

**PURPOSE AND EFFECT:** To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2005-2006.

**SUMMARY:** This rule adopts new benefits for the one year period from July 1, 2005, through June 30, 2006, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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:** 112.191 FS.

**LAW IMPLEMENTED:** 112.191 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, THE HEARING WILL NOT BE HELD):**

**TIME AND DATE:** 9:00 a.m., May 31, 2005

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Kimberly Riordan, (850)413-3607, no later than 48 hours prior to the meeting or workshop.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, 2005 ~~2004~~ through June 30, 2006 ~~2005~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2005 ~~2004~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$53,999.14 ~~\$52,375.50~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$53,999.14 ~~\$52,375.50~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$161,997.42 ~~\$157,126.50~~.

~~(2) On or before July 1, 2003, and each year thereafter, the Division shall adopt by rule the Consumer Price Index adjustment for the next annual period, in accordance with the most recent Consumer Price Index available at the time of such adoption.~~

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04,

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 19, 2005

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** April 29, 2005

## Section III Notices of Changes, Corrections and Withdrawals

### 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."

### WATER MANAGEMENT DISTRICTS

#### Southwest Florida Water Management District

**RULE NO.:** 40D-4.021  
**RULE TITLE:** Definitions

#### NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed rule subsection 40D-4.021(11), F.A.C., published in Vol. 31, No. 9, March 4, 2005, issue of the Florida Administrative Weekly:

Subsection 40D-4.021(11), F.A.C., is changed as follows:

(11) "New surface water management system" means any surface water management system that was ~~which is~~ not in existence on October 1, 1984, ~~or was not authorized to be constructed on October 1, 1984.~~

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

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History--Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, \_\_\_\_\_.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facilities and Agency Licensing

RULE NO.: 59A-8.0086  
 RULE TITLE: Denial, Suspension, Revocation of License and Imposition of Fines  
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The change is made in response to comments received from the Joint Administrative Procedures Committee.

The change is as follows:

59A-8.0086(1) The AHCA shall deny, suspend or revoke an application for license, or impose a fine,

(a) If the applicant fails to submit all information required in the application within 30 days of being notified by AHCA Home Care Unit of the omissions in the application the application shall be denied.

(b) No change.

(c) If the applicant fails to provide at least one service directly to patients for a period of six consecutive months and to carry out its responsibilities for the care of patients as described in Section 400.487(5), F.S.

(d) through (e) No change.

~~(f) If AHCA finds evidence of any falsification of home health agency patient or personnel records, that are attributable to the home health agency's staff and of which the owners, managers or supervisors were aware or should have been aware, AHCA may deny or revoke the license.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32399-3253, e-mail: menarda@ahca.myflorida.com.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facility and Agency Licensing

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-33	Health Care Clinic Licensure
RULE NOS.:	RULE TITLES:
59A-33.001	Definitions
59A-33.002	License Applications
59A-33.003	Temporary Licenses
59A-33.004	Exemptions from Licensure
59A-33.005	Initial License Application
	Contents
59A-33.006	Renewal Licenses
59A-33.007	Health Care Clinics with Magnetic Resonance Imaging
59A-33.008	Change of Ownership
59A-33.009	Unique Clinic Name and Single Location
59A-33.010	Inspections of Health Care Clinics
59A-33.011	Clinic Administration and Services
59A-33.012	Medical Records
59A-33.013	Financial Instability
59A-33.014	Cessation of Business

### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 52, December 26, 2003, Florida Administrative Weekly has been withdrawn.

COPIES: Copies of the proposed rules being withdrawn may be obtained from: Gail Priest, Health Care Clinic Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308, (850)488-1365, e-mail: priestg@ahca.myflorida.com.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.: 59G-4.250  
 RULE TITLE: Prescribed Drug Services  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 11, March 18, 2005, Florida Administrative Weekly has been withdrawn.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.: 59G-6.030  
 RULE TITLE: Payment Methodology for Outpatient Hospital Services  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 7, on February 18, 2005.

Rule Number 59G-6.030, F.A.C., will incorporate the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version XIII and not Version XIV as originally promulgated.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida State Boxing Commission

RULE CHAPTER NO.: 61K-1  
RULE CHAPTER TITLE: General Rules for Boxing, Kickboxing, and Mixed Martial Arts

RULE NO.: 61K1-1.0031  
RULE TITLE: Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing

#### NOTICE OF CHANGE

In response to comments of the Joint Administrative Procedures Committee, the Department has made the following changes to the language of the proposed rule published in Vol. 30, No. 48, November 24, 2004 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gail Scott-Hill, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE, AS SUBSTANTIALLY AMENDED, IS:

#### GENERAL RULES FOR BOXING, KICKBOXING AND MIXED MARTIAL ARTS

61K1-1.0031 Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing.

##### (1) Criteria for Approval.

An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet the following criteria:

(a) For amateur boxing, a statement of agreement to adopt and enforce the following USA Boxing Standards in the Official USA Boxing Rulebook, incorporated herein by reference, effective May 2005:

1. Part I, Article I, Sections 101.7; 101.9(1),(4), and (8); 101.10(1); 101.11(2) and (3).

2. Part I, Article II, Sections 102.1(1)(a) and (d)-(e); 102.3; 102.4; and 102.6.

3. Part I, Article III, Sections 103.1(1)-(12); 103.2-103.3; 103.4(1)-(6) and (8)-(10); and 103.5-103.6.

4. Part I, Article IV.

5. Part I, Article V, Sections 105.1(2) and (4)-(15).

6. Part I, Article VII, Sections 107.1-107.2; 107.3(1); 107.5; 107.7(1)(a)-(c); 107.8(8)(a)(2)-(7); 107.10(2)(k) and (m)-(n); 107.14; and 107.15(1)(a)-(f), (i)-(l) and 107.15(2)(d)-(e).

7. Part I, Article VIII, Sections 108.1; Figure 50.1; 108.2(3) and 108.3.

8. Part I, Article IX.

9. Part I, Article X, Sections 110.2 and 110.3(1)-(2).

10. Part II, Article XXI, Sections 221.3(3) and 221.5(1).

11. Part II, Article XXV.

(b) For amateur kickboxing, a statement of agreement to adopt and enforce the health and safety standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Amateur Rules Overview, incorporated herein by reference effective May 2005.

(c) A statement of agreement to adopt and enforce a Requirement that in matches sanctioned and supervised by the amateur sanctioning organization all participating amateurs must undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization according to the criteria provided under (1)(f)(2), below.

(d) A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, Florida Statutes, including, but not limited to, an amateur mixed martial arts match in Florida.

(e) A statement of agreement to secure, at a minimum, ambulance service with a minimum of two qualified attendants (either paramedics or emergency medical technicians) by notifying the service of the date and time of the amateur event for "on-call" ambulance service availability, acknowledged by the service, or assignment of ambulance service to the premises of the matches, whereupon the following requirements shall be enforced:

1. Ambulance attendants shall be stationed at a location determined by the amateur sanctioning organization's chief official or supervisor-in-charge at the event;

2. A portable resuscitator with all additional equipment necessary for its operation shall be in a state of readiness and situated along with the ambulance attendants;

3. A clean stretcher and clean blanket shall be situated with the ambulance attendants; and

4. A portable supply of oxygen shall be situated at an easily accessible location at ringside.

(f) A statement of agreement to abide by the following requirements:

1. No match shall begin or continue unless the appropriate medical equipment and personnel are on the premises, in a state of readiness, and in a pre-designated and readily accessible location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization. Whenever an ambulance service is "on-call" as it pertains to an amateur event, an oxygen supply with its

necessary equipment for proper administration shall be stationed at ringside at a location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization.

2. The sanctioning organization shall provide a physician approved by the organization according to the following requirements:

a. Holds a license, in good standing, to practice medicine in Florida pursuant to Chapter 458 or 459, Florida Statutes;

b. Is capable of initiating life-saving procedures; and

c. Demonstrates educational training or practical experience in sports medicine, trauma, neurology, or as a ringside physician.

3. A minimum of one physician approved by the amateur sanctioning organization shall be seated ringside whenever boxing or kickboxing activity is occurring. In situations where more than one ring is assembled and utilized simultaneously with the other, a minimum of one physician shall be seated ringside at each ring where boxing or kickboxing competitions are being held.

4. In the event of injury or illness of any person registered with the amateur sanctioning organization, a registered physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all amateur sanctioning organization officials present.

5. Physicians shall not leave the premises until after the final match has been conducted, all amateurs participating have been cleared by the physician(s), and the chief official or supervisor-in-charge of the amateur sanctioning organization has cleared the physician to leave.

6. For amateur boxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by USA Boxing.

7. For amateur kickboxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certification process for referees approved by the commission or its executive director.

(2) Approval of applications. Applications for approval of an amateur sanctioning organization shall specify either boxing or kickboxing. Accordingly, any approval shall be limited to the sport for which the amateur sanctioning organization has applied to obtain approval. An organization seeking approval for both amateur boxing and kickboxing may submit a single application; however, the commission may approve or deny the application of the organization either as a whole or as it pertains to a specific sport.

(3) Denial of application.

The application of an amateur sanctioning organization that does not meet the criteria specified by rule shall be denied by the commission or its executive director.

(4) Disciplinary action.

(a) Any member of the commission or its executive director shall fine, or suspend or revoke the approval of, an amateur sanctioning organization for violating any of the provisions Section 578.041, F.S., or any other provision of the practice act, or any rule promulgated thereto, based upon the severity or repetition of the offense.

(b) A suspension of approval based on an immediate threat to the health, safety, or welfare of the public, shall conform to the procedure for emergency suspension under Section 120.60(6), Florida Statutes.

Specific Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History—New \_\_\_\_\_.

## **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."

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **Freshwater Fish and Wildlife**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68A-1

General: Ownership, Short Title,  
Severability and Definitions

RULE NO.:

RULE TITLE:

68A-1.004

Definitions

### **NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 14, 2005, in Tallahassee, Florida.

The rule will now read as follows:

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 (26) No change.

(27) Endangered species — As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is so few or depleted in number or so restricted in range or habitat due to any man-made or natural factors that it is in imminent danger of extinction, or extirpation from Florida, as determined by (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.:

(a) Reduction in pPopulation size based on any of the following reduction in the form of either:

1. An observed, estimated, inferred or suspected population size reduction of at least 80% over the previous ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation
- b. An index of abundance appropriate for the taxon species
- c. A decline in area of occupancy, extent of occurrence, or quality of habitat
- d. Actual or potential levels of exploitation
- e. The effects of introduced taxa species, hybridization, pathogens, pollutants, competitors, or parasites

2. A population size reduction of at least 80%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying); any of 1.b., 1.c., 1.d., or 1.e. above.

3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 80% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both past and future, and where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

4. An observed, estimated, inferred, or suspected population size reduction of at least 90% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly reversible AND understood AND ceased, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 40 square miles OR area of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:

1. Severity fragmented or known to exist at only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence
- b. Area of occupancy
- c. Area, extent, and/or quality of habitat
- d. Number of locations or subpopulations
- e. Number of mature individuals

3. Extreme fluctuations in any of the following:

- a. Extent of occurrence
- b. Area of occupancy
- c. Number of locations or subpopulations
- d. Number of mature individuals

(c) Population size estimated to number fewer than 250 mature individuals and either:

1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer (up to a maximum of 100 years in the future), or

2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and at least one of the following population structure in the form of either:

a. Population structure in the form of either no subpopulation estimated to contain more than 50 mature individuals, or at least 90% of mature individuals in one subpopulation. Severe fragmentation (that is, no subpopulation estimated to contain more than 50 mature individuals)

b. Extreme fluctuations in number of mature individuals All individuals are in a single subpopulation.

(d) Population size estimated to number less than 50 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or three generations, whichever is longer (up to a maximum of 100 years).

(28) through (73) No change.

(74) Species of special concern – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a moderate risk of extinction, or extirpation from Florida, in the future, as determined by (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.:

(a) Reduction in pPopulation size based on any of the following reduction in the form of either:

1. An observed, estimated, inferred or suspected population size reduction of at least ~~30~~ 20% over the last ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation
- b. An index of abundance appropriate for the taxon species
- c. A decline in area of occupancy, extent of occurrence, and/or quality of habitat
- d. Actual or potential levels of exploitation
- e. The effects of introduced taxa species, hybridization, pathogens, pollutants, competitors, or parasites

2. A population size reduction of at least ~~30~~ 20%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying), any of 1.b., 1.c., 1.d., or 1.e. above.

3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 30% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period

must include both past and future, and where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

4. An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly understood AND reversible AND ceased, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 7,700 square miles or area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at no more than 10 locations only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence.
- b. Area of occupancy.
- c. Area, extent, and/or quality of habitat.
- d. Number of locations or subpopulations.
- e. Number of mature individuals.

3. Extreme fluctuations in any of the following:

- a. Extent of occurrence.
- b. Area of occupancy.
- c. Number of locations or subpopulations.
- d. Number of mature individuals.

(c) Population size estimated to number fewer than 10,000 mature individuals and either:

1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer (up to a maximum of 100 years in the future); OR

2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals AND at least one of the following population structure in the form of either:

a. Population structure in the form of either no subpopulations estimated to contain more than 1,000 mature individuals, OR all mature individuals are in one subpopulation. Severely fragmented (i.e., no subpopulation estimated to contain more than 1,000 mature individuals).

b. Extreme fluctuations in number of mature individuals All individuals are in a single subpopulation.

(d) Population very small or restricted in the form of either of the following:

1. Population size estimated to number fewer than 1,000 mature individuals.

2. Population with a very restricted is characterized by an acute restriction in its area of occupancy (typically less than 8 40 square miles) or in the number of locations (typically 5 or

fewer than 5) such that it is prone to the effects of human activities or stochastic events within a very short time period in an uncertain future.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.

(75) through (77) No change.

(78) Threatened species – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a very high risk of extinction, or extirpation from Florida in the future, as determined by (a), (b), (c), (d), or (e) below in accordance with Rule 68A-27.0012, F.A.C.:

(a) Reduction in pPopulation size based on any reduction in the form of either of the following:

1. An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation
- b. An index of abundance appropriate for the taxon species
- c. A decline in area of occupancy, extent of occurrence, and/or quality of habitat
- d. Actual or potential levels of exploitation
- e. The effects of introduced taxa species, hybridization, pathogens, pollutants, competitors, or parasites

2. A population size reduction of at least 50%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying); any of 1.b., 1.c., 1.d., or 1.e. above.

3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 50% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both past and future, and where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

4. An observed, estimated, inferred, or suspected population size reduction of at least 70% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly understood AND reversible AND ceased, based on (and specifying) any of 1.a. 1.b., 1.c., 1.d., or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 2,000 square miles or area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at no more than five locations.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence.
  - b. Area of occupancy.
  - c. Area, extent, and/or quality of habitat.
  - d. Number of locations or subpopulations.
  - e. Number of mature individuals.
3. Extreme fluctuations in any of the following:
- a. Extent of occurrence.
  - b. Area of occupancy.
  - c. Number of locations or subpopulations.
  - d. Number of mature individuals.

(c) Population size estimated to number fewer than 2,500 mature individuals and either:

1. An estimated continuing decline of at least 20% within five years or two generations, whichever is longer (up to a maximum of 100 years in the future); OR

2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals AND at least one of the following population structure in the form of either:

a. Population structure in the form of either no subpopulation estimated to contain more than 250 mature individuals, OR at least 95% of mature individuals in one subpopulation. Severely fragmented (i.e., no subpopulation estimated to contain more than 250 mature individuals).

b. Extreme fluctuations in number of mature individuals. All individuals are in a single subpopulation.

(d) Population size estimated to number fewer than 250 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 20% within 20 years or five generations, whichever is longer (up to a maximum of 100 years).

(79) through (90) No change.

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, \_\_\_\_\_.

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68A-15	Type I Wildlife Management Areas
RULE NO.:	RULE TITLE:
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region

## NOTICE OF CONTINUANCE OF RULEMAKING HEARING

The Fish and Wildlife Conservation Commission announces that its final public hearing regarding the proposed amendment of the above-referenced rule as published in Vol. 31, No. 11, March 11, 2005, issue of the Florida Administrative Weekly, has been continued until the next regular Commission meeting at the following time, dates, and place:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, June 15-17, 2005

PLACE: Hilton Daytona Beach/Ocean Walk Village, 100 North Atlantic Avenue, Daytona Beach, Florida

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

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

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Freshwater Fish and Wildlife

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68A-27	Rules Relating to Endangered or Threatened Species
RULE NO.:	RULE TITLE:
68A-27.0012	Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern

## NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 14, 2005, in Tallahassee, Florida.

The rule will now read as follows:

68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.

(1) Petition to list, delist, or reclassify a species in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

(a) Persons wishing to add, delete, or reclassify species in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., shall submit a written petition to the Commission. Petitions will be reviewed for completeness from July 1 through December 31.

~~(b)1-~~ Petitions shall be clearly identified as such, and must contain the following in order to be considered complete:

~~1.a-~~ The rule to which the species is proposed to be added, removed from, or reclassified to,

~~2.b-~~ The name, address, and signature of the petitioner, and

~~3.e-~~ Sufficient information on the biology and distribution of the species to warrant investigation of its status using the criteria contained in definitions of endangered, threatened, or species of special concern in Rule 68A-1.004, F.A.C.

~~(c)(b)~~ Incomplete petitions will be returned to the petitioner with insufficiencies clearly noted in writing. Corrected petitions may be resubmitted for consideration.

~~(d)(e)~~ Complete petitions will be evaluated in accordance with the provisions in subsection (2).

~~(e)(d)~~ Emergency petitions may be submitted at any time and, if in the opinion of the Executive Director, immediate inclusion of a species in Rule 68A-27.003, F.A.C., is essential to prevent imminent extinction, such listing may be effected on a temporary basis by Executive Order; provided that the Executive Order shall be approved or terminated at the next regularly scheduled meeting of the Commission. The Commission staff shall, within ~~365~~ 240 days after the effective date of such approval, conduct the evaluations prescribed in subsections (2) and (3) of this rule to determine the appropriate final classification of the species. The Commission shall take final action on the listing at the next regularly scheduled meeting following the ~~365~~ 240 day evaluation period.

~~(f)~~ Notwithstanding the provisions contained in this paragraph, these procedures shall not be applied to harvested marine species that: would only meet the listing criteria in Rule 68A-1.004, F.A.C., due to declines caused by either recreational harvest, commercial harvest, or both; that are monitored through periodic stock assessments or other techniques; that are the subject of any rule in Title 68B, F.A.C., that allows harvest; and that have a management plan or other system of rules and processes that functions as a management plan.

(2) Review of petitions to determine biological status; Phase 1.

~~(a)~~ The Commission shall establish an annual work plan for investigating pending complete petitions, considering conservation priorities and available resources. The work plan Commission shall establish a deadline for completion of each the biological status review of each complete petition. Complete petitions not identified for staff action will be reconsidered with new complete petitions each subsequent year.

(b) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the biological status of the petitioned species. Written

comments regarding biological status shall be accepted by the Commission for a period of no less than 45 days following public notice.

~~(c)~~ Staff shall recommend and the Commission shall designate a biological review panel of scientists with demonstrated knowledge of species conservation and management that consists of an odd number of three to seven members. The biological review panel shall summarize information provided in the petition, information obtained from the public, and other available biological data on the status of the petitioned species into a biological status report. When assessing a species, this panel shall follow "Guidelines for Application of IUCN Red List Criteria at Regional Levels Version 3.0" and "Guidelines for Using the IUCN Red List Categories and Criteria, March 2004." The biological status report shall contain a listing classification based on the IUCN guidelines and criteria in Rule 68A-1.004, F.A.C. In addition, the panel may provide within the report a biologically justified recommended classification which differs from the criteria-based classification by one level. The Commission shall summarize information provided in the petition, information obtained from the public and other available biological data on status of the petitioned species into a preliminary biological status report. The preliminary biological status report shall contain a recommended classification for the petitioned species consistent with the available biological data and based on the criteria established in Rule 68A-1.004, F.A.C.

~~(d)~~ Staff shall seek a minimum of three independent scientific reviews focused on the science used in the biological status report, including methodology, data, analysis, and interpretation. Reviewers will be provided no less than 45 days to comment on the biological status report. The Commission shall designate a biological review panel with a minimum of three scientists with demonstrated knowledge and expertise pertaining to species conservation and management. This panel shall independently evaluate information compiled on the petitioned species' biological status relative to its proposed classification in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

~~(e)~~ The biological status report and the information referenced in paragraph (e) shall be provided to members of the panel of scientific experts for the review mandated in paragraph (d) of this rule. Panel members shall have no fewer than 45 days to review the document and provide recommendations to the Commission.

~~(e)(f)~~ The Commission shall consider the final biological status report, independent scientific reviews received, biological recommendations from the panel of scientific experts and public comments testimony regarding the biological status in making a final determination whether addition, deletion or reclassification of the petitioned species in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., is warranted.



~~(f)(g)~~ If the petitioned species is determined by the Commission to warrant inclusion in or removal from Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., the Commission shall:

1. Specify the appropriate listing category for the species based on biological status.

2. Establish a deadline for completion of Phase 2 for the species as described in subsection (3) below, considering the recommendation of Commission employees and other interested parties.

3. If the species is not already listed in Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., it shall be added to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions therein shall apply to the species.

(3) Development of management plans, ~~regulations, permit requirements for candidate species~~; Phase 2.

(a) Phase 2 will be initiated subsequent to Commission action pursuant to subsection (2) except for a decision not to list a previously unlisted species. Within 45 days following ~~designation of a candidate species~~ the Commission meeting, the Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and social factors that should be considered in its management.

(b) The Commission shall use information obtained from the public and other available information to develop a draft management plan for each ~~candidate~~ species described in paragraph (3)(a) of this rule section. This draft plan shall at a minimum ~~that~~ addresses:

1. Biological status as determined in Phase 1,
2. Conservation objectives,
3. Recommended management actions,
4. Recommended ~~Commission~~ regulations and incentives,
5. Anticipated economic, ecological, and social impacts of implementing or not implementing the recommended conservation actions.

(c) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments regarding conservation recommendations and expected economic and social impacts of implementation of the management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.

(d) Final Commission action on the petition shall include:

1. Deletion of the species from Rule 68A-27.0021, F.A.C., if appropriate, and addition to and/or deletion from Rule 68A-27.003, 68A-27.004, or 68A-27.005, F.A.C., in accordance with the determination made in subsection (2) of this rule.

2. A determination on any proposed regulations in the management plan.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-23-99, Formerly 39-27.0012, Amended 7-1-03,

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Manatees

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68C-22 Manatees

RULE NO.: RULE TITLE:

68C-22.005 Lee County Zones

### NOTICE OF CONTINUANCE OF RULEMAKING HEARING

The Fish and Wildlife Conservation Commission announces that its April 14, 2005 final public hearing regarding the proposed amendment of the above-referenced rule, as originally published in Vol. 31, No. 2, January 14, 2005, issue of the Florida Administrative Weekly, has been continued until the next regular Commission meeting to be held at the following time, dates, and place. This continued hearing is being held for the sole purpose of reconsidering the zoning for Matlacha Pass. No further action will be taken regarding the zones in the rest of Lee County that were approved on April 14, 2005.

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, June 15-17, 2005

PLACE: Hilton Daytona Beach/Ocean Walk Village, 100 North Atlantic Avenue, Daytona Beach, Florida

The agenda for the 3-day Fish and Wildlife Conservation Commission Meeting can be viewed on-line at: <http://myfwc.com/commission/index.html>

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Calleson, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-4330