19-22~~ ~~20-23~~.

6. Fishing and frogging – Throughout the year except on the fish hatchery.

(d) Legal to take: All legal game, hog, fish, frogs and furbearers. During the January ~~19-21~~ ~~20-22~~ archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. ~~No size or bag limit on hog. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs.~~ Taking quail is prohibited on the field trial area except during the quail season. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for the purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3:00 p.m. Central Time is prohibited during the quail season on the field trial area.

(e) Camping: Throughout the year at designated campsites only.

(f) General regulations:

1. During fox, raccoon, opossum and bobcat season, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted.

2. Vehicles may be operated only on named or numbered roads, except on that portion of the area lying south of State Road 4 and east of County Road 191 and those lands north of State Road 4 and east of Forest Road 31 (Hurricane Lake Road cutoff and Beaver Creek Road) where vehicles may be operated only on established roads.

3. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited in the still hunt area and during general gun still in the dog hunt area; however, dogs with a shoulder height of 15 inches or less may be used to take small game during small game seasons in both the still hunt and dog hunt areas. Dogs are prohibited in the field trial area, except as specifically authorized by permit, or during the bird dog training or quail hunting seasons.

4. The discharge of any gun within 300 yards of a public campsite is prohibited.

5. Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

7. Vehicles are prohibited on the Florida Gas Transmission Line and from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October ~~14-22~~ ~~15-23~~.

2. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

3. Quail – November ~~11-12~~ ~~12-13~~, ~~22-23~~ ~~23-24~~, December ~~2-3~~ ~~3-4~~, ~~11-12~~ ~~12-13~~, ~~16-17~~ ~~17-18~~, ~~25-26~~ ~~26-27~~, and December ~~30-31~~ ~~31~~ through January ~~1~~.

4. General gun – January ~~13-21~~ ~~14-22~~.

5. Mobility-impaired general gun – January ~~26-28~~ ~~27-29~~ and February ~~2-4~~ ~~3-5~~.

6. Spring turkey – March ~~17-19~~ ~~18-20~~, March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~, and April ~~13-15~~ ~~14-16~~.

7. Fishing and frogging – Throughout the year.

8. Bird dog training – Monday through Friday in October, except during archery season.

(b) Legal to take: All legal game, fish, frogs and furbearers except that only quail may be taken during the quail season. Taking quail is prohibited except during the quail season. The bag limit for quail is 12 per hunting group each day. A group for the purpose of quail hunting shall include up to three persons. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The bag limit for antlered deer shall be one per quota hunt permit, except during the mobility-impaired hunts. Two deer (except spotted fawns) may be taken per mobility-impaired quota hunt permit. During the general gun for mobility-impaired season, only mobility-impaired hunters

may take antlerless deer. During spring turkey season, the bag limit shall be one gobbler or bearded turkey per quota hunt permit. No size or bag limit on wild hogs.

(c) Camping: permitted at designated sites only.

(d) General regulations:

1. During hunting seasons, vehicular access is permitted only by individuals possessing quota hunt permits. Vehicles may be operated only on named or numbered roads, except during the mobility-impaired hunts, and shall enter and exit only at the designated entrance as indicated on the hunt map.

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

3. ~~Taking wildlife Hunting~~ with dogs other than bird dogs or retrievers is prohibited.

4. Taking quail after 3:00 p.m. Central Standard Time is prohibited.

5. The possession or use of all-terrain vehicles is prohibited, except that mobility-impaired hunters may use all-terrain vehicles only on established roads, trails, and firebreaks during the mobility-impaired general gun season.

6. The possession or use of firearms other than shotguns is prohibited during the quail season.

7. During the mobility-impaired general gun hunts, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota permit may be utilized per individual per hunt.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season:

Quail: November ~~11-17 12-15, 18-24 17-20, November 25 through December 1 24-27, December 2-8 1-4, 9-15 8-11, 16-22 15-18, 23-29 22-25, December 30 29 through January 5 4, January 6-12 5-8, 13-19 12-15, 20-26 19-22, January 27 through February 2 26-29, February 3-9 2-5, 10-16 9-12, 17-23 16-19 and February 24 through March 2 23-26.~~

(b) through (c) No change.

(d) General regulations:

1. A special opportunity quail hunt permit (no exemptions) as provided in Rule 68A-9.007, F.A.C., shall be required for each group entering the area to release or take quail.

2. Each group may release pen-raised quail within the designated boundaries, as indicated on the hunt map. Release of quail is prohibited, except during each day of the hunt ~~and the day before the first day of each hunt.~~ Released quail shall be purchased from a licensed game farm and transported as provided in subsection 68A-12.006(3), F.A.C.

3. Vehicles may be operated only on named or numbered roads, and shall enter and exit only at the designated entrance.

4. Hunters shall sign in and out of the special-opportunity released-quail area when entering and exiting the area, and shall record all game taken.

5. ~~Taking wildlife Hunting~~ with dogs other than bird dogs or retrievers is prohibited.

6. The possession or use of all-terrain vehicles is prohibited.

7. The possession or use of firearms other than shotguns is prohibited.

8. Fires are prohibited.

(7) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December ~~8 9~~ through January ~~7 8~~ (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January ~~12-28 13-29~~ (Fridays, Saturdays and Sundays only).

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

4. Spring turkey – March ~~17 18~~ through April ~~22 23~~ (Saturdays and Sundays only).

5. Fishing and other recreational use – Permitted during daylight hours when hunting is not allowed.

(b) Legal to take: All legal game, ~~hog, including~~ turkey of either sex, fish, frogs and furbearers. During ~~the~~ small game ~~season hunts~~, doves (Saturdays only, during phases established by Rule 68A-13.008, F.A.C.), quail and squirrel may be taken. Antlerless deer may be taken during the archery and muzzleloading gun season by permit only. Antlerless deer is any deer, except a spotted fawn, that is without antlers or whose antlers are less than one inch in length visible above the hairline. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. No size or bag limit on ~~wild~~ hogs.

(c) No change.

(d) General regulations:

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

2. ~~Taking wildlife Hunting~~ with dogs is prohibited except that bird dogs and retrievers are permitted during small game hunts.

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

4. No person shall hunt in any zone other than that for which he has obtained a zone tag permit. All hunters shall wear zone tags visibly.

5. Only bows or muzzleloading guns may be used during spring turkey seasons.

6. Shotguns are prohibited during the archery season, and centerfire shotguns are prohibited during the archery and muzzleloading gun season.

7. No person shall enter the area during any period in which the entry gate is closed.

8. Entry into the area is prohibited from one-half hour before sunrise until one hour after sunrise and from one hour before sunset to one-half hour after sunset during the archery,

and archery/muzzleloading gun seasons. During spring turkey season, entry is prohibited from one-half hour before sunrise until one hour after sunrise.

9. All persons entering or exiting the area may do so only at a designated entrance as indicated on the hunt map.

10. Guns are prohibited when the area is closed to hunting, except at the designated campsite.

11. Taking or attempting to take wildlife by use of a gun on or from the rights-of-way of High Bluff Road or County Road 268 is prohibited as provided by Rule 68A-4.008, F.A.C.

(8) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through ~~January 31~~ ~~February 1~~.

2. Small game – November ~~11-22~~ ~~12-23~~, November ~~27~~ ~~28~~ through December ~~8~~ ~~9~~ and February ~~1~~ ~~2~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.

5. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

6. Archery and muzzleloading gun – February ~~15-25~~ ~~16-26~~.

7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – January 1 through March 1 by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~23-26~~ ~~24-27~~ and from December ~~9-20~~ ~~10-21~~. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited.

(c) Camping: Prohibited.

(d) General regulations:

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

2. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.

3. Vehicular access will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2 or Road 1 only.

4. Taking wildlife ~~Hunting~~ with dogs other than bird dogs is prohibited.

5. Taking of wildlife by use of a gun on or from right-of-way of State Road 65 is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.

7. Taking or attempting to take wildlife on, upon or from the rights-of-way of any named or numbered road is prohibited.

(9) Blue Water Creek Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through ~~January 31~~ ~~February 1~~.

2. Small game – February ~~17~~ ~~18~~ through March ~~4~~ ~~5~~ (Saturdays and Sundays only).

3. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.

4. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

5. Archery and muzzleloading gun – February ~~1-14~~ ~~2-15~~.

6. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

7. Fishing and frogging – Prohibited except during designated hunting days and pre-hunt scouting periods.

(b) Legal to take: All legal game, hog, fish, and furbearers. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. No size or bag limit on hog.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on graded roads or maintained fire lanes.

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

3. Taking wildlife ~~Hunting~~ with dogs other than bird dogs is prohibited.

4. Access to the area is permitted only by individuals possessing a valid recreational user permit except as provided by Section 327.57, F.S., and shall be limited to designated hunting days and for a period of one week prior to the archery season and one day prior to the muzzleloading gun, general gun, and spring turkey seasons for pre-hunt scouting.

5. All hunters shall exit the area through check stations not later than one hour after sunset.

6. The use of all-terrain vehicles (ATV's) is prohibited.

7. The display or use of a gun on or upon Firebreak 1 or within 300 yards of an active timber harvest or tree planting operation, in a manner capable of taking wildlife is prohibited.

(10) Point Washington Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through ~~January 31~~ ~~February 1~~.

2. Small game – November ~~11-22~~ ~~12-23~~, November ~~27~~ ~~28~~ through December ~~8~~ ~~9~~ and February ~~1~~ ~~2~~ through March ~~4~~ ~~5~~.

3. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

4. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.

5. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

6. Archery and muzzleloading gun – February ~~15-25~~ ~~16-26~~.

7. Fishing and frogging – Throughout the year.

8. Trapping – January 1 through February 1.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. No size or bag limit on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 1. Vehicles may be operated only on established roads.
 2. The taking of wild hogs by the use of dogs is prohibited.
 3. ~~Taking wildlife~~ ~~Hunting~~ with dogs other than bird dogs is prohibited.
 4. Bird dogs may be trained throughout the year except during the spring turkey season.
 5. Migratory game birds may be hunted during the early duck, dove and rail seasons.
 6. The use of all-terrain vehicles is prohibited.
 7. Taking of wildlife by use of a gun on or from rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.
 8. Persons operating vehicles shall enter and exit at designated entrances only.
 - (11) Talquin Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~24-26~~ ~~25-27~~ and December ~~9-31~~ ~~December 10 through January 1~~ (Fridays, Saturdays and Sundays only).
 2. Small game – January 5 through March 4 (Fridays, Saturdays and Sundays only).
 - ~~3.2.~~ Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~ (Fridays, Saturdays and Sundays only).
 - ~~4.3.~~ Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~ (Saturdays and Sundays only).
 - ~~5.4.~~ Early duck – In the September season established by Rule 68A-13.003, F.A.C.
 - ~~6.5.~~ Fishing and other recreational uses – Permitted during daylight hours only.
 - (b) Legal to take: All legal game, fish and furbearers. ~~Antlerless deer (daily bag one) may be taken December 31.~~ No size or bag limit on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 1. Vehicles may be operated only on numbered roads.
 2. ~~Taking wildlife~~ ~~Hunting~~ with dogs other than bird dogs or retrievers is prohibited.
 3. All hunters entering onto or exiting from this area may do so only at a designated entrance as indicated on the hunt map.
 4. Hunters shall check in and out at the check station on December 31 and check all game taken.
 - ~~5. Guns are prohibited when the area is closed to hunting.~~
 - (12) Ochlockonee River Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through ~~January 31~~ ~~February 1~~.
 2. Small game – November ~~11-22~~ ~~12-23~~, November ~~27~~ ~~28~~ through December ~~8~~ ~~9~~ and February ~~1~~ ~~2~~ through March ~~4~~ ~~5~~.
 3. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.
 4. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.
 5. Muzzleloading gun and archery – February ~~15-25~~ ~~16-26~~.
 6. Early duck – In September season as established by Rule 68A-13.003, F.A.C.
 7. Duck and coot – As established by Rule 68A-13.003, F.A.C.
 8. Dove – As established by Rule 68A-13.008, F.A.C.
 9. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
 10. Trapping – February 1 through March 1.
 11. Fishing and frogging – Throughout the year.
 - (b) Legal to take: All legal game, hog, fish, frogs and furbearers. No size or bag limit on ~~wild~~ hogs.
 - (c) No change.
 - (d) General regulations:
 1. Deer dogs may be trained from October ~~28~~ ~~29~~ through November ~~16~~ ~~17~~.

1. Archery and muzzleloading gun – November ~~24-26~~ ~~25-27~~ and December 9-31 ~~December 10 through January 1~~ (Fridays, Saturdays and Sundays only).
2. Small game – January ~~5~~ ~~6~~ through March ~~4~~ ~~5~~ (Fridays, Saturdays and Sundays only).
3. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~ (Fridays, Saturdays and Sundays only).
4. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~ (Saturdays and Sundays only).
5. Fishing and other recreational uses – Permitted during daylight hours when hunting is not allowed.
 - (b) Legal to take: All legal game including gobblers or bearded turkeys, fish, frogs and furbearers. No size or bag limit on wild hogs.
 - (c) Camping: Prohibited.
 - (d) General regulations:
 1. Vehicles may be operated only on named or numbered roads.
 2. ~~Taking wildlife~~ ~~Hunting~~ with dogs other than bird dogs or retrievers is prohibited.
 3. Modern shotguns, muzzleloading guns and bows are permitted during the spring turkey season.
 4. All hunters entering onto or exiting from this area may do so only at a designated entrance as indicated on the hunt map.
 - ~~5. Guns are prohibited when the area is closed to hunting.~~
 - (13) Tate’s Hell Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through ~~January 31~~ ~~February 1~~.
 2. Small game – November ~~11-22~~ ~~12-23~~, November ~~27~~ ~~28~~ through December ~~8~~ ~~9~~ and February ~~1~~ ~~2~~ through March ~~4~~ ~~5~~.
 3. Archery – October ~~14~~ ~~15~~ through November ~~12~~ ~~13~~.
 4. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.
 5. Muzzleloading gun and archery – February ~~15-25~~ ~~16-26~~.
 6. Early duck – In September season as established by Rule 68A-13.003, F.A.C.
 7. Duck and coot – As established by Rule 68A-13.003, F.A.C.
 8. Dove – As established by Rule 68A-13.008, F.A.C.
 9. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.
 10. Trapping – February 1 through March 1.
 11. Fishing and frogging – Throughout the year.
 - (b) Legal to take: All legal game, hog, fish, frogs and furbearers. No size or bag limit on ~~wild~~ hogs.
 - (c) No change.
 - (d) General regulations:
 1. Deer dogs may be trained from October ~~28~~ ~~29~~ through November ~~16~~ ~~17~~.

2. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

3. Vehicles may be operated only on designated roads. Off-Highway Vehicles (all-terrain vehicles and off-highway motorcycles) are prohibited except by permit from the Division of Forestry only. Airboats and tracked vehicles are prohibited.

4. In the still hunt area, which includes that portion of the area east of Whiskey George Creek and south of Dry Bridge Road, east of Car Body Road, south of River Road, east of Burnt Bridge Road from its intersection with River Road to the New River, south of New River and west of Carrabelle River, and those lands lying south and east of the Crooked River, hunting with dogs other than bird dogs and retrievers is prohibited.

5. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.

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

(a) Open season:

1. Archery – October ~~14-22~~ 15-23.

2. Muzzleloading gun – November ~~17-19~~ 18-20.

3. Small game – November ~~11-22~~, ~~November 27 through December 8~~, ~~December 18-23~~ and ~~January 6-31~~ 12 through February 1.

4. General gun still – November ~~23-26~~ 24-27 and December ~~9-17~~ 10-18.

5. General gun dog – December 24 through January 5.

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

7. Spring turkey – March ~~17-20~~ 18-21, March ~~29~~ 30 through April ~~1~~ 2 and April ~~5-8~~ 6-9.

8. Trapping – February 1 through March 1.

9. Fishing and frogging – Throughout the year.

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

(c) No change.

(d) General regulations:

1. ~~Taking wildlife~~ Hunting with dogs, other than bird dogs, retrievers ~~or~~ and dogs with a shoulder height of 15 inches or less, is prohibited except during the general gun dog season ~~hunt~~.

2. Vehicles may be operated only on designated roads.

3. The possession of airboats, all-terrain vehicles, or tracked vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.

(15) Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ 12 through January ~~7~~ 8.

2. Small game – January ~~8~~ 9 through March ~~4~~ 5.

3. Spring turkey – March ~~17~~ 18 through April ~~22~~ 23.

4. Archery – September ~~23~~ 24 through October ~~22~~ 23.

5. Muzzleloading gun – October ~~27-29~~ 28-30.

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

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

8. Fishing and frogging – Throughout the year ~~except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.~~

9. Trapping – January ~~8~~ 9 through March 1.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. No size or bag limit on ~~wild~~ hogs. Antlerless deer may not be taken during the archery season.

(c) No Change.

(d) General regulations:

1. ~~Taking~~ The taking of wild hogs by the use of dogs is prohibited, except during general gun season in the dog hunt area (which includes that portion of the area east of State Road 59 and north of U.S. 98, west of Powell Hammock Road and south of Goose Pasture Road and that portion of the area north of Goose Pasture Road and west of the Aucilla River).

2. ~~Taking wildlife~~ Hunting with dogs other than bird dogs or waterfowl retrievers is prohibited in the still hunt area (which includes that portion of the area south of U.S. 98 and that portion of the area on those lands lying north of Goose Pasture Road and east of the Aucilla River).

3. ~~Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken.~~

~~3.4.~~ Vehicles may be operated only on named or numbered ~~designated~~ roads.

~~4.5.~~ During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

~~5.6.~~ Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.

~~6.7.~~ Fires are prohibited.

~~7.8.~~ The use of all-terrain vehicles (ATVs) is prohibited.

~~8.9.~~ Shotguns are permitted on the area during the early duck season established by Rule 68A-13.003, F.A.C.

~~9.10.~~ Taking wildlife Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.

~~10.11.~~ On that portion of the area south of U.S. 98, hunting shall be restricted to small game and ~~wild~~ hogs, except deer may be taken by bow during archery and general gun seasons.

(16) Flint Rock Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – ~~October 28 through November 5 28-30.~~

2. General gun – November ~~11 12~~ through January ~~21 8.~~

3. Small game – January ~~8 9~~ through March ~~4 5.~~

4. Spring turkey – March ~~17 18~~ through April ~~22 23.~~

5. Archery – September ~~23 24~~ through October ~~22 23.~~

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

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

8. Fishing and frogging – Permitted during periods the area is open for access.

9. Trapping – January ~~8 9~~ through March 1.

(b) Legal to take: All legal game, fish, frogs, and furbearers. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. ~~Taking wildlife~~ ~~Hunting~~ with dogs other than waterfowl retrievers and bird dogs is prohibited.

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

~~2.3.~~ Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S., and only during periods open to hunting and 7 days before each open hunting season.

~~3.4.~~ Vehicles may be operated only on designated roads, and ~~vehicular~~ access is restricted to designated entrances.

~~4.5.~~ Taking of wildlife by use of a gun on or from the right-of-way of State Road 59 is prohibited as provided by subsection 68A-4.008(4), F.A.C.

~~5.6.~~ Fires are prohibited.

~~6.7.~~ The use of all-terrain vehicles (ATVs) is prohibited.

(17) Pine Log Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14-29 15-30.~~

2. Muzzleloading gun – November ~~17-19 18-20.~~

3. General gun – November ~~23-26 24-27,~~ January ~~20-23 21-24,~~ and January ~~24-28 25-29.~~

4. Small game – December ~~2-31 3-31.~~

5. Spring turkey – March ~~17 18~~ through April ~~1 2.~~

6. Fishing and frogging – Throughout the year.

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

(c) Camping: Permitted at designated sites only.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads and shall enter and exit at designated entrances only.

2. ~~Taking wildlife~~ ~~Hunting~~ with dogs other than bird dogs or retrievers is prohibited.

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

4. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 79 or County Road 2296 is prohibited as provided by Rule 68A-4.008, F.A.C.

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

6. Firearms and crossbows are prohibited in the archery-only area, delineated as that portion of the area lying north of Pine Log Creek, south of Environmental Road, and west of State Road 79.

(18) Eglin AFB Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14 15~~ through November ~~12 13~~ in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~17-19 18-20~~ in areas specified by the Installation Commander.

3. General gun – November ~~23-26 24-27,~~ December ~~9 10~~ through February ~~4 5~~ in areas and during days specified by the Installation Commander.

4. Archery and muzzleloading gun – February ~~5-25 6-26~~ in areas and during days specified by the Installation Commander.

5. Small game – November ~~11 12~~ through March ~~4 5~~ in areas and during days specified by the Installation Commander.

6. Dove – In areas and during days specified by the Installation Commander in accordance with Rule 68A-13.008, F.A.C.

7. Spring turkey – March ~~17 18~~ through April ~~22 23~~ in areas and during days specified by the Installation Commander.

8. Raccoon, fox, opossum, and bobcat – May 15 through August 31 in areas specified by the Installation Commander.

9. Trapping – December 1 through March 1 in areas specified by the Installation Commander.

10. Fishing and frogging – Throughout the year in areas and at times specified by the Installation Commander.

(b) Legal to take: All legal game, fish (~~except as provided below~~), frogs and furbearers. The taking of any deer not having at least one antler with three or more points (each point one-inch in length or more) is prohibited in areas specified by the Installation Commander. Antlerless deer may be taken during established seasons by permit from the Installation Commander.

1. No person shall kill or possess any fish on Weekly Pond, Upper Memorial Lake, Hurlburt Lake or Jack Lake.

2. No person shall take more than ten panfish in the aggregate per day, kill or possess any panfish less than eight inches in total length, take more than one black bass per day, or kill or possess any black bass less than 24 inches in total length on Duck Pond or Indigo Pond.

(c) Camping: Prohibited, except at designated campsites.

(d) General regulations:

1. Possession of or taking wildlife hunting with dogs other than bird dogs or retrievers is prohibited in areas specified by the Installation Commander.

2. Vehicles may be operated only on named or numbered roads except those posted as closed.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken in areas specified by the Installation Commander.

4. Taking of wildlife by use of a gun on or from the rights-of-way of any paved Eglin road, Range Roads 200, 213, 234, and the portion of Range Road 211 from Highway 85 west to Range Road 610, and all other roads posted as such, is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Use of trotlines or bush hooks is prohibited.

6. During November ~~11-12~~ through March ~~4-5~~, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

7. Use of all-terrain vehicles is prohibited, except by permit.

8. Dogs may be trained in areas and at times specified by the Installation Commander.

9. Persons shall only enter and exit Eglin AFB in areas and at times specified by the Installation Commander.

10. No person shall operate any boat propelled by an internal-combustion engine on any lake or pond, except as authorized by the Installation Commander.

(19) Escambia River Wildlife Management Area.

(a) Open season:

1. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9-10~~ ~~31~~.

2. Archery – October ~~14-15~~ through November ~~12-13~~.

3. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

4. Archery and muzzleloading gun – ~~January 1-31~~ ~~January 1 through February 1~~ and February ~~15-25~~ ~~16-26~~.

5. Small game – ~~November 11-22, November 27 through December 8 and January 1 through March 4~~ ~~November 12 through March 5~~.

6. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

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

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

9. Fishing and frogging – Permitted throughout the year.

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

(c) No change.

(d) General regulations:

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

2. Taking wildlife Hunting with dogs, other than bird dogs or retrievers, is prohibited on Parker and Morgan Islands (except in accordance with paragraph 68A-24.002(2)(b),

F.A.C., when hunting raccoon) and in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.

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

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

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

(20) Tyndall AFB Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14-15~~ through November ~~12-13~~ during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

3. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9-10~~ through February ~~14-15~~ during days specified by the Installation Commander.

4. Supervised youth – November ~~18-19~~ ~~19-20~~, December ~~2-3~~ ~~3-4~~ and ~~16-17~~ ~~17-18~~ (only in areas designated by the Installation Commander).

5. Spring turkey – March ~~17-18~~ through April ~~22-23~~ during days specified by the Installation Commander.

6. Small game – November ~~11-12~~ through March ~~4-5~~ during days specified by the Installation Commander.

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

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

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. Antler restrictions shall not apply during the supervised youth hunt. Antlerless deer may be taken during established seasons by permit from the Installation Commander. No size or bag limit on hog.

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

(d) General regulations:

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

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

3. Use of trotlines or bush hooks is prohibited.

(21) Choctawhatchee River Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14-15~~ through November ~~12-13~~.

2. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

3. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9~~ ~~10~~ through January 31 ~~February 1~~ except Holmes Creek Unit and East River Island.

4. Small game – November 11-22, November 27 through December 8 and February 1 through March 4 ~~November 12 through March 5~~.

5. Archery and muzzleloading gun – February 15-25 ~~16-26~~. Holmes Creek Unit and East River Island November 23-26 ~~24-27~~, December ~~9~~ ~~10~~ through January 31 ~~February 1~~ and February 15-25 ~~16-26~~.

6. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~ only in that portion of the area south of the pipeline right-of-way located up river (north) of Cedar Log Landing (Walton County) and Billy Lee Landing (Washington County). March 17-19 ~~18-20~~ in that portion of the area north of the pipeline right-of-way.

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

8. Fishing and frogging – Throughout the year.

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

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. In that portion of the area north of the pipeline right-of-way, turkey may be taken only during the spring turkey season and the bag limit for turkey shall be one gobbler or bearded turkey per quota ~~hunt~~ permit. No size or bag limit on hog.

(c) No change.

(d) General regulations:

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

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

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

4. During spring turkey season in that portion of the area north of the pipeline right-of-way, hunters shall check in and out at a check station when entering and exiting the area and shall check all turkeys taken.

(22) Upper Chipola River Wildlife Management Area.

(a) Open season:

1. Archery – October 14 ~~15~~ through November 12 ~~13~~.

2. Muzzleloading gun – November 17-19 ~~18-20~~.

3. General gun – November 23-26 ~~24-27~~ and December ~~9~~ ~~10~~ through January 1.

4. Small game – November 11-22, November 27 through December 8 and January 2 through March 4 ~~November 12 through March 5~~.

5. Archery and muzzleloading gun – February 17-18 ~~18-19~~ and 24-25 ~~25-26~~.

6. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

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

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1.

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

(c) No Change.

(d) General regulations:

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

2. Taking or attempting to take deer or hogs with the aid of dogs is prohibited.

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

(23) Yellow River Wildlife Management Area.

(a) Open seasons except in the Grassy Point area:

1. Archery – October 14 ~~15~~ through November 12 ~~13~~.

2. Muzzleloading gun – November 17-19 ~~18-20~~.

3. General gun – November 23-26 ~~24-27~~ and December ~~9~~ ~~10~~ through January 31 ~~February 1~~.

4. Small game – November 11 ~~12~~ through March 4 ~~5~~.

5. Archery and muzzleloading gun – February 15-25 ~~16-26~~.

6. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

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

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1.

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

1. General gun – November 23-26 ~~24-27~~ and January 20-28 ~~21-29~~.

2. Archery – October 14-29 ~~15-30~~.

3. Muzzleloading gun – November 17-19 ~~18-20~~.

4. Spring turkey – March 17-18 ~~18-19~~, March 31 through April 1 ~~April 1-2~~ and April 14-15 ~~15-16~~.

5. Small game – November 11-16 ~~12-17~~ and 20-22 ~~21-23~~.

6. Fishing and frogging – Throughout the year.

(c) Legal to Take: All legal game, hog, fish, frogs and furbearers. No size or bag limit on hog.

(d) No change.

(e) General regulations:

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

2. Taking wildlife ~~Hunting~~ with dogs, other than bird dogs or retrievers, is prohibited.

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

4. The possession or consumption of intoxicating beverages is prohibited in the Grassy Point area.

(24) Econfina Creek Wildlife Management Area.

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

1. Archery – October ~~14-15~~ through November ~~12-13~~.

2. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

3. General gun – November ~~23-26~~ ~~24-27~~ and December ~~9-10~~ through ~~January 31~~ ~~February 1~~.

4. Small game – November ~~11-12~~ through March ~~4-5~~.

5. Archery and muzzleloading gun – February ~~15-25~~ ~~16-26~~.

6. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

7. Raccoon – November ~~11-12~~ through March ~~16-17~~ and April ~~23-24~~ through July 31.

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

9. Fishing and frogging – Permitted throughout the year.

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

1. General gun – November ~~24-26~~ ~~25-27~~, January ~~12-14~~ ~~13-15~~, ~~19-21~~ ~~20-22~~, ~~26-28~~ ~~27-29~~ and ~~January 31 through February 2~~ ~~February 1-3~~.

2. Spring turkey – March ~~17-18~~ ~~18-19~~, ~~23-25~~ ~~24-26~~, March ~~30-31~~ through April ~~1-2~~, April ~~6-8~~ ~~7-9~~, ~~13-15~~ ~~14-16~~ and ~~20-22~~ ~~21-23~~.

3. Fishing and frogging – Permitted throughout the year.

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

1. Archery – October ~~14-29~~ ~~15-30~~.

2. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

3. General gun – November ~~23-26~~ ~~24-27~~, January ~~20-23~~ ~~21-24~~ and ~~24-28~~ ~~25-29~~.

4. Small game – December ~~2-17~~ ~~3-18~~.

5. Spring turkey – March ~~17-19~~ ~~18-20~~, March ~~30-31~~ through April ~~1-2~~ and April ~~13-15~~ ~~14-16~~.

6. Special September duck – In the September season established by Rule 68A-13.003, F.A.C. (Fitzhugh Carter area only).

7. Fishing and frogging – Permitted throughout the year (except as provided below) ~~that fishing is prohibited in the Fitzhugh-Carter area.~~

(d) Legal to Take: All legal game, hog, fish (except as provided below ~~in the Fitzhugh-Carter area~~), frogs and furbearers. In the mobility-impaired hunt area, antlerless deer (bag limit of two per three-day hunt) may be taken during general gun hunts only by persons possessing valid mobility-impaired certificates. No size or bag limit on hog.

(e) No change.

(f) General regulations:

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

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

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

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

5. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit. One additional person per permit holder may participate in the hunt. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

6. Taking of wildlife by use of a gun on or from rights-of-way of Thomas Road, Rattlesnake Road, Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, Cat Creek Road, Enfinger Road, S.R. 20, or C.R. 388 is prohibited.

7. Horses are allowed on designated horse trails only. Horses are prohibited on the Fitzhugh Carter Area.

8. All persons entering or exiting the Fitzhugh/Carter area may do so only at a designated entrance.

9. Hunters and anglers shall check in and out at a check station when entering and exiting the Fitzhugh/Carter area and shall check all game and fish taken.

10. General regulations for taking fish on all Fitzhugh Carter Area lakes and water bodies:

a. Fishing is allowed only by permit issued by the Commission.

b. Days and hours of operation and angler quotas shall be as designated by the Commission and posted at the area headquarters. Angler quotas shall be determined by the following: a maximum of one angler per ten acres of open water with a minimum of two anglers per water body. Fishing is permitted in designated lakes and water bodies only. All other lakes, water bodies and restricted areas are closed to public fishing. Any lake or water body may be temporarily closed to public access for management purposes or in the event that access to the lake or water body exposes the public to danger by posting notice at the headquarters.

c. No person shall take more than 20 panfish in the aggregate per day, kill or possess any bluegill or redear sunfish less than 8 inches in total length, take more than 10 black crappie per day, kill or possess any black crappie less than 10 inches in total length, or kill or possess any black bass.

d. Fish may not be filleted, nor their head or tail fin removed, until the angler has checked out at the check station.

e. The use or possession of nets, seines, fish traps, trotlines, set lines, spears, gigs, snatch hooks, crossbow, bow and arrow or bush hooks is prohibited. Landing nets may be used and possessed for boating fish caught by rod and reel or hook and line.

(25) Box-R Wildlife Management Area.

(a) Open season:

1. Archery – October ~~14-20~~ ~~15-21~~ and ~~21-29~~ ~~22-30~~.

2. Small game – November ~~11-16~~ ~~12-17~~.

3. Muzzleloading gun – November ~~17-19~~ ~~18-20~~.

4. General gun – November ~~23-26~~ ~~24-27~~, January ~~4-7~~ ~~5-8~~, ~~11-14~~ ~~12-15~~ and ~~18-21~~ ~~19-22~~.

5. ~~Hog Wild hog~~ – December ~~2-8~~ ~~3-9~~.

6. Spring turkey – March ~~17-20~~ ~~18-21~~, March ~~29~~ ~~30~~ through April ~~1~~ ~~2~~ and April ~~12-15~~ ~~13-16~~.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. The bag limit for deer shall be one antlered deer per quota ~~hunt~~ permit. Antlerless deer may be taken by permit only. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. During spring turkey season, the bag limit for turkey shall be one gobbler or bearded turkey per quota ~~hunt~~ permit. ~~Hog Wild hogs~~ may be taken only during the archery, muzzleloading gun, ~~wild hog~~, and general gun seasons ~~hunts~~. No size or bag limit on ~~wild hogs~~.

(c) Camping: Prohibited.

(d) General regulations:

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

2. Vehicles shall enter and exit only at designated entrances as indicated on the hunt map, except during the small game season.

3. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited except that motorized vehicles may be used on Bluff Road and one day immediately prior to each hunt.

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

5. ~~Taking wildlife~~ Hunting with dogs, other than bird dogs or retrievers, is prohibited.

6. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken, except during the small game season.

7. No deer or turkey shall be dismembered until checked at a check station.

8. Thirty (30) daily hunt permits shall be available for each ~~the wild~~ hog hunt at the check station on a first-come, first-served basis.

9. Taking or attempting to take wildlife by use of a gun on or from the rights-of-way of County Road 385, County Road 384, Moses Road, Teat Road, or Bluff Road is prohibited.

10. A quota hunt permit shall be required for every hunter entering the area, except during small game season.

(26) Lafayette Creek WMA.

(a) Open season:

1. Archery – October 14-20 and 21-29.

2. Muzzleloading gun – November 17-19.

3. Family hunt – November 23-26.

4. General gun – January 20-23 and 24-28.

5. Small game – December 1 through January 14 (Fridays, Saturdays and Sundays only).

6. Spring turkey – March 17 through April 22 (Saturdays and Sundays only).

7. Fishing and other recreational uses – During daylight hours only when hunting is not allowed.

8. Trapping – Prohibited.

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

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

(d) General regulations:

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

2. ATVs are prohibited.

3. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited.

4. All persons entering or exiting the area may do so only at a designated entrance.

5. Horses are allowed on designated horse trails only.

6. During the family hunts, one or two persons per hunt permit under 16 years of age but not younger than 8 years of age may hunt as provided in Section 790.22, F.S. These persons must be under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one person under 16 years of age but not younger than 8 years of age.

(27) Wakulla Wildlife Management Area.

(a) Open season:

1. Archery – October 14 through November 12 (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – November 24-26 and December 9-31 (Fridays, Saturdays and Sundays only).

3. Small game – January 5 through March 4 (Fridays, Saturdays and Sundays only).

4. Spring turkey – March 17 through April 22 (Saturdays and Sundays only).

5. Fishing and frogging – Throughout the year.

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

(c) Camping: Allowed only at designated sites by permit from the Division of Forestry.

(d) General regulations:

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

2. ATVs are prohibited.

3. Taking wildlife with dogs, other than bird dogs or retrievers, is prohibited.

4. Only modern shotguns, muzzleloading guns and bows are allowed during the spring turkey season.

5. All hunters entering or exiting the area may do so only at a designated entrance.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History– New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Type I Wildlife Management Areas	68A-15
RULE TITLE:	RULE NO.:
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064

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

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

J. W. Corbett WMA – The proposed rule changes would establish the ending date of the general gun season as either New Year’s Day or the Sunday after for those years where New Year’s Day falls on a Thursday, Friday, or Saturday; add an additional five weekdays (Wednesdays only) to spring turkey season (currently Saturday and Sunday only); restrict vehicle access during small game season to named or numbered roads or trails; allow vehicle access during spring turkey season along all named or numbered roads or trails; allow vehicle access one day prior to the opening of archery season; allow vehicle access during open periods (other than designated hunting seasons and dog training season) to all main grades, trail 6, the Tomato Field grade east of the Big Gopher canal, trail 3 between its junction with Tomato Field Grade and its junction with Trail 5, and Trail 5 between its junction with Trail 3 and the L-8 levee; and, allow vehicle access to the area one day prior to the openings of muzzleloading gun and general gun seasons.

Holey Land WMA – The proposed rule changes would allow waterfowl hunters to access the WMA with airboats (for the purpose of duck and coot hunting) during the archery, muzzleloading, general gun-walk, and general gun-vehicle seasons; allow vehicle access from the end of the duck and coot season through April 30; prohibit all-terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; and, require all ATVs to display an orange flag at least six feet above the top of the seat.

Everglades and Francis S. Taylor WMA -- The proposed rule changes would clarify that rifles or pistols are prohibited after the end of general gun-walk season between the Old Miami Canal and the New Miami Canal in Conservation Area 3A ; clarify that rifles or pistols are prohibited after the general gun-vehicle season in Conservation Area 2, Area 3B, and the remainder of Area 3A; prohibit all-terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; require all ATVs to display an orange flag at least six feet above the top of the seat; and, allow waterfowl hunters to access Conservation Area 2, 3A South, and 3B with airboats when the duck and coot season overlaps the general gun-vehicle season.

Rotenberger WMA – The proposed rule changes would require a general gun permit during the general gun-vehicle season for any person to operate a vehicle; allow vehicle access from the end of the duck and coot season through April 30; prohibit all-terrain vehicles with steering mechanisms that would allow the all-terrain vehicle to be operated from elevated platforms; and require all ATVs to display an orange flag at least six feet above the top of the seat.

Okaloacoochee Slough WMA – The proposed rule change would allow the take of hogs with no size or bag limit.

Fisheating Creek WMA – The proposed rule change would establish bag limit for deer at one per quota permit.

Dinner Island WMA – The proposed rule change would establish two new family hunts for wild hog only (quota of 30 each hunt) with a bag limit of one per person per quota permit. A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

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

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

(a) Open season:

1. General gun – Nineteen days prior to Thanksgiving day through January 1 except those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday November 5 through January 1.

2. Small game – The day following the close of the general gun season through the second Sunday in February January 2 through February 12.

3. Spring turkey – The first Saturday of March and continuing for 36 days thereafter March 4 through April 9 (Saturdays, and Sundays, and Wednesdays only).

4. Archery – Ten weeks prior to opening of general gun season and continuing for 22 days thereafter August 27 through September 18.

5. Muzzleloading gun – Five weeks prior to opening of general gun season and continuing for 15 days thereafter October 1-16.

6. Raccoon season – The day following the close of the general gun season through the second Sunday in February January 2 through February 12.

7. Fishing and frogging – Permitted throughout the year except when area is closed to public access.

(b) through (c) No change.

(d) General regulations:

1. The use of rifles is prohibited within one-fourth mile of the Seaboard Coastline Railroad, the Pratt-Whitney fence and Mecca Farms.

2. The use or possession of airboats, tracked vehicles, motorized two-wheeled vehicles or all-terrain vehicles on the area is prohibited.

3. All persons shall check in and out at a check station when entering and exiting the area and shall check all game taken. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

4. Camping is permitted from the beginning of archery season through general gun seasons, only on designated campsites. Campsites are available on a first-come, first-served basis. Each camper shall assure that their campsite is clean at all times. At least camping areas L and M (and 1/2 of B during archery season only) shall be designated for short-term camping, with camping being limited to no longer than three days. Campsites may be set up and occupied no earlier than 8:00 a.m. the day prior to the opening of archery season and all vehicles, camps, tents, and other camping equipment and litter removed no later than 24 hours after the close of the general gun season. The alteration, defacing, moving or tampering in any way with official markings of campsites is prohibited. Only tents, trailers, or self-propelled camping vehicles may be used for camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. For the remainder of the year when the area is open camping is permitted at designated campsites on Fridays, Saturdays, and Sundays only but campsites may not be left unattended for more than 24 hours.

5. From 8 a.m. one day before the opening of archery season through the close of ~~During~~ the archery season and during small game and spring turkey seasons, vehicles may be operated only on named or numbered roads or trails. ~~During the spring turkey season, vehicles may be operated only on the Stumpers grade and on named or numbered roads or trails west of and including the North and South grades.~~

6. During dog training season and open periods other than designated hunting seasons, motorized vehicles may be operated only on the North, South, and Stumper's grades, on trail 6, on Trail 3 between its junction with Tomato Field Grade and its junction with Trail 5, on Trail 5 between its junction with Trail 3 and the L-8 levee, and on the Tomato Field grade east of the Big Gopher canal. These vehicle access prohibitions shall not apply from 8 a.m. one day before the opening of muzzleloading gun and general gun seasons through the close of muzzleloading gun and general gun seasons.

7. No deer or hog shall be quartered, or dismembered in the hunt area or removed from the area unless checked at a check station.

8. Dogs shall be removed the last day of the small game season. Dogs other than bird dogs, dogs with a shoulder height of 15 inches or less, or raccoon dogs are prohibited after the last day of the general gun season.

9. Roy R. Burnsed Still Hunt Area: Dogs, except bird dogs during small game season, are prohibited in the still hunt area, delineated as that portion of the area starting at the junction of the South Grade and the Main Canal, then south on the South Grade to the Indian Trails Outfall Canal, then south, east, and south along the wildlife management area boundary, then west along the L-8 Canal to its junction with the Big Gopher Canal, then northeast along the Big Gopher Canal to its junction with the Tomato Field Grade, then east along the Tomato Field Grade to its junction with the Tomato Field, then along the western boundary of the Tomato Field to its junction with the Main Canal, then northeast along the Main Canal to the point of beginning.

10. Deer dogs and bird dogs may be trained beginning 14 days prior to the opening of the general gun season and ending 5 days prior to the opening of the general gun season. The possession of guns is prohibited.

11. Vehicles may be operated only on named or numbered roads or trails within the still hunt area.

12. During raccoon season, firearms and dogs as specified in paragraph 68A-24.002(2)(b), F.A.C., may be used except in the still hunt area.

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

14. Unauthorized planting of trees and shrubs is prohibited.

15. Public access is permitted throughout the year except from the Sunday two weeks prior to the opening of archery season until 8:00 a.m. the day prior to the archery season. Hiking on the Florida Trail and use of the Hungryland Boardwalk is permitted throughout the year.

16. Fires other than campfires are prohibited.

17. Dogs, vehicles, firearms and crossbows are prohibited in the Bruce Bowman archery still hunt area, delineated as that portion of the area lying north of the Stumpers Grade, east of the powerline, south and west of Game Canal to the buggy

bridge and west of the youth camp road to the intersection of the Stumpers Grade except that vehicles may be used on established roads to access parking lots at the youth camp, shooting range and nature interpretive center, and firearms and crossbows may be possessed at Commission functions specifically authorizing their use.

18. Hunting on or from the nature trail, boardwalk, entrance road or parking lot in the Bruce Bowman archery still hunt area is prohibited.

19. Archery equipment may be used for hunting during the established muzzleloading gun season in the Bruce Bowman archery still hunt area. All legal to take regulations for muzzleloading gun season shall apply when using archery equipment during this time period.

(2) Holey Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 21-29 ~~22-30~~.

2. General gun – Vehicle, November 4-19 ~~5-20~~ (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.

3. Archery – August 26 ~~27~~ through September 17 ~~18~~.

4. Muzzleloading gun – September 30 through October 15 ~~1-16~~.

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

6. Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. During the archery, muzzleloading gun, and general-gun walk seasons, only all-terrain vehicles are permitted for hunting and all other vehicles are prohibited in the area except on levees. Airboats are prohibited during the archery, muzzleloading, general gun-walk, and general gun-vehicle seasons except airboats used for the purpose of duck and coot hunting on days when duck and coot hunting is allowed under Rule 68A-13.003, F.A.C., ~~and by general gun-vehicle hunt permittees.~~ While ~~If~~ an all-terrain vehicle is in motion, no person shall ~~hunt from or~~ occupy any platform or structure attached thereto, ~~which is 4 feet or more in height (as measured from the lowest bottom surface of the all terrain vehicle), and such vehicle shall not have~~ No all-terrain vehicle may be equipped with handlebars a steering mechanism that would enable the all-terrain vehicle to be operated from a platform or structure attached thereto more than 4 feet in height (as measured from the lowest bottom surface of the all terrain vehicle).

2. Vehicles are prohibited on tree islands, strands or wildlife islands.

3. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.

4. All hunters shall check out at a check station and record their game harvest.

5. During the general gun-vehicle season, all deer taken shall be immediately tagged.

~~6. Vehicles are prohibited from the end of the duck and coot season established by Rule 68A-13.003, F.A.C., through April 30.~~

~~6.7.~~ Rifles and pistols are prohibited after the end of the general gun-vehicle season.

~~7.8.~~ Hunting with dogs is permitted only during the general gun-vehicle season, except that retrievers may be used during waterfowl season.

~~8.9.~~ Persons may enter and exit the area from the L-5 or Miami Canal Levee only.

~~9.10.~~ During the general gun-vehicle hunt, the area is closed to walk hunting.

~~10.11.~~ Fires other than campfires are prohibited.

~~11.12.~~ Vehicles are prohibited on all levees except the L-5 and Miami Canal Levees.

~~12.13.~~ Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery season and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6 p.m. seven days after the close of the general gun season. The erection of any permanent structure is prohibited.

~~13.14.~~ Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays, and camps may not be left unattended for more than 24 hours during this period.

~~14.15.~~ Camping is permitted only on the L-5 Levee and the Miami Canal Levee.

~~15.16.~~ The construction of docks of any type is prohibited.

~~16.17.~~ No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

~~17.18.~~ The display or use of a gun on or upon the L-5 or Miami Canal levees in a manner capable of taking wildlife is prohibited.

18. No person shall operate any all-terrain vehicle, motorized two wheeled vehicle, or motorized three-wheeled vehicle unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 6 feet above the top of the seat.

(e) No change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 21-29 ~~22-30~~, Conservation Areas 3A North and 2 only. December 2-31 ~~3 through January 1~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November 4-19 ~~5-20~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August 26 ~~27~~ through September 17 ~~18~~, Conservation Area 3A North only.

4. Muzzleloading gun – September 30 through October 15 ~~1-16~~, in Conservation Area 3A North only.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) No change.

(d) General regulations:

1. Possession of guns on the levee bordering the Hillsboro Canal (L-39) is prohibited.

2. The possession of rifles or pistols is prohibited after the end of general gun-walk season in Conservation Area 3A between the old Miami Canal (Mud Canal) and the New Miami Canal, and after the general gun-vehicle season in Conservation Area 2 and the Francis S. Taylor Wildlife Management Area (Area 3B), and the remaining portions of Conservation Area 3A.

3. Vehicles and airboats are prohibited on tree islands, wildlife islands or tree strands. Vehicles and airboats are prohibited in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal.

4. During the archery, muzzleloading gun and general-gun walk seasons, only all-terrain vehicles are permitted for hunting. While if ~~While if~~ an all-terrain vehicle is in motion, no person shall ~~hunt from or~~ occupy any platform or structure attached thereto. No all-terrain vehicle may be equipped with a steering mechanism that would enable the all-terrain vehicle to be operated from a platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all terrain vehicle).

5. Access into Conservation Area 2A during the general gun-walk season is permitted only from the L-6 Levee.

6. During archery, muzzleloading gun, and general gun-walk seasons, airboats and other vehicles except all-terrain vehicles are prohibited in Conservation Area 3A North and

Conservation Area 2 during legal shooting hours. Archery equipment, muzzleloading guns, and guns may be transported on boats (other than airboats) and all-terrain vehicles in Conservation Area 3A North and Conservation Area 2 during the archery, muzzleloading gun and general gun-walk seasons respectively.

7. A general gun-vehicle permit is required of any person to operate a vehicle during the general gun-vehicle season. General gun-vehicle permits will be given to both tracked vehicle and airboat hunters. General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.

8. During the general gun-vehicle season, all deer taken shall be immediately tagged.

9. On Saturdays and Sundays during the general gun-vehicle season deer and hogs may not be quartered or dismembered or removed from the area until checked at a check station.

10. During the general gun-vehicle season, Conservation Areas 3A North, 3A South, that portion of 2A north of the east-west trail, 2B, and the Francis S. Taylor Wildlife Management Area are closed during legal shooting hours to vehicles and airboats. Exceptions include except those vehicles and airboats authorized by permit and airboats used for the purpose of duck and coot hunting in Conservation Areas 2, 3A South, and 3B when duck and coot hunting is allowed under Rule 68A-13.003, F.A.C. Frogging (by airboat only) is permitted from one hour after sunset to one hour before sunrise.

11. Unauthorized motorized vehicles are prohibited on all the levees except the L-4, L-5, and that portion of the L-6 extending from the S-7 pump station north to Sportsman's Crossover.

12. Taking of wildlife by use of a gun on or from rights-of-way of State Road 84, U.S. 41 or U.S. 27 is prohibited as provided by Rule 68A-4.008, F.A.C.

13. Hunting with dogs is permitted only during the general gun-vehicle season except that retrievers may be used during waterfowl season.

14. During the general gun-vehicle hunt, walk hunting is prohibited.

15. Fires other than campfires are prohibited.

16. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun season. The erection of any permanent structure is prohibited.

17. Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays and camps may not be left unattended for more than 24 hours during this period.

18. Overnight camping is prohibited in areas posted as closed to camping.

19. The construction of docks of any type is prohibited.

20. No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

21. Dogs may be trained in Francis S. Taylor Wildlife Management Area beginning the first Saturday in October and ending nine days thereafter. The possession of guns in the Francis S. Taylor Wildlife Management Area during the dog training season is prohibited.

22. The display or use of a gun on or upon the L-4 or L-5 levees in a manner capable of taking wildlife is prohibited.

23. No person shall operate any all-terrain vehicle, motorized two wheeled vehicle, or motorized three-wheeled vehicle unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 6 feet above the top of the seat.

(e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October ~~21-29~~ 22-30.

2. General gun – Vehicle (airboats and tracked vehicles only), November ~~4-19~~ 5-20 by quota permit only.

3. Archery – August ~~26~~ 27 through September ~~17~~ 18.

4. Muzzleloading gun – ~~September 30 through October 15~~ 1-16.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. A general gun permit is required of any person to operate a vehicle to hunt during the general gun-vehicle season. General gun-vehicle permits and tags are not transferable, except as provided in subsection 68A-11.005(9), F.A.C.

~~2. Vehicles are prohibited from the end of the duck and coot season established by Rule 68A-13.003, F.A.C., through April 30.~~

~~2.3.~~ Vehicles are prohibited on wildlife islands, tree islands, or tree strands.

~~3.4.~~ The possession of rifles and pistols is prohibited after the end of the general gun-vehicle season.

~~4.5.~~ Deer taken during the general gun-vehicle seasons shall be immediately tagged.

~~5.6.~~ All hunters shall check out at a check station and record their game harvest.

~~6.7.~~ Camping is permitted only on the Miami Canal, Manley Ditch and Powerline levees. Only tents, trailers or self-propelled camping vehicles may be used for camping. Camps may not be set up in the area prior to 7 days before archery and all vehicles, camps, tents and other camping equipment and litter must be removed no later than 6:00 p.m. seven days after the close of the general gun-vehicle season. Kitchen stoves, refrigerators and freezers, unless contained in mobile campers, lumber, sheet metal or other building materials is prohibited. The erection of any permanent structure is prohibited.

~~7.8.~~ Camping during the period from 8 days following the close of the general gun season to 8 days prior to the archery season is permitted but only on Fridays, Saturdays and Sundays, and camps may not be left unattended for more than 24 hours during this period.

~~8.9.~~ The construction of docks of any type is prohibited.

~~9.10.~~ During the archery, muzzleloading gun and general-gun walk seasons only all-terrain vehicles are permitted for hunting. While ~~If~~ an all-terrain vehicle is in motion, no person shall ~~hunt from or~~ occupy any platform or structure attached thereto. No all-terrain vehicle may be equipped with a steering mechanism that would enable the all-terrain vehicle to be operated from a platform or structure attached thereto which is 4 feet or more in height (as measured from the lowest bottom surface of the all-terrain vehicle), and such vehicle shall not have handlebars more than 4 feet in height (as measured from the lowest bottom surface of the all-terrain vehicle). Additionally, during the archery, muzzleloading gun and general-gun walk seasons, oOther vehicles may be operated only on levees and airboats are prohibited.

~~10.11.~~ The area is closed to all vehicles and airboats during the general gun-vehicle season except those authorized by permit.

~~11.12.~~ Hunting with dogs is allowed only during the general gun vehicle season, except that retrievers may be used during the duck and coot season established by Rule 68A-13.003, F.A.C., and during the snipe season established by Rule 68A-13.008, F.A.C.

~~12.13.~~ Fires other than campfires are prohibited.

~~13.14.~~ During the general gun-vehicle hunt, walk hunting is prohibited.

~~14.15.~~ Persons may enter and exit the area from the L-4, Powerline, Miami Canal and Manley Ditch levees only.

~~15.16.~~ No person shall operate any vessel outside of Water Management District canals unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 10 feet above the bottom of the vessel.

~~16.17.~~ The display or use of a gun on or upon the L-4, Powerline, Manley Ditch or Miami Canal levees in a manner capable of taking wildlife is prohibited.

17. No person shall operate any all-terrain vehicle, motorized two wheeled vehicle, or motorized three-wheeled vehicle unless it is equipped with an orange flag at least 10 inches wide and 12 inches long and displayed at a minimum height of 6 feet above the top of the seat.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. General gun – Twelve days prior to Thanksgiving day through January 1 except during those years when January 1 falls on a Thursday, Friday, or Saturday, in which case the season would close on the following Sunday in the Stairsteps, Bear Island, Turner River, Corn Dance, and Loop units.

2. Small game – The day following the close of general gun season through February ~~4~~ 6.

3. Archery – September ~~2~~ 3 through October ~~1~~ 2 in all units and twelve days prior to Thanksgiving day through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October ~~7-22~~ 8-23, except in the Deep Lake Unit.

5. Spring turkey – March ~~3~~ 4 through April ~~8~~ 9.

6. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., except on the Bear Island and Deep Lake Units.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(6) No change.

(7) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September ~~9-15~~ 10-16 and ~~16-24~~ 17-25.

2. Muzzleloading gun – October ~~14-16~~ 15-17.

3. General gun – October ~~28-31~~ 29 through November ~~1~~ and November ~~1-5~~ 2-6.

4. General gun hog – November ~~18-24~~ 19-25.

5. Small game – November ~~25~~ 26 through December ~~17~~ 18.

6. Spring turkey – March ~~3-6~~ 4-7 and ~~7-11~~ 8-12.

7. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the archery, muzzleloading gun, general gun and general gun hog seasons, the bag limit for deer ~~and wild hogs~~ shall be one ~~each~~ per quota permit and wild hogs may be taken with no size or bag limit. Only wild hogs may be taken during the general gun hog season. The taking of antlerless deer is prohibited during archery season. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota permit.

(c) through (d) No change.

(8) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~15-17~~ ~~16-18~~ and ~~22-24~~ ~~23-25~~ west of U.S. Highway 27 only.

2. Muzzleloading gun – October ~~13-15~~ ~~14-16~~ and ~~20-22~~ ~~21-23~~ west of U.S. Highway 27 only.

3. General gun – November ~~3-5~~ ~~4-6~~ and ~~24-26~~ ~~25-27~~ west of U.S. Highway 27 only.

4. Spring turkey – March ~~3-6~~ ~~4-7~~, ~~9-12~~ ~~10-13~~, ~~16-19~~ ~~17-20~~, ~~23-26~~ ~~24-27~~ and March ~~30~~ ~~31~~ through April ~~2~~ ~~3~~ west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March ~~3-9~~ ~~4-10~~ and ~~17-23~~ ~~18-24~~ east of U.S. Highway 27 only.

6. General gun hog – December ~~9-10~~ ~~10-11~~ west of U.S. Highway 27 only.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish and furbearers except that turkeys may not be taken during the archery season. The bag limit for ~~antlered~~ deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit. During the spring turkey and special-opportunity spring turkey seasons, the bag limit for turkey shall be one gobbler (or bearded turkey) per permit. During the general gun hog season, only wild hogs may be taken.

(c) through (d) No change.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September ~~9-24~~ ~~10-16~~ and ~~17-25~~.

2. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

3. General gun – October ~~28-31~~ ~~29~~ through November ~~1~~ and November ~~1-5~~ ~~2-6~~.

4. Small game – November ~~11-26~~ ~~12-27~~.

5. Spring turkey – March ~~3-6~~ ~~4-7~~ and ~~7-11~~ ~~8-12~~.

6. Fishing and frogging – Permitted throughout the year.

(b) No change.

(10) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~9-15~~ ~~10-16~~ and ~~16-24~~ ~~17-25~~.

2. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

3. General gun – October ~~28-31~~ ~~29~~ through November ~~1~~ and November ~~1-5~~ ~~2-6~~.

4. Family hunt – November ~~11-12~~ and ~~18-19~~.

~~5.4~~ Spring turkey – March ~~3-6~~ ~~4-7~~ and ~~7-11~~ ~~8-12~~.

~~6.5~~ Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

~~7.6~~ Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer, turkey, and wild hogs shall be one per person per quota hunt permit. The taking of antlerless deer and turkey is prohibited during archery season. During the family hunt, only wild hog may be taken.

(c) through (d) No change.

(11) Spirit-of-the-Wild Wildlife Management Area.

(a) Open season:

1. Archery – September ~~9-15~~ ~~10-16~~ and ~~16-24~~ ~~17-25~~

2. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

3. General gun – October ~~28-31~~ ~~29~~ through November ~~1~~ and November ~~1-5~~ ~~2-6~~.

4. Spring turkey – March ~~3-6~~ ~~4-7~~ and ~~7-11~~ ~~8-12~~.

5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History– New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, 7-1-05, ~~7-1-06~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas

RULE CHAPTER NO.: 68A-15

RULE TITLE: Specific Regulations for Wildlife Management

RULE NO.: 68A-15.065

Areas – Northeast Region

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

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

Fort McCoy WMA – the proposed rule changes would extend the muzzleloading gun season from three to nine days and allow Recreational Use Permit holders to access the area from two weeks prior to archery season through the end of spring turkey season.

Richloam WMA – Baird Unit – the proposed rule changes would allow the take of hogs with no size or bag limit during small game season and allow bicycles only on named or numbered roads and designated trails.

Three Lakes WMA – the proposed rule change would restrict vehicles to named and numbered roads or trails throughout the year.

Tiger Bay WMA – the proposed rule change would allow the use of dogs with a shoulder height of 15 inches or less for taking small game.

Relay WMA – the proposed rule change would extend the muzzleloading gun season from three to nine days; allow camping at the designated campsite during periods open to hunting; and allow Recreational Use Permit holders to access the area from two weeks prior to archery season through the end of spring turkey season.

Tosohatchee WMA – the proposed rule changes would add coyote as legal to take and allow take of one antlered and one antlerless deer per permit, per person, per hunt.

Seminole Ranch WMA – the proposed rule change would extend the small game season by one weekend.

Jumper Creek WMA – the proposed rule changes would expand duck and coot season to match the statewide season and allow the take of hogs with no size or bag limit during small game season.

Rock Springs Run WMA – the proposed rule changes would establish as legal to take antlered deer with at least one antler with three or more points on a side and establish a bag limit of one antlered and one antlerless deer per permit, per person, per hunt.

Caravelle Ranch WMA – the proposed rule changes would eliminate the requirement that special-opportunity dove hunters must hunt from assigned stations at the dove field and allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game) and during periods open to hunting.

Lake George WMA – the proposed rule change would eliminate the reference to special use vehicle permits on specified portions of the area and defer to subsection 68A-15.004(2)(e), F.A.C., for permitting activities during periods closed to hunting.

Lake George WMA – Dexter/Mary Farms Unit – the proposed rule change would specify that take of one deer per permit, per person, per hunt is allowed; allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game and special-opportunity dove) and during periods open to hunting; eliminate the

requirement that special-opportunity dove hunters must hunt from assigned stations at the dove field; and, allow bicycles to be operated throughout the area.

Seminole Forest WMA – the proposed rule change would allow camping during periods closed to hunting.

Triple N Ranch WMA – the proposed rule change would allow public access from 1.5 hours before sunrise until 1.5 hours after sunset.

Etoniah Creek WMA – the proposed rule change would allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season (except small game) and during periods open to hunting.

Lake Panasoffkee WMA – the proposed rule change would add fish, frog, and furbearers (except bobcat and otter) as legal to take on the area.

Ocklawaha River WMA – Gores Landing Unit – the proposed rule change would allow vehicular access from 1.5 hours before sunrise until 1.5 hours after sunset one day prior to each season and during periods open to hunting.

Twelve Mile Swamp WMA – the proposed rule change would extend the muzzleloading gun season from three to nine days.

Dunns Creek WMA – the proposed rule change would allow tent camping only at the designated campsite.

Matanzas WMA – the proposed rule change would allow vehicular access to all persons during periods open to hunting.

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; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

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

(1) Bull Creek Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-12~~ through January ~~7-8~~.

2. Small game – January ~~8-9~~ through March ~~4-5~~.

3. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

4. Archery – September ~~23-24~~ through October ~~22-23~~. A special quota permit will be required for the September ~~23-24~~ ~~24-25~~ hunt.

5. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

6. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-12~~ through January ~~7-8~~.

2. Small game – January ~~8-28~~ ~~9-29~~.

3. Archery – September ~~23-24~~ through October ~~22-23~~.

4. Muzzleloading gun – October 28 ~~through November 5-30~~.

5. Spring turkey – March ~~17-18~~ through April ~~22-23~~.

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

(b) through (c) No change.

(d) General regulations:

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

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

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

4. Access to the area is permitted only from the Saturday two weeks prior to the archery season through the last day of the spring turkey season. The area is closed to public access except during periods when hunting is allowed.

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

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

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

(3) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11-12~~ through January ~~7-8~~.

2. Small game – January ~~8-9~~ through March ~~4-5~~.

3. Archery – September ~~23-24~~ through October ~~22-23~~.

4. Muzzleloading gun – October ~~27-29~~ ~~28-30~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~11-12~~ through April ~~15-16~~.

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

7. Spring turkey – March ~~22-25~~ ~~23-26~~, March ~~29-30~~ through April ~~1-2~~, April ~~5-8~~ ~~6-9~~ and ~~12-15~~ ~~13-16~~.

8. Trapping – December 1 through March 1, except in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of S.R. 19.

9. Fishing and frogging – Throughout the year.

(b) Legal to take:

1. All legal game (except antlerless deer), fish, frogs and furbearers. During the spring turkey season the bag limit shall be one gobbler or bearded turkey per quota hunt permit. Deer may only be taken in the Church Lake Unit during the archery season, muzzleloading gun season and the first 9 days of the general gun season. Deer daily bag one, no season bag.

2. Furbearing animals – During the November ~~11-12~~ through March 1 period, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March ~~5-6~~ through April ~~15-16~~ only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January ~~8-9~~ through April ~~15-16~~, only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

(c) Camping: Throughout the year.

(d) General regulations:

1. Camping is permitted by the use of tents, trailers, or self-propelled camping vehicles only on designated campsites during the general gun season.

2. No deer or turkey shall be dismembered or transported out of the hunt area until checked at a check station.

3. All management units will be open for the taking of doves during all phases of the dove season.

4. Hunting with dogs is prohibited in the Hopkins Prairie and Lake Delancy management units, except bird dogs and retrievers are allowed during small game, early duck, dove, and duck and coot seasons. Caged or leashed hunting dogs may be transported on established numbered roads.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 538 from State Road 42 to County Road 445, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Bow and arrow may be used to take nongame fish, except catfish, in Salt Springs Run (Marion County).

7. Deer dogs may be trained only in the Pipeline Unit, beginning 14 days prior to the opening of the general gun season and ending nine days thereafter.

8. Dogs may be used to pursue rabbits from January ~~8~~ 9 through April ~~15~~ 16 in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

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

(e) No change.

(5) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – September ~~23~~ 24 through October ~~8~~ 9.

2. Muzzleloading gun – October ~~27-29~~ 28-30.

3. General gun – November ~~11-19~~ 12-20.

4. Spring turkey – March ~~17-19~~ 18-20, ~~23-25~~ 24-26 and March ~~30~~ 31 through April ~~1~~ 2.

5. Small game – January ~~13~~ 14 through February ~~18~~ 19.

6. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, hog, fish, frogs and furbearers. Antlerless deer may be taken by permit only during the muzzleloading gun and general gun seasons. No size or bag limits on hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Hunting with dogs is prohibited, except that waterfowl retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less, may be used during small game season.

2. Vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated trails ~~fire lanes~~.

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

4. During periods when the area is closed to hunting, public access other than on foot (pedestrian) or bicycle is prohibited except by permit from the Division of Forestry.

5. During archery, muzzleloading gun, general gun, and spring turkey seasons, hunters shall check in at a designated check station when entering and exiting the area, and check all game taken.

6. Public access to the area is prohibited during the period from 8:00 p.m. to 4:30 a.m.

7. Small game hunters shall sign in and out upon entry or exit and record their harvest at a game registration box.

8. Possession of guns is prohibited on the James A. Van Fleet State Trail except at designated crossings. Hunters shall transport guns across the State Trail only at designated crossings.

9. Vehicular access is permitted one day prior to each hunt from 8:00 a.m. until 6:00 p.m., except during the small game season.

(6) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11~~ 12 through January ~~7~~ 8.

2. Small game – January ~~8~~ 9 through March ~~4~~ 5.

3. Spring turkey – March ~~17~~ 18 through April ~~22~~ 23.

4. Archery – September ~~23~~ 24 through October ~~22~~ 23.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C., in that area between Prairie Lakes Unit and Canoe Creek Road only.

6. Muzzleloading gun – October ~~27-29~~ 28-30.

7. General gun for mobility impaired – November ~~3-5~~ 4-6.

8. General gun-dog – December ~~7-10~~ 8-11, ~~21-24~~ 22-25 and December ~~28-31~~ 29 through January 1 in that area between the Florida Turnpike and U.S. 441 only.

9. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. During the first two days of archery season, the muzzleloading gun season and the general gun season except the general gun-dog hunts, the quota of hunters will be admitted daily as follows: 441 check station – 375; Canoe Creek check station – 50; State Road 60 check station – 200. During the general gun-dog hunts, the quota of hunters for the 441 check station will be 100 by regular quota permit east of the Florida Turnpike and 100 daily permits issued at the check station for west of the Florida Turnpike.

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

3. Vehicles may be operated only on named or numbered roads or named or numbered trails except during the general gun for mobility-impaired ~~and small game~~ seasons. During general gun-dog hunts, quota permit holders may operate vehicles on named or numbered roads and established firebreaks in that area between the Florida Turnpike and U.S. 441.

4. Motorcycles, airboats or tracked vehicles are prohibited except that airboats may be transported to and from the Lake Jackson Public Boat Ramp and may be operated on that portion of Lake Jackson outside the area posted as restricted to airboat access for the protection of environmentally sensitive areas in accordance with subsection 68A-15.004(14), F.A.C.

5. Hunting with dogs other than bird dogs is prohibited except during the general gun-dog hunts when dogs with a shoulder height of 17 inches or less may be used for deer hunting east of the Florida Turnpike.

6. Bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

7. No deer or hog shall be quartered or otherwise dismembered until it has been checked and tagged at a check station.

8. All users shall enter and exit the area through designated entrances except persons hiking through on the Florida Trail. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

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

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

11. During the general gun for mobility-impaired season, hunting is permitted only in that portion of the area east of Canoe Creek Road. All persons participating in the general gun for mobility impaired season shall check in and out at the U.S. 441 check station when entering and exiting the hunt area.

12. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

13. Horses may only be ridden on named and numbered roads, except that horses may be ridden on firelines during the general gun-dog season in that portion of the area east of the Florida Turnpike by hunters possessing quota hunt permits for the general gun-dog season. During the small game season, persons hunting from horseback are not restricted to named and numbered roads.

(e) No change.

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

(a) Open season:

1. Archery – September ~~29 30~~ through October ~~1 2~~ and October ~~6-8 7-9~~.

2. Muzzleloading gun – October ~~27-29 28-30~~.

3. General gun – November ~~17-19 18-20~~ and ~~24-26 25-27~~.

4. Small game – December ~~9-10~~ through ~~31~~ ~~January 1~~.

5. Spring turkey – March ~~17-19 18-20~~, March ~~30 31~~ through April ~~1 2~~ and April ~~13-15 14-16~~.

6. Fishing and frogging – Permitted throughout the year.

7. General gun hog – December ~~1-3 2-4~~ and January ~~5-7 6-8~~.

(b) through (d) No change.

(8) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Archery – September ~~23 24~~ through October ~~22 23~~.

3. Muzzleloading gun – October ~~27-29 28-30~~.

4. Small game – January ~~8 9~~ through March ~~4 5~~.

5. Spring turkey – March ~~17-19 18-20~~, March ~~30 31~~ through April ~~1 2~~ and April ~~13-15 14-16~~.

6. Fishing and frogging – Permitted year-round. Fish may be taken only by hook and line or rod and reel and only during daylight hours.

(b) through (c) No change.

(d) General regulations:

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

2. Vehicles shall enter or exit the area only at designated entrances.

3. All persons shall register at designated entrances and record their game or fish harvest upon leaving.

4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15" or less may be used for hunting small game ~~Hunting with dogs except bird dogs is prohibited.~~

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

6. Airboats, tracked vehicles, and all-terrain vehicles are prohibited.

7. Use of boats is prohibited on Ranch Pond.

8. No person shall operate any boat powered by an internal combustion engine on Woody Pond, Bear Pond, or Rattlesnake Pond and its adjoining canals.

(9) Tiger Bay Wildlife Management Area – Rima Ridge Unit.

(a) Open season:

1. General gun – November ~~11-19 12-20~~.

2. Archery – September ~~23 24~~ through October ~~8 9~~.

3. Muzzleloading gun – October ~~27-29 28-30~~.

4. Small game – November ~~23 24~~ through ~~December 31~~ ~~January 1~~.

5. Spring turkey – March ~~17-19 18-20~~, March ~~30 31~~ through April ~~1 2~~ and April ~~13-15 14-16~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Trapping is prohibited.

(b) through (d) No change.

(10) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~11 12~~ through January ~~7 8~~.

2. Archery – September ~~23 24~~ through October ~~22 23~~.
3. Muzzleloading gun – October 28 ~~through November 5 30~~.
4. Small game – January ~~8 9~~ through March ~~4 5~~.
5. Spring turkey – March ~~17 18~~ through April ~~22 23~~.
6. Fishing and frogging – Permitted during periods open to hunting.
 - (b) Legal to take: All legal game, fish, frogs and furbearers.
 - (c) Camping:
 1. Camping is permitted only during periods when hunting is allowed and only at the designated campsite.
 2. Camping equipment may be taken on the area the weekend prior to the opening of the archery season and during periods open to hunting. Camping equipment must be removed by the last day of the spring turkey season ~~Prohibited.~~
 - (d) General regulations:
 1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
 2. Vehicles or horses may be used only on named or numbered roads.
 3. Access to the area is permitted only from the Saturday two weeks prior to the archery season through the last day of the spring turkey season. The area is closed to public access except during periods when hunting is allowed.
 4. Possession of centerfire rifles (other than muzzleloading) or pistols is prohibited.
 5. Camping equipment may be brought onto the area only during the weekend before the archery season and during periods when hunting is allowed on the area.
 6. Access is permitted only by individuals possessing a valid recreational user permit, except as provided by Section 372.57, F.S.
- (11) Tosohatchee Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~28 29~~ through October ~~1 2~~ and October ~~5-8 6-9~~.
 2. Muzzleloading gun – October ~~12-15 13-16~~ and ~~19-22 20-23~~.
 3. General gun – November ~~16-19 17-20~~ and ~~24-26 25-27~~.
 4. Spring turkey – March ~~17-19 18-20~~, March ~~30 31~~ through April ~~1 2~~ and April ~~13-15 14-16~~.
 5. General gun hog – January ~~12-18 13-19~~ and January ~~26 27~~ through February ~~1 2~~.
 6. Fishing and frogging – Permitted throughout the year.
 - (b) Legal to take: Any deer except spotted fawn, turkeys, ~~and~~ wild hog and coyote. No other wildlife species may be taken. A limit of one antlerless and one antlered deer per quota permit is established. Only one regular or special quota permit may be utilized per person, per hunt. No size or bag limit on

wild hogs. Only wild hogs may be taken during the general gun-hog season. Turkeys may be taken only during the spring turkey season.

- (c) through (d) No change.
- (12) Seminole Ranch Wildlife Management Area.
 - (a) Open season:
 1. Archery – October ~~6-8 7-9~~ and ~~13-15 14-16~~.
 2. Muzzleloading gun – October ~~28-29 29-30~~ and November ~~4-5 5-6~~.
 3. General gun – November ~~17-19 18-20~~.
 4. Small game – November ~~25-26, 26-27~~ and December ~~2-3, 3-4~~ and ~~9-10 10-11~~ and January ~~6-7~~.
 5. Spring turkey – March ~~17-19 18-20, 23-25 24-26~~ and March ~~30 31~~ through April ~~1 2~~.
 6. General gun hog – February ~~10-16 11-17~~.
 7. Fishing and frogging – Permitted throughout the year.
 - (b) through (d) No change.
 - (13) Jumper Creek Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~23 24~~ through October ~~22 23~~.
 2. Muzzleloading gun – October ~~27-29 28-30~~.
 3. General gun – November ~~11 12~~ through January ~~7 8~~.
 4. Small game – January ~~8-28 9-29~~.
 5. Spring turkey – March ~~17 18~~ through April ~~22 23~~.
 6. Fishing and frogging – Permitted throughout the year.
 7. Duck and coot – During the migratory game bird seasons as established by Rule 68A-13.003, F.A.C.
 - (b) Legal to take: All legal game (except antlerless deer), hog, fish, frogs and furbearers. No size or bag limit on wild hogs.
 - (c) through (d) No change.
 - (14) Rock Springs Run Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~29 30~~ through October ~~1 2~~ and October ~~6-8 7-9~~.
 2. Muzzleloading gun – October ~~13-15 14-16~~ and ~~20-22 21-23~~.
 3. General gun – November ~~10-12 11-13~~ and ~~17-19 18-20~~.
 4. Small game – December ~~2-3 3-4, 9-10 10-11~~ and January ~~6-7 7-8~~.
 5. Fishing and frogging – Permitted throughout the year.
 - (b) Legal to take: Only deer and wild hogs may be taken during the archery, general gun and muzzleloading gun seasons. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. Antlerless deer may be taken during the archery season. Any deer except spotted fawn may be taken during archery season. Antlerless deer may be taken by antlerless deer permit ~~only~~ during the muzzleloading gun and general gun seasons. Only rabbits, gray squirrels and bobwhite quail may be taken during the small game season. The bag limit for deer

shall be one antlered and one antlerless deer per quota permit. Only one regular or special quota permit may be utilized per person, per hunt. No size or bag limit on wild hogs.

(c) through (d) No change.

(15) Guana River Wildlife Management Area.

(a) Open season:

1. Duck and coot – Lake Ponte Vedra shall be open in the September season established pursuant to Rule 68A-13.003, F.A.C., and the first day of each phase and on Wednesday and Saturday of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.

2. General gun – November ~~17-19~~ ~~18-20~~ and ~~24-26~~ ~~25-27~~.

3. Muzzleloading gun – October ~~27-29~~ ~~28-30~~ and November ~~3-5~~ ~~4-6~~.

4. Archery – October ~~13-15~~ ~~14-16~~ and ~~20-22~~ ~~21-23~~.

5. Small game – December ~~1-3~~ ~~2-4~~, ~~8-10~~ ~~9-11~~, January ~~5-7~~ ~~6-8~~, ~~12-14~~ ~~13-15~~, ~~19-21~~ ~~20-22~~ and ~~26-28~~ ~~27-29~~.

6. Fishing – Permitted at all times on Lake Ponte Vedra from Guana Dam to a line two miles north of the dam, and on the remainder of Lake Ponte Vedra and the interior freshwater lakes only from February 10 through November 10.

7. Rails and moorhens – In the rail and moorhen season established by Rule 68A-13.008, F.A.C., and only in the marsh adjacent to the intercoastal waterway.

(b) through (e) No change.

(16) Half Moon Wildlife Management Area.

(a) Open season:

1. Archery – October ~~6-8~~ ~~7-9~~ and ~~13-15~~ ~~14-16~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-13~~ ~~12-14~~ and ~~17-19~~ ~~18-20~~.

4. Small game – December ~~1-3~~ ~~2-4~~, ~~8-10~~ ~~9-11~~ and ~~15-17~~ ~~16-18~~.

5. General gun hog – January ~~13-14~~ ~~14-15~~ and ~~20-21~~ ~~21-22~~.

6. Spring turkey – March ~~23-25~~ ~~24-26~~, March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~ and April ~~6-8~~ ~~7-9~~.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. During the archery, muzzleloading gun, and general gun seasons, antlerless deer may be taken by permit only. During the archery, muzzleloading gun and general gun seasons the bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. No bag or size limit on wild hogs. Only wild hog may be taken during the general gun hog season.

(c) through (d) No change.

(17) Caravelle Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~1~~ ~~2~~.

2. Supervised small game – October ~~8-16~~ ~~9-17~~.

3. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

4. General gun – November ~~11-19~~ ~~12-20~~.

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

6. Small game – November ~~23~~ ~~24~~ through January ~~7~~ ~~8~~ (Thursdays, Fridays, Saturdays and Sundays only).

7. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

8. Fishing and frogging – Permitted throughout the year.

9. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

(b) through (c) No change.

(d) General regulations:

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

2. Hunting with dogs is prohibited except bird dogs may be used during the general gun and small game seasons and on the posted dove fields during special-opportunity dove hunts.

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

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

5. Vehicular access is permitted from 1.5 hours before sunrise to 1.5 hours after sunset one day prior to each season (except small game), and during periods when the area is open to hunting. During periods when the area is closed to hunting public access other than on foot (pedestrian), or horseback (equestrian), or by bicycle is prohibited at all other times.

6. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.

7. Shooting hours for special-opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.

~~8. Special-opportunity dove hunters shall hunt from assigned stations in the posted field. Hunt station assignments may be transferred at the check station.~~

(18) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-26~~ ~~12-27~~.

4. Small game – November ~~27~~ ~~28~~ through March ~~4~~ ~~5~~.

5. Spring turkey – March ~~17-19~~ ~~18-20~~, March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~ and April ~~13-15~~ ~~14-16~~.

6. Fishing and frogging – Throughout the year.

(b) through (c) No change.

(d) General regulations:

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

2. The use of tracked vehicles, airboats, or all-terrain vehicles is prohibited ~~except as provided by permit from the St. Johns River Water Management District in that portion of the area north of County Road 305.~~

3. Bird dogs or retrievers only may be used during the general gun and small game seasons.

(19) Lake George Wildlife Management Area – Dexter/Mary Farms Unit.

(a) Open season:

1. Small game – November ~~25~~ 26 through December ~~10~~ 11 and December ~~23~~ 24 through January ~~7~~ 8.

2. Special-opportunity turkey – March ~~17-23~~ 18-24, March 31 through April ~~6~~ 7 and April ~~14-20~~ 15-21.

3. General gun hog – January ~~13-16~~ 14-17, ~~17-22~~ 18-23, and ~~23-28~~ 24-29.

4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fourth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting is permitted on posted dove fields other than on these dates.

5. Fishing and frogging – Permitted throughout the year.

6. Archery – September ~~23~~ 24 through October ~~8~~ 9.

7. Muzzleloading gun – October ~~27-29~~ 28-30.

8. General gun – November ~~11-19~~ 12-20.

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

1. One deer ~~with at least one antler having three or more points of at least one inch in length or one antlerless deer (except spotted fawns)~~ may be taken per quota hunt permit during the archery season. ~~One deer with at least one antler having three or more points of at least one inch in length may be taken per quota hunt permit during the muzzleloading gun and general gun seasons.~~ Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. Antlerless deer may be taken during the archery season only. Only one regular or special quota permit may be utilized per person, per hunt. Turkeys may be taken only during special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler or bearded turkey per special-opportunity turkey hunt permit. Only hogs may be taken during the general gun hog season. No size or bag limit on hogs.

2. Jenkins' Pond: Fish may be taken only by hook and line or rod and reel and only during daylight hours. No person shall kill or possess any black bass. No person shall take in any one day more than 20 panfish, in the aggregate.

(c) Camping: Camping is permitted at designated campsites during special-opportunity turkey hunts and at other times by permit from the Division of Forestry.

(d) General regulations:

1. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season and on the posted dove fields during special-opportunity dove hunts, is prohibited.

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

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

4. Vehicular access is permitted from 1.5 hours before sunrise to 1.5 hours after sunset one day prior to each season (except small game and special-opportunity dove), and during periods when the area is open to hunting. Individuals in possession of a special-opportunity turkey hunt permit shall also have vehicular access to the area from sunrise to sunset on the Saturday and Sunday preceding each hunt. Vehicular access is permitted only by permit from the Division of Forestry at all other times, except the Bluffton Recreation Area shall be open to vehicular access throughout the year from sunrise to sunset via the St. Johns River Road. The Bluffton Recreation Area shall be open throughout the year from sunrise to sunset via the St. Johns River Road only. During periods when the Dexter/Mary Farms Unit is closed to hunting, vehicle access to areas other than the Bluffton Recreation Area is allowed only by permit from the Division of Forestry. Individuals in possession of a special-opportunity turkey hunt permit shall have vehicular access to the Dexter/Mary Farms Unit from sunrise to sunset on the Saturday and Sunday preceding the hunt.

5. Hunters shall enter and exit the area at designated entrances, and register at the hunt headquarters.

6. Deer, turkeys, and hogs must be checked at the hunt headquarters prior to being dismembered or taken from the area.

7. Persons shall possess a special-opportunity dove hunt permit to hunt in posted dove fields.

8. Shooting hours for special-opportunity dove hunts shall be from noon until sunset. Hunters may enter the area one hour before shooting time and shall exit the area by one hour after sunset.

~~9. Hunters shall hunt from assigned hunt stations in the posted dove fields. Hunt station assignments may be transferred at the hunt headquarters.~~

~~9.10.~~ Use of boats is prohibited on Jenkins' Pond.

~~10.11.~~ During non-hunting periods, public access to the area is prohibited during the period from sunset to sunrise, unless camping at designated camping areas.

(e) No change.

(20) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23-26~~ ~~24-27~~ and September ~~27~~ ~~28~~ through October ~~1~~ ~~2~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – December ~~2-5~~ ~~3-6~~ and ~~6-10~~ ~~7-11~~.

4. Small game – January ~~13-28~~ ~~14-29~~ (Saturdays and Sundays only).

5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

6. General gun for mobility-impaired – October ~~20-22~~ ~~21-23~~.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and these rules. Fish may be taken only by hook and line or rod and reel. Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) Legal to take: All legal game, fish, except as provided below, frogs and furbearers except otter and bobcat. Antlerless deer may be taken by permit only during muzzleloading gun and general gun seasons. No size or bag limit on wild hogs.

1. Bear Pond: No person shall kill or possess any black bass. No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish, in the aggregate.

2. Oaks Pond: No person shall possess more than six catfish. No person shall take in any one day more than 20 panfish in the aggregate.

(c) Camping: Camping is prohibited during periods open to hunting, except hikers may camp at designated primitive campsites along the Florida Trail throughout the year. During periods closed to hunting, camping is allowed only by permit from the Division of Forestry. Permitted only at approved primitive campsites along designated hiking trails during periods closed to hunting.

(d) No change.

(21) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January ~~26-28~~ ~~27-29~~, February ~~2-4~~ ~~3-5~~ and ~~9-11~~ ~~10-12~~.

2. Special-opportunity deer – October ~~28~~ ~~29~~ through November ~~3~~ ~~4~~ and November ~~11-17~~ ~~12-18~~.

3. Small game – November ~~25~~ ~~26~~ through January ~~21~~ ~~22~~.

4. Special-opportunity turkey – March ~~17-23~~ ~~18-24~~, March 31 through April 6 ~~1-7~~ and April 14-20 ~~15-21~~.

5. Fishing and frogging – Permitted throughout the year.

6. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

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

2. Vehicles or horses may be used only on named and numbered roads except that horses are not restricted to roads during the small game season.

3. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.

4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

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

6. Hunters shall enter and exit the area at the designated entrance and register at the hunt headquarters. Persons entering the area for purposes other than hunting shall register upon entering and exiting the area. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited, except that vehicular access is permitted to the parking area at the hunt headquarters on Road 1 and the parking area at the south end of Crabgrass Road.

7. Individuals in possession of a special-opportunity hunt permit may have vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt.

8. Hogs, deer and turkeys must be checked at the hunt headquarters prior to being dismembered and taken from the area.

9. Public access to the area is prohibited from 1.5 hours after sunset until 1.5 hours before sunrise during the period from 8:00 p.m. to 5:00 a.m., unless camping at designated camping areas during hunts.

(22) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~8~~ ~~9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-19~~ ~~12-20~~.

4. Small game – Thanksgiving Day through the first weekend in January.

5. Spring turkey – March ~~17-19~~ ~~18-20~~, ~~23-25~~ ~~24-26~~ and March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season only.

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

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

4. Vehicular access is permitted from 1.5 hours before sunrise to 1.5 hours after sunset one day prior to each season (except small game), and during periods when the area is open

to hunting. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or bicycle is prohibited at all other times. Horses are prohibited during periods when the area is open to hunting, except during the small game season.

5. Hunters shall check in at a designated check station when entering and exiting the area, and record all game taken.

(23) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October ~~6-8~~ ~~7-9~~ and ~~13-15~~ ~~14-16~~.

2. Muzzleloading gun – November ~~3-5~~ ~~4-6~~.

3. General gun – November ~~17-19~~ ~~18-20~~.

4. Small game – December ~~9-24~~ ~~10-25~~ (Saturdays and Sundays only).

5. General gun hog – January ~~12-14~~ ~~13-15~~ and ~~26-28~~ ~~27-29~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(24) Lake Panasoffke Wildlife Management Area.

1. Special-opportunity turkey – March ~~22-25~~ ~~23-26~~, April ~~3-6~~ ~~4-7~~ and ~~19-22~~ ~~20-23~~. (a) Open season:

2. Special-opportunity archery – September ~~28~~ ~~29~~ through October ~~1~~ ~~2~~, October ~~5-8~~ ~~6-9~~ and ~~17-20~~ ~~18-21~~, November ~~2-5~~ ~~3-6~~ and ~~14-17~~ ~~15-18~~, November 30 through December 3, 4 and December 12-15 ~~13-16~~ and January ~~4-7~~ ~~5-8~~.

3. Special-opportunity hog-still – January ~~12-14~~ ~~13-15~~.

4. Special-opportunity hog-dog – January ~~24-26~~ ~~25-27~~.

5. Small game – February ~~2-4~~ ~~3-5~~ and ~~9-11~~ ~~10-12~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) Legal to take: All legal game, ~~and wild hogs, fish, frogs and furbearers (except bobcat and otter)~~. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Only hogs may be taken during the special-opportunity hog-still and special-opportunity hog-dog seasons. No bag or size limits on wild hogs. ~~Fish and frogs throughout the year.~~

(c) through (d) No change.

(25) No change.

(26) Buck Lake Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~1~~ ~~2~~ and October ~~2-8~~ ~~3-9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-14~~ ~~12-15~~ and ~~15-19~~ ~~16-20~~.

4. Small game – December ~~2-17~~ ~~3-18~~.

5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

6. General gun hog – January ~~4-7~~ ~~5-8~~ and ~~18-21~~ ~~19-22~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(27) Fort Drum Wildlife Management Area.

(a) Open season:

1. Special-opportunity deer – November ~~11-17~~ ~~12-18~~.

2. Small game – December ~~9-24~~ ~~10-25~~.

3. Special-opportunity turkey – March ~~17-23~~ ~~18-24~~, March 31 through April 6, 7 and April 14-20 ~~15-21~~.

4. Special-opportunity wild hog – October ~~6-8~~ ~~7-9~~, ~~13-15~~ ~~14-16~~ and ~~20-22~~ ~~21-23~~.

5. Fishing – Permitted throughout the year.

(b) through (d) No change.

(28) Ocklawaha River Wildlife Management Area – Gores Landing Unit.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~8~~ ~~9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-19~~ ~~12-20~~.

4. Small game – December ~~2-17~~ ~~3-18~~.

5. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads from 1.5 hours before sunrise to 1.5 hours after sunset one day prior to each season, and during periods when the area is open to hunting during hunting seasons only.

2. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.

3. Hunters shall enter and exit the area at designated entrances or from the Ocklawaha River.

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

(29) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September ~~23-25~~ ~~24-26~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-13~~ ~~12-14~~.

4. Spring turkey – March ~~17-19~~ ~~18-20~~ and ~~23-25~~ ~~24-26~~.

5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.

(b) through (c) No change.

(30) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

2. Muzzleloading gun – October 28 ~~through November 5~~ ~~–30~~.

3. General gun – November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~.

4. Small game – January ~~8~~ ~~9~~ through March ~~4~~ ~~5~~.

5. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

6. Fishing and frogging – During periods open for hunting or scouting.

7. Trapping – January ~~8~~ ~~9~~ through March 1.

(b) through (d) No change.

(31) Upper St. Johns River Marsh Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~22~~ ~~23~~.

2. Muzzleloading gun – October ~~28~~ ~~29~~ through November ~~5~~ ~~6~~.

3. General gun – November ~~11~~ ~~12~~ through January ~~21~~ ~~22~~.

4. Small game – January ~~22~~ ~~23~~ through March ~~4~~ ~~5~~.

5. Spring turkey – March ~~17~~ ~~18~~ through April ~~22~~ ~~23~~.

6. Trapping – Prohibited.

7. Fishing and frogging – Permitted year-round.

8. Waterfowl may be hunted in accordance with federal migratory bird regulations.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November ~~18-19~~ ~~19-20~~. Turkey of either sex may be taken during the muzzleloading gun season. The period of November ~~11~~ ~~12~~ through January ~~7~~ ~~8~~ is open for bearded turkey only. No bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun, and small game season.

(c) Camping: Only tent camping is permitted, and only at designated campsites.

(d) General regulations:

1. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road. Motorized boats are prohibited in those portions of the area posted as a walk-in only.

2. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited on Fellsmere Grade, C-54 right-of-way, and all levees.

3. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.

4. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.

5. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.

6. During the duck and coot season in the Stick Marsh/Farm 13, Kenansville Lake, and as posted in the Blue Cypress Water Management Area, the possession or use of guns other than shotguns is prohibited.

7. Public access is prohibited from within 1,000 feet of any posted construction site.

8. Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for hog hunting during the period January ~~24-28~~ ~~20-24~~.

9. Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.

10. Airboats must cross levees at designated airboat crossings.

11. Bush hooks are prohibited.

12. Public access on Levee 74 North is allowed only at designated entrances.

(32) Dunns Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~8~~ ~~9~~ and November ~~18-26~~ ~~19-27~~.

2. Muzzleloading gun – October ~~28~~ ~~29~~ through November ~~5~~ ~~6~~.

3. Wild hog – January ~~20-28~~ ~~21-29~~.

4. Spring turkey – March ~~17-19~~ ~~18-20~~, March ~~30~~ ~~31~~ through April ~~1~~ ~~2~~ and ~~April 13-15~~ ~~14-16~~.

5. Trapping – Prohibited.

6. Fishing and frogging – Permitted throughout the year.

(b) No change.

(c) Camping: Only tent camping is permitted, and only at designated campsites only.

(d) No change.

(33) Salt Lake Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~1~~ ~~2~~ and October ~~2-8~~ ~~3-9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. General gun – November ~~11-14~~ ~~12-15~~ and ~~15-19~~ ~~16-20~~.

4. Small game – December ~~2-17~~ ~~3-18~~.

5. General gun hog – January ~~18-21~~ ~~19-22~~.

6. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(34) Matanzas Wildlife Management Area.

(a) Open season:

1. Archery – September ~~23~~ ~~24~~ through October ~~1~~ ~~2~~ and ~~October 2-8~~ ~~3-9~~.

2. Muzzleloading gun – October ~~27-29~~ ~~28-30~~.

3. Family hunt – November ~~11-12~~ ~~12-13~~.

4. General gun – November ~~13-19~~ ~~14-20~~.

- 5. Small game – January ~~8-23~~ ~~9-24~~.
- 6. Spring turkey – March ~~17-20~~ ~~18-21~~ and ~~21-25~~ ~~22-26~~.
- 7. Fishing and frogging – Permitted throughout the year.
- (b) through (c) No change.
- (d) General regulations:

- 1. Hunting with dogs other than bird dogs or retrievers is prohibited.
- 2. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas or parked within 25 feet of a named or numbered road.
- 3. Airboats, tracked vehicles, unlicensed motorcycles, and all-terrain vehicles are prohibited.
- 4. Hunters shall enter or exit the area only at designated entrances.

~~5. During periods open to hunting, vehicle access to the area is restricted to persons who possess a valid hunt permit, except during small game season.~~

~~5.6.~~ During the family hunts, one or two persons per hunt permit under 16 years of age but not younger than 8 years of age may hunt as provided in Section 790.22, F.S. These persons must be under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one person under 16 years of age but not younger than 8 years of age.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History– New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, ~~7-1-06~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Wildlife and Environmental Areas	68A-17
RULE TITLE:	RULE NO.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise general regulations on all Wildlife and Environmental Areas (WEAs). The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule changes would allow persons with a valid Concealed Weapon or Firearm License to possess a concealed handgun throughout the year on WEAs, pursuant to the provisions of Section 790.06, Florida Statutes, unless pre-empted by federal or state law; and revise regulations to prohibit the removal of plants, rocks, minerals, animal life, other natural resources on WEAs where the Commission is the landowner or lead managing agency without written authorization from the Executive Director.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.57 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

- (1) through (5) No change.
- (6) Guns:
- (a) through (b) No change.

(c) Notwithstanding the provisions of paragraphs (a), (b), or (f) a person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns under the provisions of Section 790.06, F.S., throughout the year, unless otherwise prohibited pursuant to state or federal law.

~~(d)~~(e) No person shall have any gun under his control while under the influence of alcohol or drugs.

~~(e)~~(f) The possession of center-fire rifles is prohibited during small game season.

~~(f)~~(e) The possession of any firearm containing shells or cartridges, or any capped or primed muzzleloading gun is prohibited on any public campsite or check station area. The discharge of firearms is prohibited on, from or across any campsite or check station area.

(7) through (11) No change.

(12) Plants:

(a) through (c) No change.

(d) No person shall remove plants, rocks, minerals, animal life, other natural resources or parts thereof where the Commission is the landowner or lead managing agency without written authorization from the Executive Director or designee in accordance with the criteria of Rule 68A-9.002, F.A.C.

(13) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Wildlife And Environmental Areas
RULE CHAPTER NO.: 68A-17

RULE TITLE: Specific Regulations for Wildlife and Environmental Areas
RULE NO.: 68A-17.005

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) and conform to calendar year

date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife and Environmental Areas (WEAs) as follows:

Santa Fe Swamp WEA – The proposed rule change is a technical correction to allow the taking of fish.

Apalachicola River WEA – The proposed rule change would eliminate the size and bag limit on hogs.

Southern Glades WEA – The proposed rule change would open the frogging season the day following the close the general gun season and allow airboats into the area the day following the close of the general gun season through March 1.

John G. and Susan H. Dupuis Jr. WEA – The proposed rule changes would allow a person younger than 16 to accompany a person older than 18 who possesses a valid quota permit; and make a technical correction to add Martin County to the description of the WEA.

CREW WEA – The proposed rule change would allow quota permit holders vehicle access to the area one day prior to the start of each hunting season for scouting.

John C. and Marianna Jones WEA – The proposed rule changes would reconfigure the existing hunts to provide a total of four 4-day archery hunts and three 3-day general gun hunts (all beginning on Saturdays) and shift the start of small game season one week later; there would also be a technical change to correct the spelling of Marianna (to Mariana) and add Hungryland to the name of the area.

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 Const.; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

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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:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open season:

a. General gun – November 17-19 ~~18-20~~.

b. Small game – December 8-10 ~~9-11~~ and 22-24 ~~23-25~~, January 19-21 ~~20-22~~ and 26-28 ~~27-29~~.

c. Spring turkey – March 16-18 ~~17-19~~ and March 30 ~~31~~ through April 1 ~~2~~.

d. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, wild hogs, fish, frogs, and furbearers. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. There shall be no size or bag limit restrictions on wild hogs.

3. General regulations:

a. The use of tracked vehicles, motorcycles, airboats, or all-terrain vehicles is prohibited. Horses and bicycles may be used only on firebreaks and named or numbered roads. The use of horses is prohibited during the general gun and spring turkey seasons.

b. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

c. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horseback is prohibited, except that motorized vehicles shall be permitted on Royce Road year-round and shall be permitted on all named and numbered roads one day prior to the general gun and spring turkey hunts.

d. During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited.

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

f. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season. Hunting hogs with dogs is prohibited.

(g) through (h) No change.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season (hunting prohibited at other times):

a. Archery – September 23 ~~24~~ through October 22 ~~23~~.

b. Muzzleloading gun – October 27-29 ~~28-30~~.

c. Archery and muzzleloading gun – November 11 ~~12~~ through January 7 ~~8~~.

d. Spring turkey – March 17 ~~18~~ through April 22 ~~23~~.

e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, ~~and~~ deer with one or more antlers at least five inches in length and fish. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles are prohibited except in the designated parking area.

c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.

d. Hunting with dogs is prohibited.

e. Wild hogs may not be transported alive.

(b) No change.

(c) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October 13-15 ~~14-16~~, 27-29 ~~28-30~~, November 3-5 ~~4-6~~ and December 15-17 ~~16-18~~.

b. Mobility-impaired spring turkey – March 23-25 ~~24-26~~ and April 13-15 ~~14-16~~.

c. Fishing – Throughout year.

2. Legal to take: Any deer (except spotted fawn), wild hogs, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only mobility-impaired hunters may take an antlerless deer.

3. General regulations:

a. Hunters shall check in and out at the designated check station on Holton Creek WMA and report all game taken.

b. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

c. Vehicles may be operated only from one and one-half hours before sunrise until one and one-half hours after sunset, only on designated portions of named or numbered roads during periods open to hunting and one day prior.

d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.

e. Hunters shall enter and exit through Holton Creek WMA Road 2 only. The area may be accessed during non-hunting periods by use of the Adams Grade parking area.

f. All hunt participants are required to attend a pre-hunt orientation meeting.

g. The possession of dogs or horses is prohibited.

h. During non-hunting periods, access is restricted to foot traffic only.

(d) No change.

(3) Northwest Region.

(a) No change.

(b) Apalachicola River – Gulf, Franklin, and Liberty counties.

1. Hunting shall be allowed only during the open seasons established for migratory birds in Rules 68A-13.003 and 68A-13.008, F.A.C., and during open seasons established for deer, turkey, quail, squirrel, and wild hogs in Rule 68A-13.004, F.A.C., except for the following:

a. Antlerless deer may only be taken during the archery season.

b. Turkeys of either sex may only be taken during the archery and muzzleloading gun seasons.

c. General gun season shall open the fourth Thursday in November and close three days thereafter and reopen the second Saturday in December and close 53 days thereafter.

d. During the first phase of dove seasons established by Rule 68A-13.008, F.A.C., doves may be taken in posted dove fields on Saturdays only.

e. No size or bag limit on wild hogs.

2. Furbearers may be taken in accordance with the provisions of Rule 68A-24.002, F.A.C., except the use or possession of dogs is prohibited during the spring turkey season.

3. General regulations:

a. Camping is limited to tents, trailers, or self-propelled camping vehicles only. Camping is permitted throughout the area, except where posted as no camping. Kitchen stoves, refrigerators, and freezers, unless contained in mobile campers, lumber, sheet metal, or other building materials is prohibited.

b. Unauthorized removal or cutting of trees or plants is prohibited.

c. The use of dogs other than bird dogs or retrievers on posted dove fields is prohibited during the first phase of dove season.

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

e. Fires other than campfires are prohibited.

f. Hunting with dogs, other than bird dogs or retrievers, is prohibited in that portion of the area posted as Northwest Florida Water Management District lands (except those lands lying south of the Chipola River and east of the St. Joe Canal) and on those lands lying east of East Bay and Cash Bayou.

g. The use of all-terrain vehicles is prohibited in that portion of the area posted as Northwest Florida Water Management District lands and on those lands lying east of East Bay and Cash Bayou.

(c) No change.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – September ~~9~~ ~~10~~ through October ~~8~~ ~~9~~.

b. Muzzleloading gun – October ~~13-15~~ ~~14-16~~.

c. General gun – October ~~28~~ ~~29~~ through December ~~3~~ ~~4~~.

d. Ducks, coots, and snipe – During the seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

e. Fishing is permitted throughout the year.

f. Frogging – The day following the close of the general gun season ~~December 1~~ through March 1.

2. Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots, and snipe may be taken during seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

3. General regulations:

a. Dogs are prohibited except waterfowl retrievers may be used during the duck, coot, and snipe seasons.

b. The possession of any firearm containing shells or cartridges or capped or primed muzzleloading guns is prohibited on levees, improved roads, and at check stations. The discharge of guns is prohibited on, from, or across any check station, levee, or improved road.

c. Hunting or discharge of any firearm east of the C-109 road, within 500 yards of the Dade Work Camp, or any building or structure is prohibited.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited in the area except that airboats may be used in Units 1 and 4 from the day following the close of the general gun season ~~December 1~~

through March 1 and outboard motor boats may be used within canals, and vehicles may be operated on named or numbered roads.

e. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or trails.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach and Martin counties ~~County~~.

1. Open season:

a. Archery – September ~~8-10~~ 9-11, 15-17 ~~16-18~~ and 22-24 ~~23-25~~.

b. Muzzleloading gun – October ~~6-8~~ 7-9, 13-15 ~~14-16~~ and 20-22 ~~21-23~~.

c. General gun – October 27-29 ~~28-30~~ and November 3-5 ~~4-6~~.

d. General gun for mobility-impaired – November 11-12 ~~12-13~~.

e. General gun hog – November 14-16 ~~15-17, 21-23~~ ~~22-24, 28-30~~ ~~November 29 through December 1~~, and December 5-7 ~~6-8~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March 6-8 ~~7-9, 16-18~~ ~~17-19~~ and 23-25 ~~24-26~~.

g. Small game – December 9 ~~10~~ through January 28 ~~29~~.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one antler having three or more points, one inch or more in length. Antlerless deer (except spotted fawns) may be taken during the archery and general gun for the mobility-impaired seasons; and by antlerless deer permit only during the muzzleloading gun and general gun seasons. The bag limit for deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated

equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

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

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota permit for the area except that one person younger than 16 years of age may accompany a person older than 18 years of age who possesses a valid quota permit.

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

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(c) CREW – Collier and Lee Counties.

1. Open season:

a. Archery – September ~~9-17~~ ~~10-18~~.

b. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

c. General gun – October ~~28~~ ~~29~~ through November ~~5~~ ~~6~~.

d. Spring turkey – March ~~3-6~~ ~~4-7~~ and ~~7-11~~ ~~8-12~~.

e. Trapping is prohibited.

f. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, fish, frogs, and furbearers. The bag limit for deer shall be one per quota hunt permit. The taking of deer is prohibited in the Corkscrew Marsh Unit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. The taking of turkey is prohibited during the archery season. There shall be no bag limit restrictions on wild hogs.

3. Camping: Primitive camping is allowed at designated sites by individuals with written authorization from the South Florida Water Management District or by individuals in possession of a valid quota hunt permit.

4. General regulations:

a. The use of trailers or recreational vehicles for camping is prohibited.

b. Fires other than campfires at approved campsites are prohibited.

c. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

d. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.

e. The use of tracked vehicles, swamp buggies, motorcycles, all-terrain vehicles, or vessels, except canoes or kayaks, is prohibited, except that swamp buggies may be operated by individuals possessing a valid quota hunt permit.

f. Vehicles may be operated only on named or numbered roads designated for vehicles. During the archery, muzzleloading gun, general gun and spring turkey seasons beginning at 8 a.m. the day prior to the opening of each season vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

g. The use or possession of horses is restricted to designated equestrian trails.

h. Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.

i. Persons may enter the WEA two hours before sunrise and must exit the area within two-hours after sunset, unless camping at a designated campsite.

j. Hunters shall enter and exit the Corkscrew Marsh Unit only through Gate 5 and Gate 6.

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

l. Hunting east of or within 1/4-mile of the western North/South Tram Road and south of Bonita Beach Road in the Bird Rookery Swamp Unit is prohibited.

m. No deer or turkey shall be dismembered until checked at a check station.

n. Centerfire and rimfire rifles are prohibited.

(d) No change.

(e) John C. and Mariana Marianna Jones/Hungryland WEA – Palm Beach and Martin counties.

1. Open season:

a. Archery – September ~~9-12~~, ~~16-19~~, ~~23-26~~, and September 30-October 3 ~~10-16~~ and ~~17-25~~.

b. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

c. General gun – October ~~28-30~~ ~~29~~ through November ~~4~~ and November ~~4-6~~, ~~11-13~~ ~~2-6~~.

d. Small game – November ~~18~~ – December ~~3~~ ~~12-27~~.

e. Fishing and frogging – Permitted throughout the year.

2. Legal to take: Deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as established by Rules 68A-13.003 and 68A-13.008, F.A.C., when migratory game bird season coincides with the archery, muzzleloading gun, general gun, or small game season. The bag limit for deer shall be one each per quota permit. No size or bag limits on wild hogs. The taking of antlerless deer is prohibited during the archery season.

3. Camping: Camping is permitted at designated primitive sites. Only tents may be used for camping.

4. General regulations:

- a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.
- b. Fires are prohibited except at designated camping sites.
- c. Vehicles may be operated only on named or numbered roads and in designated parking areas. Vehicles are prohibited on the Old Jupiter Grade.
- d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited.
- e. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.
- f. No deer shall be dismembered until checked at a check station.
- g. Dogs are prohibited except bird dogs and retrievers may be used for hunting during the small game season.
- h. Centerfire and rimfire rifles are prohibited.
- i. Horses may be used only on designated equestrian trails and named or numbered roads.
- j. Persons shall enter and exit the area only at designated entrances.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Fish Management Areas RULE CHAPTER NO.: 68A-20

RULE TITLE: Specific Fish Management Area Regulations RULE NO.: 68A-20.005

PURPOSE AND EFFECT: The proposed rule would change the black bass regulation on Karick Lake in Okaloosa County to provide for more angler harvest of black bass and improve the overall black bass fish population in the lake.

SUMMARY: The proposed rule would change the black bass regulation on Karick Lake Fish Management Area from catch-and release to a 12-inch minimum length limit.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-20.005 Specific Fish Management Area Regulations.

(1) Northwest Region.

(a) through (d) No change.

(e) Karick Lake, Okaloosa County:

~~1. No person shall kill or possess any black bass.~~

~~1.2.~~ The use of boats propelled by gasoline motors is prohibited.

~~2.3.~~ Motor vehicles are prohibited on dams, spillways and fishing fingers.

(f) through (i) No change.

(2) through (5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01, 10-9-01, 7-1-02, 1-1-03, 7-1-03, 1-1-04, 7-1-04, 7-17-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating to Freshwater Fish 68A-23

RULE TITLE: RULE NO.:
General Methods of Taking Freshwater Fish 68A-23.002

PURPOSE AND EFFECT: The proposed rule would provide for additional use of freshwater fisheries resources in Indian River County, reduce confusion among freshwater fishers using cast nets, and simplify and clarify enforcement of rules relating to taking of freshwater fish with cast nets to provide better management of the states freshwater fisheries resources.

SUMMARY: The proposed rule amendment would provide for use of cast nets of any mesh size to take nongame fish in Indian River County and further clarify that no cast nets may be used to take any size freshwater non-game fish in areas closed to use of cast nets.

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 Const.
LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

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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 RULES IS:

68A-23.002 General Methods of Taking Freshwater Fish.

(1) through (2) No change.

(3) Nongame fish may be taken by hook and line, rod and reel or by trotlines, set lines or bush hooks (as specified in Rule 68A-23.004, F.A.C.), or by traps, nets or other devices as specified in Rule 68A-23.003, F.A.C. Nongame fish may be taken for personal use by any person possessing a valid freshwater fishing license by the use of not more than one slat basket or one wire trap, made as specified in Rule 68A-23.003, F.A.C., in those waters where the use of wire traps or slat baskets is permitted for commercial purposes as specified in subsection 68A-23.003(2), F.A.C. Nongame fish may be taken at night by bow and arrow and gigs and during daylight hours by manually operated spears, gigs, snatch hooks, crossbow or bow and arrow from a boat or from shore except at the spillways of the Eureka and Rodman Dams on the Oklawaha River or on the spillway of the Jim Woodruff Dam on the Apalachicola River or in Dade County canals south of the C-4 and east of the L-31N and L-31W canals inclusively. Nongame fish may be taken by the use of cast nets in the Northeast Region, in Citrus and Glades Counties, and in the Southwest Region, except that possession or use of cast nets in waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road are prohibited. ~~Nongame fish may be taken with cast nets in the Northeast Region, except in Indian River County. Nongame fish may be taken by use of cast nets in Citrus and Glades counties.~~

(4) through (5) No change.

(6) Minnows of non-game fish excluding catfish may be taken:

(a) through (b) No change.

(c) By the use of a cast net having a mesh size not greater than one inch stretched in freshwaters of the state unless specifically prohibited.

(d) No change.

(7) through (11) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-84, Formerly 39-23.02, Amended 6-1-86, 4-13-88, 7-1-89, 7-1-90, 4-20-93, 7-1-93, 7-1-94, 7-1-95, 4-1-96, 7-1-98, 4-15-99, Formerly 39-23.002, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Freshwater Fish

RULE CHAPTER NO.: 68A-23

RULE TITLE: Bag Limits, Length Limits, Open Season:

RULE NO.:

Freshwater Fish

68A-23.005

PURPOSE AND EFFECT: The proposed rule amendment would change regulations for black bass on Lake Kerr in Marion County to allow anglers to utilize the more abundant small fish resources of Lake Kerr while potentially improving the overall quality of the black bass fishery in the lake. The proposed rule also would make a technical change to black bass regulations for the St. Johns River Water Management Area (Farm 13, including the Stick Marsh) to include that part of the area that is in Brevard County. The proposed change would ensure that the black bass regulation applies to the whole St. Johns River Water Management Area and would result in a higher quality black bass fishery and help better manage public use of this area.

SUMMARY: The proposed rule amendment would prohibit the killing or possession of black bass in Lake Kerr, including Little Lake Kerr, that are 15 inches or more in total length and less than 24 inches in total length and reduce the daily black bass bag limit to 3 fish of which only one may be 24 inches or longer in total length. The proposed rule amendment also would prohibit the killing or possession of any black bass in that portion of the St. Johns River Water Management Area (Farm 13, including the Stick Marsh) that lies within Brevard County.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34 Street, Gainesville, Florida 32607

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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:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (7) No change.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in subsection (9) below, bag or length limits or areas closed to fishing are as follows:

(a) through (c) No change.

(d) Lake Kerr, including Little Lake Kerr: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer in total length.

~~(e)(d)~~ No person shall kill or possess any black bass in the following areas:

1. In Wildcat Lake within the boundaries of the Ocala National Forest.

2. In the St. Johns River Water Management Area, in Indian River ~~and Brevard counties~~ County (commonly known as Farm-13 and including the Stickmarsh).

3. In the St. Johns River Water Management-owned area formerly known as the S.N. Knight Farm in Indian River County.

~~(f)(e)~~ Edward Medard Reservoir, Hillsborough County: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

~~(g)(f)~~ In waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road, no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

~~(h)(g)~~ Lake Weohyakapka (Walk-in-Water), Polk County, including all contiguous residential waterways, Weohyakapka (Walk-in-Water) Creek north to the point located 100 yards south of State Road 60, and Tiger Creek west to the point 100 yards west of Walk-in-the-Water Rd.: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

~~(i)(h)~~ Lake Okeechobee: No person shall kill or possess any black bass that is 13 inches or more in total length and less than 18 inches in total length.

Lake Okeechobee is defined as any point lakeward of a boundary line delineated by the following points:

Intersection of St. Rd. 78 and U.S. 441, U.S. 441 SE to St. Rd. 5 (“80”)

St. Rd. 5 (“80”) to St. Rd. 25 (U.S. 27)

St. Rd. 25 (U.S. 27) to St. Rd. 78

St. Rd. 78 to U.S. 441

Including:

Harney Pond Canal (C-41) north of St. Rd. 78 to South Florida Water Mgmt. District (SFWMD) structure S-71

Indian Prairie Canal (C-40) north of St. Rd. 78 to SFWMD structure S-72

All of Taylor Creek and Nubbin Slough in Okeechobee County C-38/Kissimmee River south of SFWMD structure S-65E to St. Rd. 78

(9) No change.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-05, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating To Freshwater Fish 68A-23

RULE TITLE: RULE NO.:
Special Regulations for Lake Seminole

and the St. Mary’s River 68A-23.0131

PURPOSE AND EFFECT: The proposed rule conforms all bag and length limits for freshwater fish in St. Mary’s River tributaries to those of the St. Mary’s River proper to eliminate confusion for Georgia and Florida anglers fishing in this river system and to simplify enforcement to improve overall freshwater fisheries management. The proposed rule also standardizes Florida and Georgia rules relating to taking of striped bass, white bass, or their hybrids in the St. Marys River to simplify enforcement and improve management of these fisheries.

SUMMARY: Bag and length limits for certain freshwater fish in St. Mary’s River tributaries are changed as follows: Black bass daily bag limits are changed from 5 to 10; the black crappie daily bag limit is changed from 25 to 30; Pickerel (chain, grass and redbfin) bag limits are changed from no limit to 15; Striped bass-white bass hybrids or white bass daily bag limits are changed from 15 to 2 all of which must be 22 inches or greater in total length.

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 Const.; 372.021 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.57, 372.97, 372.971 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34 Street, Gainesville, Florida 32607

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, at (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:

68A-23.0131 Special Regulations for Lake Seminole and the St. Mary's River.

(1) through (2) No change.

(3) No person shall take, catch or have in possession ~~on the above-described waters~~ more than the daily bag limit for any species of game fish, or take, catch or have in possession more than 50 in the aggregate of all species of game fish.

(a) The daily bag limit on the above-described waters for Lake Seminole is as follows:

1. Black bass – 10 (all of which must be 12 inches or greater in total length).

2. Striped bass, striped bass-white bass hybrid and white bass in the aggregate – 15 (only 2 of which may be 22 inches or greater in total length).

3. Bream – Bluegill, redbreast, rock bass and all other species of bream – 50.

4. Crappie – 30.

5. Pickerel – Chain, grass and redbfin – 15.

(b) The daily bag limit for the St. Mary's River and its tributaries is as follows:

1. Black bass – 10 (all of which must be 12 inches or greater in total length).

2. Striped bass, white bass, or striped bass-white bass hybrids – 2 (all of which must be 22 inches or greater in length).

~~3. Striped bass-white bass hybrid or white bass – 15.~~

~~3.4.~~ Bream – bluegill, redbreast, rock bass and all other species of bream – 50.

~~4.5.~~ Crappie – 30.

~~5.6.~~ Pickerel – Chain, grass and redbfin – 15.

PROPOSED EFFECTIVE DATE: July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.97, 372.971 FS. History—New 6-21-82, Formerly 39-23.131, Amended 6-2-86, 8-9-90, 6-11-92, Formerly 39-23.0131, Amended 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating To Freshwater Fish
 RULE TITLE: Regulations Governing the Taking and Possession of Alligator Gar, Eels and Freshwater Mussels

RULE CHAPTER NO.: 68A-23
 RULE NO.: 68A-23.015

PURPOSE AND EFFECT: The proposed rule amendment increases the scope of this rule to include alligator gar and eels. The proposed amendment prohibits the take of alligator gar without permit to reduce impacts to the population of this increasingly rare fish. The proposed rule also will require all commercial eel harvesters to obtain a permit to harvest eels to comply with requirements of the Atlantic States Marine Fisheries Commission American Eel Fishery Management Plan. This will ensure better quality data on landings of all harvested eels, which is needed to develop management alternatives to protect, restore and sustain viable eel populations in Florida and other Atlantic states.

SUMMARY: The proposed rule would prohibit the take of alligator gar without permit and would implement a permit requirement to take eels commercially.

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 Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

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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:

68A-23.015 Regulations Governing the Taking and Possession of Alligator Gar, Eels and Freshwater Mussels.

(1) No person shall take or possess alligator gar (*Atractosteus spatula*) without having obtained a permit from the Commission. Permits to take alligator gar shall be issued subject to criteria in Rule 68A-9.002, F.A.C.

(2) Persons licensed in accordance with Section 372.65(1), F.S., may take eels as specified in Rules 68A-23.002, F.A.C., 68A-23.003, F.A.C., or 68A-23.004, F.A.C., only under permit from the Commission. Permits shall be subject to such terms, conditions and restrictions as prescribed therein and shall be issued, denied, renewed or revoked as provided in Rule 68A-5.004, F.A.C. Eel harvest permits shall be issued to applicants who have submitted a completed eel harvest permit application. Eel Harvest Permit Application Form EHPA-1 (7-06) is incorporated herein by reference and obtainable at the Commission's Tallahassee and Regional Offices.

(3)(4) Taking living or dead freshwater mussels for the purpose of sale or selling living or dead freshwater mussels, is prohibited.

~~(4)(2)~~ No person shall take more than 10 freshwater mussels or 20 half-shells of the families Unionidae and Margaritiferidae (Phylum Mollusca, Class Pelecypoda) per day. No person shall possess more than two days' bag limit (20 individual mussels or 40 half-shells) of any mussels of these families. Permits for taking or possession of freshwater mussels of the families Unionidae and Margaritiferidae in excess of prescribed bag or possession limits shall be issued in accordance with Rule 68A-9.002, F.A.C.

~~(5)(3)~~ Except as provided in Rule 68A-23.008, F.A.C., freshwater mussels from families other than Unionidae and Margaritiferidae, such as the Asian clam *Corbicula fluminea*, may be taken for bait or personal use.

~~(6)(4)~~ Mussels shall be taken by hand-picking only. Use of brailles, crowfoot bars, or other mechanical methods for taking freshwater mussels is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-96, Formerly 39-23.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darrell L. Scovell, Director Division of Freshwater Fisheries Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Fur-bearing Animals and Possession of Hides

RULE CHAPTER NO.: 68A-24

RULE TITLE: License and Tagging Requirements

RULE NO.: 68A-24.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise statutory references that have been changed related to licenses for the taking and possession of fur bearing animals. The effect will be to have the correct statutory citation in the rule.

SUMMARY: Statutory references to licenses have been changed by the legislature. The renumbered references will be replaced.

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 Const.; 372.021, 372.66 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.57, 372.66 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-24.003 License and Tagging Requirements.

(1) Persons taking or possessing any fur-bearing animal or part thereof for commercial purposes shall be licensed as provided by Sections 372.57~~(2)(h) and (2)(i)~~ and 372.66, F.S., and may sell such animals in accordance with the provisions of this chapter. Any person licensed to hunt as provided by Sections 372.57~~(2)(d) and (2)(e), and (2)(f)~~, F.S., exempt from hunting licensure under Section 372.57~~(1)(a) or (1)(b)~~, F.S., or who has obtained a free permanent hunting license as provided in Section 372.561, F.S., may take fur-bearing animals only by shooting or by the use of dogs for non-commercial purposes and may possess one bobcat or otter skin without meeting the tagging requirements of this section.

(2) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.021, 372.66 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.66 FS. History— 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.03, Amended 6-2-86, 5-10-87, Formerly 39-24.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Col. Julie Jones, Director, Division of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Fur-bearing Animals and Possession of Hides

RULE CHAPTER NO.: 68A-24

RULE TITLE: Fur and Hide Dealers: Operations, Reporting Requirements

RULE NO.: 68A-24.004

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise statutory references that have been changed related to the purchase of hides from licensed individuals. The effect will be to have the correct statutory citation in the rule.

SUMMARY: Statutory references to licenses have been changed by the legislature. The renumbered references will be replaced.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.57, 372.66, 372.6672, 372.6673 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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by contacting the ADA Coordinator, at (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:

68A-24.004 Fur and Hide Dealers: Operations, Reporting Requirements.

(1) No fur or hide dealer or buyer shall buy or possess any untanned skin of any fur-bearing animal acquired from any person not licensed in accordance with Sections 372.57(2)(b) and (2)(i), F.S., or any untanned hide of an alligator acquired from any person not licensed as an alligator trapper, processor or farmer under Section 372.6673, F.S., or as a hide dealer under Section 372.66, F.S. Every fur or hide dealer shall maintain written records of all purchases of untanned skins of any animal as set forth in subsection (2). Untanned skins possessed or stored on the premises of a dealer or agent buyer for another person shall be tagged to show the name, address, date received and license number of the owner.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57, 372.66, 372.6672, 372.6673 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, 6-21-82, Formerly 39-24.04, Amended 6-2-86, 6-7-88, 2-4-89, 4-11-90, 4-1-96, Formerly 39-24.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Col. Julie Jones, Director, Division of Law Enforcement

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Reptiles

RULE CHAPTER NO.: 68A-25

RULE TITLE: Feeding or Enticement of Crocodilians Unlawful

RULE NO.: 68A-25.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to broaden the feeding prohibition to all crocodilians and eliminate provisions allowing county or municipal animal control personnel to use bait when relocating alligators or crocodiles. The effect will be to streamline the rule and clarify under what circumstances crocodilians can be fed or enticed with feed.

SUMMARY: The proposed rule would broaden the feeding prohibition to all crocodilians and eliminate provisions allowing county or municipal animal control personnel to use bait when relocating alligators or crocodiles.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.001 Feeding or Enticement of Crocodilians ~~Alligators or Crocodiles~~ Unlawful.

~~(1)~~ No person shall intentionally feed, or entice with feed, any ~~wild~~ crocodilian ~~American~~ alligator ~~(Alligator mississippiensis)~~ or American crocodile (*Crocodylus acutus*), unless held in captivity under a permit issued by the Fish and Wildlife Conservation Commission or otherwise provided by this Title. ~~However, the provisions of this section shall not apply to:~~

~~(a) Those persons feeding alligators or crocodiles maintained in protected captivity for educational, scientific, commercial, or recreational purposes.~~

~~(b) Fish and Wildlife Conservation Commission personnel, persons licensed or otherwise authorized by the commission, or county or municipal animal control personnel when relocating alligators or crocodiles by baiting or enticement.~~

~~(2) For the purposes of this section, the term "maintained in protected captivity" means held in captivity under a permit issued by the Fish and Wildlife Conservation Commission pursuant to Section 372.921 or 372.922, F.S.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-05, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating To Reptiles	68A-25
RULE TITLE:	RULE NO.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to remove outdated specific references regarding where forms must be submitted. The effect will be to streamline and simplify the rule.

SUMMARY: The proposed rule would eliminate outdated specific references regarding where forms must be submitted.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672, 372.6673, 372.86, 372.921, 372.922 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

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PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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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:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

(1) No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) No change.

(b) Persons permitted pursuant to Section 372.921, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to Section 372.921, F.S., may sell, and they and their employees may transport, such alligators to:

1. Other persons permitted pursuant to Section 372.921, F.S.;

2. To persons permitted to receive such alligators; or

3. To persons out of state, provided that all transports/transfers conducted pursuant to subparagraphs 68A-25.002(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).

4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if

appropriate, and forward the document to the Commission's Division of Law Enforcement, Tallahassee Office, within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

(2) through (15) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.86, 372.921, 372.922 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating To Reptiles 68A-25
RULE TITLE: RULE NO.:
Taking and Disposal of Nuisance-
Alligators Statewide 68A-25.003

PURPOSE AND EFFECT: The purpose of the proposed rule is to remove unnecessary provisions that could otherwise be covered by contract, permit, and existing rule provisions. The effect will be to significantly streamline the rule.

SUMMARY: The proposed rule would remove unnecessary provisions that could otherwise be covered by contract, permit, and existing rule provisions.

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 Const.

LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672, 372.6673 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

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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:

68A-25.003 Taking and Disposal of Nuisance-Alligators Statewide.

(1) ~~Only persons under contract with the Commission as nuisance alligator trappers, or their agents and assistants, who have been approved~~ No person other than nuisance alligator trappers designated by the executive director, or his designee, and licensed in accordance with Section 372.6673, F.S., shall take, possess and kill nuisance alligators as authorized by permit herein. ~~No nuisance alligator trapper shall take, possess or kill any alligator except as authorized herein.~~

(2) ~~Persons may apply for nuisance alligator contracts by completing and submitting a Nuisance Alligator Trapper Application (FWC Form 1002AT (2-06)), incorporated by reference herein.~~ Qualification and liability of nuisance alligator trappers:

(a) ~~Shall reside in the region where the nuisance alligator trapper is authorized to take, possess or kill alligators.~~

(b) ~~Shall possess the experience and ability to handle wild alligators.~~

(c) ~~Shall be capable of supplying all equipment necessary to take alligators.~~

(d) ~~Shall have sufficient time to adequately and efficiently take designated alligators.~~

(e) ~~Shall not have been convicted of violating any law or rule relating to the illegal taking of crocodilians within five years of the date of application, or within ten years of the date of application if such conviction involved endangered crocodilians.~~

(f) ~~Shall assume personal liability for health, welfare and safety while acting as a nuisance alligator trapper.~~

(g) ~~Those persons employed by alligator farms or engaged in alligator farming shall not be eligible to participate as a nuisance alligator trapper. However, nothing herein shall~~

prohibit the employment of nuisance alligator trappers by alligator farm permittees for the taking of alligators or alligator eggs from the wild in accordance with Commission rules.

(3) Failure of any contracted nuisance alligator trapper, or their agents and assistants, to comply with all contract, permit, or other rule provisions of the Commission may result in termination of contracts and revocation of licenses as prescribed by Rule 68A-5.004, F.A.C., and, if applicable, criminal or civil prosecution pursuant to Florida Statutes. Selection and review:

(a) Applicants and qualifications for appointment shall be reviewed by a selection board appointed in each region by the executive director. The board shall conduct a personal interview and consider each applicant's qualification and personal background. The names of those applicants nominated by the board shall be submitted to the executive director for final consideration and appointment. The number of appointments shall be based on need.

(b) Selected nuisance alligator trappers shall enter into a contract and be licensed as an alligator trapper under Section 372.6673, F.S., to take and possess alligators in accordance with this rule.

(4) Conditions governing operations of authorized nuisance alligator trappers:

(a) The nuisance alligator trapper will be issued a permit assigning in writing a specific nuisance alligator complaint by the designated regional coordinator. Only the alligator(s) specifically designated in the nuisance alligator complaint may be taken. No nuisance alligator trapper shall possess any live alligator for more than 24 hours except as directed by the coordinator.

(b) When warranted under exigent circumstances or when immediate attention is required, the regional coordinator may authorize a nuisance alligator trapper to relocate an alligator less than four feet in length.

(c) Nuisance alligator trappers may collect oviducal eggs from gravid nuisance alligators and the orphaned eggs from the nests of female nuisance alligators, as authorized by the Commission, for the transfer of said eggs to alligator farms permitted as eligible to receive eggs and hatchlings from the wild pursuant to Rule 68A-25.004, F.A.C.

(d) No alligator shall be taken by the use or aid of a firearm without specific written authorization or without authorization by a Commission law enforcement officer at the scene.

(e) An alligator CITES tag furnished by the Commission shall be locked through the skin of the alligator within six (6) inches of the tip of the tail immediately upon killing. The identifying alligator CITES tag shall remain attached to the alligator hide until the hide is tanned, taxidermy mounted, or exported from the state. CITES tags shall be used only one time, and the possession of any alligator hide not tagged as

prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 372.73, F.S.

(f) An alligator harvest report form (FWC Form 1001AT, incorporated by reference herein, effective April 30, 2000) provided by the Commission shall be completed by the trapper within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The trapper shall submit a legible copy of each completed alligator harvest report form to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 for receipt by January 15 of the following year.

(g) All unused CITES tags must be returned by the permittee to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600, by January 15 of the following year. It shall be a violation of this section for any person to possess any unused CITES tag(s) from the previous year after January 15.

(h) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.

(i) The meat from alligators taken that is not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(j) Each nuisance alligator trapper may have up to three alligator trapping agents, licensed under Section 372.6673, F.S. Such agents are authorized to conduct nuisance alligator trapping activities under the direction of the nuisance alligator trapper. Such activities may be performed by the agents in the absence of the nuisance alligator trapper.

(k) Each nuisance alligator trapper may have assistant trappers to assist in the taking of nuisance alligators. Assistant trappers shall be licensed as alligator trapper agents under Section 372.6673, F.S., and shall work in the direct supervision and in the immediate presence of the nuisance alligator trapper. Activities of the assistant trapper shall be limited to nuisance alligator removal on public waters.

(l) The nuisance alligator trapper shall be held accountable for the conduct of his agents and assistant trappers. Any confirmed misconduct may result in termination of the nuisance alligator trapper's contract or the revocation of the nuisance alligator trapper's or agents' licenses as prescribed by Rule 68A-5.004, F.A.C.

(m) CITES tags shall remain the property of the Commission until affixed as provided herein. No person except an authorized nuisance alligator trapper and his agents shall possess any unused CITES tag at any time, and such nuisance alligator trapper shall insure that all CITES tags issued to him shall remain in his or his agents' possession.

~~(n) Assignments of alligators to be taken and the issuance of CITES tags to a nuisance alligator trapper shall be discontinued upon receipt of verified information and belief by the executive director that the nuisance alligator trapper has:~~

- ~~1. Attempted to generate alligator complaints,~~
- ~~2. Taken alligators in excess of authorization,~~
- ~~3. Failed to promptly respond to an assigned complaint,~~
- ~~4. Been convicted of a violation of any regulation concerned with the commercialization of wildlife or freshwater fish,~~
- ~~5. Violated any portion of this rule, or~~
- ~~6. Demonstrated an inability to carry out the assigned duties as required by contract or rule. Following a review by the appropriate regional review board in which the alleged misconduct is confirmed, the contract of the nuisance alligator trapper shall be breached and terminated.~~

~~(5) Sale of alligator parts: Parts of alligators may only be sold in accordance with Rules 68A-25.002 and 68A-25.052, F.A.C.~~

~~(5) Sale of alligator parts: Parts of alligators may only be sold in accordance with Rules 68A-25.002 and 68A-25.052, F.A.C.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 8-1-79, Amended 10-23-79, 6-22-80, 6-4-81, 6-21-82, 7-1-85, Formerly 39-25.03, Amended 6-1-86, 12-23-87, 5-5-88, 2-14-89, 4-11-90, 4-14-92, 3-30-95, 4-1-96, Formerly 39-25.003, Amended 4-30-00, 12-16-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating To Reptiles	68A-25
RULE TITLE:	RULE NO.:
Regulations Governing the Operation of Alligator Farms	68A-25.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to eliminate outdated provisions and specific references regarding where forms must be submitted. The effect will be to streamline and simplify the rule.

SUMMARY: The proposed rule would eliminate outdated provisions and specific references regarding where forms must be submitted.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6673 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.004 Regulations Governing the Operation of Alligator Farms.

Alligator farms may be established and operated and alligators, eggs, and hides may be possessed by alligator farmers and their agents subject to the following:

- (1) No change.
- (2) Licensing and permitting:
 - (a) through (e) No change.

(f) A maximum of 30 permits may be issued that grant farmers authority to take alligator hatchlings under subsection 68A-25.031(1), F.A.C., and a maximum of 30 permits may be issued that grant farmers the first opportunity to participate in the collection and distribution of eggs taken from the wild under subsections 68A-25.031(2) and (3), F.A.C. Such permits shall be issued by the executive director as follows:

~~1. Permits shall be issued to applicants on a first come, first served basis as determined by receipt of a written application.~~

~~2. After the issuance of all available permits, the Commission shall maintain on a first come, first served basis waiting lists for issuance of permits. Applicants wishing to~~

~~maintain their status on said waiting lists must notify the Commission in writing between December 1 and December 31 of each year.~~

~~3. Prior to July 1, 2000, when a permit becomes available, the first applicant on the respective list shall be so notified. Said applicant shall have 10 days after notification to purchase a farming license and 180 days to meet the eligibility criteria for alligator farm facilities specified herein. The applicant may be issued a permit following an inspection and a determination that these requirements have been met. Such applicants who fail to meet these requirements shall be dropped from the list and required to reapply for reinstatement to the list.~~

~~4. On or after July 1, 2000, W~~hen a permit becomes available, notice of such availability shall be published in the Florida Administrative Weekly.

a. Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Weekly. Persons whose applications are received more than 30 days after publication of the notice shall not be eligible for assignment of the available permit, irrespective of the postmark date on their application. Only persons licensed as alligator farmers pursuant to Section 372.6673, F.S., may apply, and only one application per person will be accepted.

b. Available permits shall be assigned based on a random drawing of qualified applicants.

c. Individuals assigned an available permit on the respective list shall be so notified. Said applicant shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified herein. The applicant may be issued a permit following an inspection and determination that these requirements have been met.

~~2.5.~~ No person shall be issued more than one permit for an alligator farm eligible to receive alligator eggs and one permit for an alligator farm eligible to receive alligator hatchlings taken from the wild as specified in this paragraph.

~~3.6.~~ Failure of a permittee to participate in the egg collection and distribution under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

~~4.7.~~ Failure of a permittee to participate in the hatchling collections under Rule 68A-25.031, F.A.C., for two consecutive years shall result in revocation of the respective permit issued pursuant to this paragraph.

(g) through (j) No change.

(3) Record keeping requirements:

(a) Permittees shall maintain inventory records of the number of alligator eggs and alligators in each incubator, tank, pond, and enclosure. The source and disposition of eggs and alligators added to or removed from each incubator, rearing

tank, and breeding stock enclosure shall be accurately recorded. Such inventory, source, and disposition records shall be kept on the farm on an Alligator Farm Inventory Record (FWC Form 1004AF, effective June 30, 1992, which is incorporated herein by reference and may be obtained from ~~at~~ the Commission's ~~Tallahassee office~~) or in a manner that is substantially in compliance with the required record keeping.

(b) through (c) No change.

(4) Reporting requirements:

(a) An Alligator Farm Annual Report (FWC Form 1000AF, effective July 1, 1994, which is incorporated to this rule by reference and may be obtained from ~~at~~ the Commission's ~~Tallahassee office~~) shall be completed at the conclusion of each calendar year and submitted to the Commission's ~~division of law enforcement~~ by January 31.

(b) No change.

(5) through (7) No change.

(8) Transfer of alligator eggs and live, untagged alligators from alligator farms:

(a) No change.

(b) The transfer of any alligator egg or live, untagged alligator from an alligator farm premises shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF, effective April 30, 2000, which is incorporated herein by reference and may be obtained from ~~at~~ the Commission's ~~Tallahassee office~~). The originating farm permittee shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transfer, obtain the signature of the recipient on the document, and forward the document to the Commission's ~~Division of Law Enforcement, Tallahassee Office~~, within 30 days following the date of transfer. A copy of the completed document must accompany the alligators or alligator eggs during transport.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6673 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-25.04, Amended 8-24-87, 6-7-88, 2-14-89, 4-11-90, 4-4-91, 4-15-92, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 11-12-98, Formerly 39-25.004, Amended 4-30-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 21, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Rules Relating To Reptiles 68A-25

RULE TITLE: RULE NO.:
 Regulations Governing Alligator Egg
 and Hatchling Collections on
 Lands Not Included in Alligator
 Management Programs 68A-25.031

PURPOSE AND EFFECT: The purposes of the proposed rule are to eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of nests that may be opened during egg collections; eliminate the provisions for Type B egg collections; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title. The effects will be to simplify the rule and remove the potential need for future changes as entity names or responsibilities change; provide for the implementation of adaptive management strategies that may lead to maximum sustained use of the alligator egg resource; make the rule compatible with proposed changes to 68A-25.032, F.A.C.; and remove provisions referencing marketing and education expenditures already covered by Section 372.6673, F.S.

SUMMARY: The proposed rule would eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of nests that may be opened during egg collections; eliminate the provisions for Type B egg collections; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title.

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 Const.
 LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672, 372.6673, 372.6674 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs ~~on Private Lands.~~

(1) Conditions governing alligator hatchling collections:

(a) through (c) No change.

(d) Assignment of all alligator hatchling collection areas to farm permittees will be conducted at least once every three (3) years, and the assignment of relinquished collection areas will be conducted in intervening years. Farm permittees who wish to request the assignment of hatchling collection areas will identify their preferred collection areas and total number of alligator hatchlings requested for the year on application forms (FWC Form 1001AF, effective date April 1, 1996, incorporated herein by reference and available ~~from~~ at the Commission's ~~Tallahassee office~~) provided by the Commission. Completed applications must be received by the Commission by June 15 of each year. For purposes of this rule, receipt shall mean actual receipt ~~by~~ in the Commission's ~~Tallahassee Office~~, on or before the deadline, by U.S. Mail, express delivery, hand-delivery or by facsimile (fax) copy. Applications received after June 15 will not be accepted irrespective of the postmark date.

(e) through (i) No change.

(j) Permittees or their agent(s) shall not collect wild alligator hatchlings until receipt of permittee's written report by the Commission's ~~Division of Law Enforcement, Tallahassee~~, identifying the total, calendar-year, hatchling production and the number of remaining viable eggs on the permittee's alligator farm as of September 10 or later of each year. Notwithstanding provisions for inventories in Rule 68A-25.004, F.A.C., the Commission may inventory a permittee's total egg inventory and hatchling production.

(k) No change.

(l) Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC Form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the

hatchlings at all times until they are delivered to the permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.

(m) through (n) No change.

(o) All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600 by December 16 each year.

(2) Establishment of Type A egg collection areas, groups, coordinators, and quotas:

(a) Type A alligator egg collection areas shall be established by the Executive Director, or his designee, that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics, expected nest densities, and anticipated costs of surveys and collections.

(b) No change.

(c) Farmers permitted as eligible to receive eggs from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in Section 372.6673, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the collection and distribution of eggs as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as coordinator). Applications must be received by the Commission by April 1 of each year. Eligible farmers meeting the April 1 application deadline may transfer to the other collection group upon written request received by the Commission. Such transfer requests must be received by April 15. For purposes of this rule, receipt shall mean actual receipt on or before the deadline by in the Commission's Tallahassee Office by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications and transfer requests received after April 1 and April 15, respectively, will not be accepted irrespective of the postmark date. The Executive Director, or his designee, shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each coordinator shall be licensed as an alligator farmer as specified in Section 372.6673, F.S., prior to being issued a permit.

(d) Quotas for the number of nests that may be opened on each collection area shall be determined by Commission biologists conducting surveys and will be set to ensure no long term negative impacts on alligator populations not exceed fifty percent (50%) of the nests observed during those surveys.

(e) No change.

(3) Procedures and requirements for alligator egg collections on Type A egg collection areas:

(a) through (d) No change.

(e) Permits shall expire August 7 of each year, except that the Executive Director, or his designee, may extend the expiration date upon request of a group coordinator if collections are delayed for reasons outside of the control of the coordinator and collectors and a concerted effort has been made to complete the collections before August 7. Any quota unused upon expiration of the permit shall be assigned to the other collection group upon purchase of the requisite number of egg permits by the other group's coordinator.

(f) through (o) No change.

(p) Each collection day at the egg inspection site the coordinator shall provide Commission personnel completed copies of FWC form 1005AF (effective June 26, 1994, incorporated herein by reference and available from at the Commission's Tallahassee office) signed by the coordinator and indicating the number of eggs to be transferred to each participating farm or to a designated temporary storage facility. Eggs may be temporarily stored at the designated storage facility for up to 15 days following collection before transfer to the participating farms.

(q) through (r) No change.

~~(s) Of the \$5 fee per egg assessed under paragraph (3)(n), \$1 shall be expended on alligator marketing and education.~~

~~(4) Type B egg collection area establishment procedures and requirements:~~

~~(a) Alligator habitat occurring on public lands may be established as a Type B egg collection area provided that:~~

~~1. The alligator habitat is not accessible to the general public without written authorization or permit, and~~

~~2. The area has not been established as an alligator harvest management unit pursuant to Rule 68A-25.042, F.A.C., and~~

~~3. A determination is made by the Executive Director, based on costs and benefits of surveys and collections, that said alligator habitat is unsuitable for establishment as a Type A egg collection area.~~

~~(b) A governmental body with management authority over public lands or an authorized lessee of public lands may apply for establishment of a Type B egg collection area according to the application procedures specified for alligator management programs on private lands in Rule 68A-25.032, F.A.C.~~

~~(c) Procedures and requirements governing application review, permit issuance, and the taking of eggs shall be as specified in Rule 68A-25.032, F.A.C., for alligator management programs on private lands.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673, 372.6674 FS. History--New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02, 4-11-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Reptiles

RULE CHAPTER NO.: 68A-25

RULE TITLE: Regulations Governing the Establishment of

RULE NO.: 68A-25.032

Alligator Management Programs

PURPOSE AND EFFECT: The purposes of the proposed rule are to eliminate specific references regarding where forms are obtained and submitted; allow the inclusion of public lands other than sovereign submerged lands; eliminate acreage or population limitations as a requisite for eligibility; eliminate the limitation on the percentage of the population that can be harvested; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title. The effects will be to simplify the rule and remove the potential need for future changes as entity names or responsibilities change; provide public land resource managers the greatest latitude to manage the alligator resource consistent with their land use objectives; provide smaller landowners or special-use landowners greater flexibility in managing the alligator resource on their properties; remove provisions referencing marketing and education expenditures already covered by Section 372.6674, F.S.; and make the rule title consistent with the proposed changes for inclusion of public lands.

SUMMARY: The proposed rule would eliminate specific references regarding where forms are obtained and submitted; provide for inclusion of public lands other than sovereign submerged lands; eliminate acreage or population limitations as a requisite for eligibility; eliminate the limitation on the percentage of the population that can be harvested; eliminate the provisions regarding expending monies on alligator marketing and education; and, remove references to private lands in the rule title.

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 Const.
LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs ~~on Private Lands~~.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators ~~on private lands~~ may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as "public lands" in this section) under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC form 1000PW, effective April 12, 1998, is incorporated to the rule by reference and may be obtained from the Commission's ~~Tallahassee and regional offices~~), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining.

~~Lands owned or leased by water control districts recognized per Chapter 298, F.S., excepting water management districts created per Section 373.069, F.S., shall be construed as private lands for purposes of this rule.~~

(b) The alligator habitat described in the Alligator Management Program Application may not include lands established as an alligator harvest management unit pursuant to Rule 68A-25.042, F.A.C. or an alligator egg collection area pursuant to Rule 68A-25.031, F.A.C.

~~(c)(b)~~ Alligator habitat inventories contained in Alligator Management Program Applications shall be verified by an individual who is designated as an associate wildlife biologist or a certified wildlife biologist under The Wildlife Society's Program for Certification of Professional Wildlife Biologists, The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814; or who is designated as an associate ecologist, ecologist, or senior ecologist under the Ecological Society of America's Certification Program, ESA Center for Environmental Studies, Arizona State University, Tempe, AZ 85287-3211; or who is designated as an associate fisheries scientist or a certified fisheries scientist under the American Fisheries Society's Professional Certification Program, American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199; or who is a full Member of the Society of American Foresters, 5400 Grosvenor Lane, Bethesda, MD 20814. Non-hatchling alligator, hatchling and nest surveys contained in said applications shall be verified by an individual who is designated as a certified wildlife biologist by The Wildlife Society's Program for Certification of Professional Wildlife Biologists.

~~(d)(e)~~ Applicants may incorporate by reference in their annual application the habitat inventories and non-hatchling alligator surveys referenced in paragraph (1)~~(c)(b)~~ above that were previously submitted by the applicant and that remain on file with the Commission provided that habitat conditions have not changed on the property. New applicants for previously permitted properties must submit newly verified habitat inventories and non-hatchling alligator surveys as specified in paragraph (1)~~(c)(b)~~ above.

~~(e)(d)~~ Upon review and approval of timely submitted applications, individuals designated in the application (hereinafter referred to as designees) shall be entitled to receive permits to take alligators, eggs, or hatchlings on the permitted property in accordance with permit provisions and provisions of this rule.

~~(f)(e)~~ Applicants may identify one designee for taking non-hatchling alligators, one designee for taking alligator eggs, and one designee for taking alligator hatchlings. Public lands applicants must select designees by a competitive bidding or random selection process. Requests to change a designee shall be in writing.

~~(g)(f)~~ Designees shall be licensed in accordance with the provisions of Section 372.6673, F.S., prior to the issuance of their permits. A permittee's agents shall be licensed prior to said agents taking alligators or alligator eggs and prior to relocating nuisance alligators.

~~(h)(g)~~ Permits shall be issued to designee within 60 days following receipt of a complete application meeting the criteria established herein (applicants should submit applications at least 60 days prior to the opening of the harvest period to ensure timely issuance of harvest permits and tags prior to the opening of the harvest period). Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to designees who have previously failed to return unused tags and completed forms as specified herein.

(2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.

(a) Harvest quotas for non-hatchling alligators may be requested by submitting the following information:

1. A habitat inventory (as described in FWC form 1000PW) ~~demonstrating at least 1,000 acres of alligator habitat,~~ or

2. A habitat inventory (as described in FWC form 1000PW) ~~demonstrating at least 1,000 acres of alligator habitat~~ and an alligator population survey, or

3. An alligator population survey ~~documenting a population of no less than 100 alligators greater than 4 feet in length.~~

(b) No change.

(c) Upon review of the habitat inventory or the alligator population survey, Commission biologists shall recommend to the Executive Director or his designee a harvest quota ~~not to exceed 15% of the projected population of alligators greater than 4 feet in length~~ for the permitted property. Such recommended quotas shall be based upon the best biological information that indicates the number of alligators that can be removed from the system without long-term adverse impacts on population levels. Upon approval of harvest quotas by the executive director or his designee, the Commission shall furnish the designee a harvest permit and an alligator CITES tag for each non-hatchling alligator to be taken from the approved area. Harvest permits shall expire on December 31 of each year, and associated CITES tags may not be used after that date.

(d) through (g) No change.

(h) An alligator harvest report form (FWC form 1001AT, effective May 28, 2000, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), provided by the Commission, must be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of each

completed alligator harvest report form to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32309-1600 for receipt by January 15 of the following year.

~~(i) Five dollars (\$5) shall be expended by the Commission or its designee on marketing and education for each CITES tag used under the provisions of this rule contingent upon an annual appropriation by the legislature for marketing and education activities.~~

(3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.

(a) Alligator eggs and hatchlings may ~~only~~ be collected from properties ~~containing more than 1,000 acres of alligator habitat as described in an alligator habitat inventory submitted as part of FWC form 1000PW, or from properties for which an alligator nest or hatchling pod survey is submitted which results in establishment of quotas of at least five (5) nests or five (5) pods, respectively, as specified in paragraphs (3)(b) to (d), below.~~

(b) through (d) No change.

(e) In addition to the procedures detailed in paragraphs (3)(b) through (d) above, following receipt by the Commission of a written request for an alligator egg collection permit (supervised) and issuance of such permit, eggs may be collected as directed in the harvest permit from up to 50% of the nests observed during an on-site survey by an individual meeting the requirements for verifying nest surveys in paragraph (1)(c)(b) of this rule, provided the permittee has submitted a fee of \$2 per egg to be collected and has been issued one or more Alligator Egg Fee Assessment Records by the Commission that document the number of eggs for which payment was received. Such collections shall only be conducted under the direct supervision of said individual according to the provisions of the collection permit. The permittee must submit to the Commission a map or GPS coordinates of the locations of all alligator nests observed during the on-site survey within 15 days following the expiration date of the egg collection permit. The nest location map or GPS coordinates must be verified by an individual meeting the requirements for verifying nest surveys in paragraph (1)(c)(b) of this rule.

(f) Alligator eggs and/or hatchlings may be taken only at the times and under the conditions set forth in the collection permit. Hatchlings shall be tagged immediately upon capture with an alligator hatchling tag provided by the Commission, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore and before leaving the property. An Alligator Egg Fee Assessment Record (FWC Form 1007AF, effective April 1, 1996, which is incorporated herein by reference and may be obtained from ~~at~~ the Commission's ~~Tallahassee office~~) must be completed and signed by the permittee to document all retained eggs on the day of collection and prior to transporting the eggs from the

property or to a licensed farm facility. A copy of such Alligator Egg Fee Assessment Record must remain with the eggs until the eggs are transferred to a licensed farm facility.

(g) through (i) No change.

(4) No change.

(5) All tags issued under this rule shall remain the sole property of the Commission until used as provided herein, and may be possessed only by the permittee, licensees he has authorized to take alligators, or his licensed agent(s) prior to such use. The permittee shall be strictly liable in ensuring that all unused tags remain in his possession, the possession of licensees he has authorized to take alligators, or the possession of his licensed agent(s), and that all unused tags are returned to the Commission's Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32300-1600, within 15 days following permit expiration.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating To Reptiles

RULE CHAPTER NO.: 68A-25

RULE TITLE: Regulations Governing Statewide Alligator

Trapping, Permitting, Taking and Sale

68A-25.042

PURPOSE AND EFFECT: The purposes of the proposed rule are to eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of the population that can be harvested; provide for increased tag fees to participants already in possession of an alligator trapping license valid through the harvest season; eliminate provisions that limit the number of permits that can be issued per person and tags issued per permit; increase the harvest period that alligators may be taken from 5 weeks to 10 weeks; tie deadlines for submission of forms and tags to the expiration date of the harvest permit; and eliminate refunds of unused CITES tags. The effects will be to streamline and simplify the rule and provide staff the flexibility to implement

adaptive management strategies to achieve harvest objectives and remove impediments from achieving 100 percent issuance of harvest permits.

SUMMARY: The proposed rule would eliminate specific references regarding where forms are obtained and submitted; eliminate the limitation on the percentage of the population that can be harvested; provide for increased tag fees to participants possessing an alligator trapping license valid through the harvest season; eliminate provisions that limit the number of permits that can be issued per person and tags issued per permit; increase the harvest period that alligators may be taken from 5 weeks to 10 weeks; and tie deadlines for submission of forms and tags to the expiration date of the harvest permit; and eliminate refunds of unused CITES tags.

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 Const.
LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672, 372.6673 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) No change.

(b) Annual harvest quotas for each management unit shall be established by the executive director, or his designee, and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population levels ~~and shall not exceed 15 percent of the projected population of alligators greater than 4 feet in length for that unit.~~

(2) Harvest permit issuance:

(a) Harvest permits may be reserved for specific harvest units and harvest periods on a first-come-first-served basis through the Commission's Total Licensing System beginning at the designated time and date 8:00 a.m., July 1 each year by ~~paying:~~

1. Paying for an alligator trapping license as required by Section 372.6673, F.S., and \$10 ~~20~~ for each ~~two~~ CITES tags, pursuant to Section 372.6674, F.S., issued with harvest permits; or

2. and paying for an alligator trapping license as required by Section 372.6673, F.S., or providing evidence of possession of an alligator trapping license valid through the last day of the designated harvest season and paying \$30 for each CITES tag, pursuant to Section 372.6674, F.S., issued with harvest permits ~~October 8 of the current year.~~

(b) Applicants for a harvest permit shall:

1. Be 18 years of age or older by August 15 ~~September 1~~ in the current application year.

2. No change.

~~3. Reserve only one permit.~~

(c) No change.

(d) ~~Two~~ CITES tags shall be issued with each harvest permit, except that ~~two~~ harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(e) No change.

(f) The number of harvest permits issued per person shall be determined by the executive director or his designee.

(3) Alligator trapping requirements:

(a) No change.

(b) Alligators may be taken from 1/2 hour before sunset to 1/2 hour after sunrise each day during the harvest period specified in the harvest permit. Harvest periods shall be from 1/2 hour before sunset on September 12 ~~October 1~~ through 1/2 hour after sunrise on November 1 ~~October 8~~, and from either 1/2 hour before sunset on August 15 ~~September 1~~ through 1/2

hour after sunrise on August 22 ~~September 8~~, or 1/2 hour before sunset on August 22 ~~September 8~~ through 1/2 hour after sunrise on August 29 ~~September 15~~, or 1/2 hour before sunset on August 29 ~~September 15~~ through 1/2 hour after sunrise on September 5 ~~22~~, or 1/2 hour before sunset on September 5 ~~22~~ through 1/2 hour after sunrise on September 12 ~~October 1~~, except as otherwise provided in the harvest permit.

(c) through (h) No change.

(i) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commissioner's ~~Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600~~ for receipt no later than 14 days after the expiration date of the harvest permit ~~October 22~~.

(j) No change.

(k) All unused CITES tags ~~shall be refundable and~~ shall be returned by the permittee to the Commission's ~~Tallahassee Office, 620 South Meridian Street, Tallahassee, FL 32399-1600~~, no later than 14 days after the expiration date of the harvest permit ~~after October 22~~. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit ~~after October 22~~. Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Rules Relating To Reptiles 68A-25

RULE TITLE: RULE NO.:

Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts 68A-25.052

PURPOSE AND EFFECT: The purpose of the proposed rule is to eliminate outdated provisions and specific references regarding where forms are obtained and submitted. The effect will be to streamline and simplify the rule.

SUMMARY: The proposed rule would eliminate outdated provisions and specific references regarding where forms are obtained and submitted.

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.; 372.6672, 372.6673 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th Street, Gainesville, Florida 32607

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, at (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:

68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts.

(1) through (3) No change.

(4) Alligator processing facilities may be established and operated only under permit from the executive director and shall be licensed as required by Section 372.6673, F.S. The criteria for issuance of an alligator processing facility permit are as follows:

(a) Persons may indicate their intent to establish an alligator processing facility when submitting their alligator trapping, alligator farming, or alligator processing license application, or if already licensed under Section 372.6673, F.S., they may submit a written request for an alligator processing facility permit to the Commission's Bureau of Licensing and Permitting, Tallahassee Office, at least 30 days prior to the proposed date of operation. Such application or written request shall include a copy of the current food permit from the Department of Agriculture and Consumer Services for the proposed facility.

(b) No change.

(5) through (10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672, 372.6673 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-1-96, 9-15-96, 6-1-97, 4-12-98, 4-15-99, Formerly 39-25.052, Amended 4-30-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Endangered or Threatened Species

RULE CHAPTER NO.: 68A-27

RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

RULE NO.: 68A-27.005

PURPOSE AND EFFECT: The purpose of this proposed rule change is to clarify the current prohibition against the take of a gopher tortoise burrow by providing characteristics that define and support the identification of a burrow in the field. The effect of the proposed rule change is to enable the agency to better manage gopher tortoise populations.

SUMMARY: The proposed rule change would clarify the current prohibition against the take of a gopher tortoise burrow by providing characteristics that define and support the identification of the burrow.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m., each day, February 1-2, 2006

PLACE: Hilton University of Florida Conference Center, 1714 S.W. 34th St., Gainesville, 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, at (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:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. through 16. No change.

17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3). The definition of take set forth in subsection (3) of this rule shall apply to gopher tortoises.

18. through 49. No change.

(2) No change.

(3) No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise (*Gopherus polyphemus*) or parts thereof or their eggs, or take or attempt to take gopher tortoise burrows, except as authorized by Commission permit. For the purpose of this definition of take, a gopher tortoise burrow is a hole in the ground, with a "half moon" or "half circle" shaped entrance, that is flat on the bottom and rounded on top, and approximately half as high as wide. The presence of one or more of the following characteristics support the burrow determination:

(a) Ground surrounding the burrow entrance shows evidence of gopher tortoise activity (including but not limited to: gopher tortoise; gopher tortoise eggs or egg shell fragments; impressions from the bottom shell of the tortoise; foot-prints or tracks left by tortoises; scat; obvious feeding trails radiating out and extending into surrounding vegetation);

(b) Sand mound from the burrow excavation apparent at the burrow entrance;

(c) Located in well-drained to moderately well-drained, sandy soils;

(d) Located in sandhill, scrub, coastal dunes, flatwoods, dry prairie, dry hammock communities, or any disturbed version of these plant communities (such as, but not limited to, pastures, old fields, yards, power line corridors, roadsides);

(e) Other burrows with the shape defined above, and with one or more of the characteristics described in paragraphs (a)-(d) above, located on the site or in proximity on adjacent property.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Tim Breault, Director, Division of Habitat and Species Conservation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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: Sharks and Rays

RULE CHAPTER NO.: 68B-44

RULE TITLE: Prohibited Species; Prohibition of Harvest,

RULE NO.:

Landing, and Sale

68B-44.008

PURPOSE AND EFFECT: The purpose of this rule is to designate Atlantic Angel Shark, Bigeye Sixgill Shark, Bigeye Thresher Shark, Bignose Shark, Caribbean Reef Shark, Dusky Shark, Galapagos Shark, Longfin Mako Shark, Narrowtooth Shark, Night Shark, Sevengill Shark, Sixgill Shark, and Smalltail Shark as prohibited species, thus prohibiting the harvest, landing, possession, purchase, and sale of these species of sharks due to concerns about their vulnerability to depletion. The rule is also being updated by deleting reference to "protected species" status, a designation that has ceased to have significance. The effect of the proposed rule will be to reduce fishing mortality on these species in order to rebuild the spawning stock and/or prevent these resources from becoming endangered, and to make our regulations more consistent with existing federal regulations.

SUMMARY: The "protected species" status designation in subsection (1) of Rule 68B-44.008, F.A.C., has been deleted since this designation that has ceased to have significance. The list of species in this subsection will now be listed as

“prohibited species”. This list will also be expanded to include; Atlantic Angel Shark, Bigeye Sixgill Shark, Bigeye Thresher Shark, Bignose Shark, Caribbean Reef Shark, Dusky Shark, Galapagos Shark, Longfin Mako Shark, Narrowtooth Shark, Night Shark, Sevengill Shark, Sixgill Shark, and Smalltail Shark. The rule language from subsection (2) of Rule 68B-44.008, F.A.C. that stated that these species, or any part thereof, cannot be harvested, possessed, landed, purchased, sold, or exchanged is moved into subsection (1).

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 Const. LAW IMPLEMENTED: Article IV, Section 9, Florida Const.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m.– 5:00 p.m., each day, February 1-2, 2006

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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, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-44.008 ~~Prohibited Protected~~ Species: ~~Sawfishes, Basking Shark, Whale Shark, White Shark, Sand Tiger Shark, Bigeye Sand Tiger Shark, Spiny Dogfish, Manta Ray, and Spotted Eagle Ray;~~ Prohibition of Harvest, Landing, and Sale.

(1) ~~No person shall harvest, possess, land, purchase, sell, or exchange any~~ Pursuant to Section 370.027(2)(f), Florida Statutes, the smalltooth sawfish (*Pristis pectinata*), largetooth sawfish (*Pristis pristis*), basking shark (*Cetorhinus maximus*), whale shark (*Rhincodon typus*), white shark (*Carcharodon carcharias*), sand tiger shark (~~*Odontaspis*~~ *Carcharias taurus*),

bigeye sand tiger (*Odontaspis noronhai*), Atlantic angel shark (*Squatina dumeril*), bigeye sixgill shark (*Hexanchus nakamurai*), bigeye thresher shark (*Alopias superciliosus*), bignose shark (*Carcharhinus altimus*), Caribbean reef shark (*Carcharhinus perezii*), dusky shark (*Carcharhinus obscurus*), Galapagos shark (*Carcharhinus galapagensis*), longfin mako shark (*Isurus paucus*), narrowtooth shark (*Carcharhinus brachyurus*), night shark (*Carcharhinus signatus*), sevengill shark (*Heptranchias perlo*), sixgill shark (*Hexanchus griseus*), and smalltail shark (*Carcharhinus porosus*), spiny dogfish (*Squalus acanthias*), manta ray (species of the genus *Manta* and *Mobula*), ~~or and~~ spotted eagle ray (*Aetobatus narinari*), ~~or any part of any of these species are hereby declared and designated protected species. The purposes of this designation are to increase public awareness of the need for extensive conservation action in order to prevent these resources from becoming endangered and to encourage voluntary conservation practices:~~

(2) ~~No person shall harvest, possess, land, purchase, sell, or exchange any smalltooth sawfish, largetooth sawfish, basking shark, whale shark, white shark, sand tiger shark, bigeye sand tiger shark, spiny dogfish, manta ray, or spotted eagle ray, or any part of any of these species.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

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.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes 690-141.020

PURPOSE, EFFECT, AND SUMMARY: To properly implement and interpret Section 624.430, F.S., by not requiring the Office to issue an order to accept surrender, it can be

deemed approved via operation of the statute or accepted by order depending on the circumstances. The proposed rule would assist in the administration of the statutes by the Office.
 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(1), 624.6012 FS.

LAW IMPLEMENTED: 624.307(1), 624.430, 624.6011, 624.6012 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., January 24, 2006

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail bob.norris@fldfs.com.

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 above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes.

(1) through (7) No change.

~~(8) Certificate of Authority Surrender Effected by Office Order. No surrender or attempted surrender of a certificate of authority is effective until accepted by order of the office.~~

(9) through (10) renumbered (8) through (9) No change.

Specific Authority 624.308(1), 624.6012 FS. Law Implemented 624.307(1), 624.430, 624.6011, 624.6012 FS. History—New 1-8-96, Amended 5-26-96, Formerly 4-141.020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-2.001 RULE TITLE: Standards

NOTICE OF CORRECTION

Notice is hereby given that the [£] symbol was inadvertently omitted from the following paragraphs of the above proposed rule, which was published in Vol. 31, No. 50, December 16, 2005 Florida Administrative Weekly.

5F-2.001 Standards.

(1)(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b^{£1} ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b^{£1} ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(3)(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c^{£1} ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c^{£1} ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(5)(e)2.a. Standards. Biodiesel blends shall meet the specifications set forth by ASTM International designation D 975-04c^{£1}. “Standard Specification for Diesel Fuel Oils.”

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-04c^{£1}. “Standard Specification for Diesel Fuel Oils.”