

69L-56.100, F.A.C., changes the title to fully reflect the scope of the rule, and makes clerical revisions where necessary. Rule 69L-56.330, F.A.C., which has become obsolete, is to be repealed concurrently with these proposed amendments.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment addresses Electronic Proof of Coverage filing requirements for Employee leasing companies reporting Claims EDI filings to the Division of Workers' Compensation, as well as revisions made to forms and the EDI Implementation Manual.

**SPECIFIC AUTHORITY:** 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS.

**LAW IMPLEMENTED:** 440.185(7), (9), 440.42(3), 440.593, 627.4133(4) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday, November 17, 2008, 10:00 a.m. – 12:00 p.m.

**PLACE:** 104 J Hartman Bldg., 2012 Capital Circle S. E., Tallahassee, 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 days before the workshop/meeting by contacting: Linda Yon at (850)413-1702. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Yon, EDI Coordinator, Bureau of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1702 or Linda.Yon@myfloridacfo.com

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

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

<p><b>RULE NO.:</b> 6A-1.09441</p>	<p><b>RULE TITLE:</b> Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation</p>
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**PURPOSE AND EFFECT:** The purpose of this rule amendment is to adopt a supplement to the 2008-2009 Course Code Directory and Instructional Personnel Assignments. This amendment is necessitated by the implementation requirements of 2008 legislation (Senate Bill 1908), which added flexibility for the high school graduation requirement in arts. Specified practical arts courses can now be used to meet the arts requirement for high school graduation, so the Course Code Directory must be amended to reflect this distinction.

**SUMMARY:** The rule is amended to adopt the 2008 supplement to the Course Code Directory and Instructional Personnel Assignments which contains 215 practical arts courses to meet the high school graduation requirements in the arts.

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

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

**SPECIFIC AUTHORITY:** 1001.02(1), 1011.62(1)(r) FS.

**LAW IMPLEMENTED:** 1011.62(1) FS.

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

**DATE AND TIME:** December 2, 2008, 8:30 a.m.

**PLACE:** Orlando Airport Hyatt, Orlando, 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 10 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mary Jane Tappen, Deputy Chancellor, Division of Public Schools, (850)245-0509

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

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The "Course Code Directory and Instructional Personnel Assignments 2008-2009" and Course Code Directory and Instructional Personnel Assignments 2008

Supplement, are hereby incorporated by reference and made a part of this rule. The Commissioner may publish the documents in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directories may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Deputy Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr.Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.099821  
RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of this amendment is to adopt procedures for the Department to calculate each Voluntary Prekindergarten (VPK) Provider’s 2007-08 Kindergarten Readiness Rate. These rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2007-08 and who are administered the statewide kindergarten screening during the 2008-09 school year. The effect is to implement the requirements of section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten readiness rates.

SUMMARY: This rule describes the procedures for the Department of Education to use for calculating each voluntary Prekindergarten (VPK) Provider’s 2007-08 Kindergarten Readiness Rate.

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

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

SPECIFIC AUTHORITY: 1002.73(2)(d) FS.

LAW IMPLEMENTED: 1002.69(5), (6) FS.

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

DATE AND TIME: December 2, 2008, 8:30 a.m.

PLACE: Orlando Airport Hyatt, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) through (2) No change.

(3) Accuracy of Data.

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection (5) of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours they attended enrolled, including allowable absences.

(b) If a private or public provider disputes the accuracy of ~~any figures comprising~~ the cumulative list, of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph (4)(a)1. of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department’s website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within ~~21~~ 28 days after publication of the cumulative list on the Department’s website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection (5) of this rule.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department’s website or if a private provider disputes ownership at the time of the 2007-08 ~~2006-07~~ VPK program, the provider may submit documentation to the Department for its review and consideration within 14 days after publication of the

preliminary rate. The Department shall review and accept or reject any changes to the data within ~~14~~ 28 days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (5) of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

(4) Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for ~~2007-08~~ 2006-07.

(a) After the conclusion of the review of the data described in subsection (3) of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. ~~Attended~~ Enrolled in the VPK program for seventy (70) percent or more of the total number of instructional hours; and
2. Participated in each of the kindergarten screening measures.

(b) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

(5) No change.

(6) VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained.

~~(a) A change in ownership of a private VPK provider, which occurred at a point in time in which less than seventy (70) percent of the VPK school-year or summer program remained, shall be noted on the Department's website. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.~~

~~(b) VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained.~~

(7) No change.

Specific Authority 1002.73(2)(d) FS. Law Implemented 1002.69(5), (6) FS. History--New 6-3-07, Amended 1-16-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.03315  
 RULE TITLE: Private School Scholarship Compliance

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the compliance reporting requirements specified in Form IEPC SCF-1, Scholarship Program Compliance Form for Private School Participants in State Scholarship Programs, to reflect new statutory requirements. The effect will be a rule that is consistent with the governing statutes and procedures of the Department.

SUMMARY: The rule is amended to include revisions to Form IEPC SCF-1, Private School Scholarship Program Compliance Form.

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

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

SPECIFIC AUTHORITY: 220.187, 1002.39, 1002.421 FS.

LAW IMPLEMENTED: 220.187, 1002.421, 1006.061 FS.

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

DATE AND TIME: December 2, 2008, 8:30 a.m.

PLACE: Orlando Airport Hyatt, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance. Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs 2008, hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective upon the effective date of this rule.

- (1) through (5) No change.

Specific Authority 1002.39, 1002.42, 1002.421 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1002.42, 1002.421, 1003.22, 1003.23 FS. History–New 10-13-04, Amended 9-20-05, 1-18-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**FLORIDA PAROLE COMMISSION**

RULE NO.: 23-21.007 RULE TITLE: Salient Factor Scoring

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend a current rule to clarify current practices.

SUMMARY: The rule clarifies that when an offender has no prior criminal record, the Commission scores "age at offense which led to the first incarceration" using the age of the offender at the time of the present offense of conviction since it is the first incarceration.

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

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

SPECIFIC AUTHORITY: 947.07, 947.071, 947.165, 947.20 FS.

LAW IMPLEMENTED: 947.04, 947.06, 947.071, 947.13, 947.16, 947.168, 947.172, 947.173, 947.174, 947.1745, 947.1746, 947.1747, 947.18, 947.19, 947.21, 947.22, 947.23, 947.24 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: Sarah J. Rumph, Assistant General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

23-21.007 Salient Factor Scoring.

Salient factors (1) through (6) shall be calculated on the inmate's criminal record.

(1) through (3) No change.

(4) AGE AT OFFENSE WHICH LED TO THE FIRST INCARCERATION:

- 17 Years or younger = 2 Points
- 18-25 Years = 1 Point
- 26 Years or older = 0 Points

(a) through (e) No change.

(f) For the purposes of this item, if the inmate has no prior record, the age at the time of the present offense which led to the current incarceration is used, since it is the inmate's first incarceration.

(g)(f) Do not consider age at time of commission of any offense for which conviction was later set aside or pardoned on grounds of innocence when computing this factor.

(5) through (7) No change.

Specific Authority 947.07, 947.165 FS. Law Implemented 947.002, 947.13, 947.165 FS. History–New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.07, Amended 1-26-93, 1-5-94, 8-17-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah J. Rumph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chairman Frederick B. Dunphy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008, Vol. 34/39

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-102.101 RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement new legislation, HB 489 and 1141.

SUMMARY: The proposed amendment to Rule 33-102.101, F.A.C., amends Form DC1-201, Invoice for Production of Records, to implement new legislation, HB 489 and 1141 and for clarity.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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:

33-102.101 Public Information and Inspection of Records.

(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, ~~an~~ Invoice for Production of Records, ~~Form DC1-201~~. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 4-16-08.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Ridgeway, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-13.003

RULE TITLE: Hunting Regulations for Ducks, Geese, and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish bag limits for taking ducks in conformance with federal regulations. Rule wording would be changed to increase the bag limit for wood ducks, prohibit the taking of canvasbacks, and set the daily bag limit for scaup.

SUMMARY: The rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the regular meeting of the Commission, December 3-4, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, FL 33040

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Eggeman, Director, Division of Hunting and Game Management, 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) through (e) No change.

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

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, one scaup except it shall be two scaup during the last twenty consecutive days of the open season and the Youth Waterfowl Hunt, four scoters, three ~~two~~ wood ducks, two redheads, one pintail, ~~two canvasbacks~~, one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only two of which may be hooded mergansers.

2. Light geese: The daily bag limit for light geese is 15.

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

(2) General restrictions:

(a) The taking of canvasbacks, harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited.

(b) It shall be illegal to possess shotshells loaded with any type of shot other than steel or other nontoxic shot approved for use by the Fish and Wildlife Service, U.S. Department of the Interior, when hunting ducks, geese, or coots.

(3) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

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, 2-1-06, 7-1-06, 1-9-07, 1-8-08, 7-1-08,\_\_\_\_\_.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-13.008  
RULE TITLE: Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking migratory birds other than ducks and coots in conformance with federal regulations. Rule wording would be changed to increase the daily bag and possession limits for mourning and white-winged doves.

SUMMARY: This proposed rule amends regulations that establish season dates and bag limits for the hunting of migratory birds other than ducks and coots.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the regular meeting of the Commission, December 3-4, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Grand Key Resort. 3990 South Roosevelt Blvd., Key West, FL 33040

Doubletree Grand Key Resort. 3990 South Roosevelt Blvd., Key West, FL 33040

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) Mourning doves and white-winged doves:

(a) Open seasons:

1. First phase – Opening the first Saturday of October and closing sunset 23 days thereafter.

2. Second phase – Opening 12 days prior to Thanksgiving and closing sunset on the Sunday after Thanksgiving, statewide.

3. Third phase – Opening the second Saturday of December and closing sunset 29 days thereafter statewide.

(b) Shooting hours: Noon until sunset during the first phase and one-half hour before sunrise until sunset during the second and third phases.

(c) Limits:

1. Daily bag: 15 ~~42~~.

2. Possession: 30 ~~24~~.

3. The daily bag limit of doves shall be 15 ~~42~~ mourning and white-winged doves in the aggregate.

(2) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-17-89, Amended 8-9-90, 8-22-91, 8-23-92, 9-2-93, 9-15-94, 9-15-96, 9-7-97, Formerly 39-13.008, Amended 7-1-01, 7-1-04, 1-9-07,\_\_\_\_\_.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise specific area regulations on John C. and Mariana Jones / Hungryland Wildlife and Environmental Area (WEA). The effect of the proposed rule change will be to enable the agency to better manage fish and wildlife resources and public use on this WEA.

SUMMARY: The proposed rule change would expand the migratory game bird season to match the statewide season on John C. and Mariana Jones / Hungryland Wildlife and Environmental Areas (WEA).

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 379.2223 FS.

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

DATES AND TIME: During the regular meeting of the Commission, December 3-4, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Grand Key Resort. 3990 South Roosevelt Blvd., Key West, FL 33040

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane Eggeman, Director, Division of Hunting and Game Management, 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) through (3) No change.

(4) South Region.

(a) through (d) No change.

(e) John C. and Mariana Jones / Hungryland – Palm Beach and Martin Counties.

1. Open season:

a. Archery – September 6-9, 13-16, 20-23 and September 27-30.

b. Muzzleloading gun – October 11-13.

c. General gun – October 25-27 and November 1-3 and 8-10.

d. Small game – November 15 through December 14.

e. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C.

~~f. Fishing and frogging – Permitted throughout the year.~~

2. Legal to take: Deer, quail, gray squirrel, rabbit, raccoon, opossum, coyote, skunk, fish, frogs 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. The taking of antlerless deer is prohibited during the archery season. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited.

3. through 4. No change.

(5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

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

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-14.0035

RULE TITLE:

Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission’s Reef Fish Rule to become consistent with federal reef fish regulations for Gulf of Mexico greater amberjack, which is overfished, and undergoing overfishing, and gray triggerfish, which is undergoing overfishing. The Gulf of Mexico Fishery Management Council developed regulatory actions for greater amberjack and gray triggerfish that became effective on August 4, 2008, which includes an increase in the recreational minimum size limit for greater amberjack from 28 inches fork length to 30 inches fork length, and the increase in the recreational and commercial minimum size limit for gray triggerfish from 12 inches fork length to 14 inches fork length. The effect of this rule amendment is that federal and state regulations will be consistently applied in the Gulf of Mexico. Where practicable, this minimizes confusion with the public and aids enforceability. A further effect will be to remove inconsistency in state regulations regarding reef fish size limits as applied to commercial and recreational harvest.

SUMMARY: Rule 68B-14.0035 F.A.C., (Size Limits: Amberjack, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.) would be amended to increase the recreational minimum size limit for greater amberjack to 30 inches fork length and increase the recreational and commercial minimum size limit for gray triggerfish to 14 inches fork length in the state waters of the Gulf of Mexico.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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



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

DATES AND TIME: During the regular meeting of the Commission, December 3-4, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, FL 33040

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)488-9542

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) Amberjacks (measured in terms of fork length).

(a) Banded rudderfish no less than 14 inches, no greater than 22 inches.

(b)1. Greater amberjack harvested recreationally from the Atlantic Ocean 28 inches.

2. Greater amberjack harvested recreationally from the Gulf of Mexico 30 inches.

3.2. Greater amberjack harvested commercially 36 inches.

(c) Lesser amberjack no less than 14 inches, no greater than 22 inches.

(2) No change.

(3) Gray triggerfish (measured in terms of fork length) 12 inches fork length.

(a) Gray triggerfish harvested in the Atlantic Ocean 12 inches.

(b) Gray triggerfish harvested in the Gulf of Mexico 14 inches.

(4) No change.

PROPOSED EFFECTIVE DATE January 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 1-1-09.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)488-9542

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:

68B-14.0036

RULE TITLES:

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

68B-14.0039

Recreational Grouper Season

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become consistent with federal interim reef fish regulations in the Gulf of Mexico. The Gulf of Mexico Fishery Management Council developed Reef Fish Amendment 30B that contains regulatory actions for gag grouper, which is undergoing overfishing, and red grouper that will become effective in 2009 after approval by the Secretary of Commerce. Meanwhile, the Council requested that the National Marine Fisheries Service implement by January 1, 2009, an Interim Rule to address the overfishing status of gag grouper. Components of that Interim Rule that would affect Florida fishers are 1) a two-fish recreational bag limit for gag grouper, and 2) a February 1-March 31 closure to recreational gag grouper harvest.

One final rule amendment that is not federal consistency with the federal Interim Rule is the increase recreational bag limit of red grouper from one-fish to two-fish. This bag limit increase will be implemented in federal waters in the Gulf of Mexico by Amendment 30B, and it is the intent of the state of Florida to immediately implement that increase in state waters because red grouper stocks in the Gulf of Mexico have recovered.

The effect of these rule amendments is that federal and state regulations will be consistently applied in the Gulf of Mexico, although there will be a slight difference for a short period of

time. Where practicable, this minimizes confusion with the public and aids enforceability. A further effect will be to remove inconsistency in state regulations regarding reef fish size limits as applied to commercial and recreational harvest.

SUMMARY: Rule 68B-14.0036, F.A.C., (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjack, Exception, Wholesale/Retail Purchase Exemption) would be amended to create a two-fish recreational bag limit for gag and red grouper in the state waters of the Gulf of Mexico. Rule 68B-14.0039, F.A.C., (Recreational Grouper Season) would be amended to create a February 1 – March 31 closures for gag grouper in state waters of the Gulf of Mexico.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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

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

DATES AND TIME: During the regular meeting of the Commission, December 3-4, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, FL 33040

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 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 using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)488-9542

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

- (1) No change.
- (2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Red Grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be red grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, more than 2 red grouper.

(c) Gag and black grouper.

1. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

2. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico more than 2 gag grouper.

(d) through (e) No change.

(3) through (9) No change.

PROPOSED EFFECTIVE DATE January 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 1-1-09.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, the closed season for the recreational harvest and possession of gag grouper shall be from February 1 through March 31, each year.

PROPOSED EFFECTIVE DATE January 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-09.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mark Robson, Director, Division of Marine Fisheries  
Management, 2590 Executive Center Circle East, Suite 201,  
Tallahassee, Florida 32301, (850)488-9542

NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Florida Fish and Wildlife Conservation  
Commission

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 24, 2008

## FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

### Division of Law Enforcement

RULE NO.:                   RULE TITLE:  
68D-24.011               Okeechobee Waterway Boating  
                                  Restricted Areas

PURPOSE AND EFFECT: The purpose of this amendment is  
to protect vessel traffic safety on the Okeechobee Waterway,  
based on the findings of the Martin County Vessel Traffic  
Study along with input from the citizenry of this county.

SUMMARY: This rule will reduce vessel speed limits over  
specified portions of the Okeechobee Waterway where  
necessary to manage and promote the use of this state  
waterway for safe and enjoyable boating. Additionally, the rule  
is reorganized to list the boating restricted areas in order of the  
description of the Okeechobee Waterway as given in the  
Coastal Pilot and navigation charts.

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

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  
with 21 days of this notice.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

DATES AND TIME: December 3-4, 2008, 8:30 a.m. – 5:00  
p.m. each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt  
Boulevard, Key West, Florida 33040

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Captain Alan Richard, Assistant  
General Counsel, 620 South Meridian Street, Tallahassee,  
Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68D-24.011 follows. See  
Florida Administrative Code for present text.)

68D-24.011 Okeechobee Waterway Boating Restricted  
Areas.

(1) For the purpose of regulating the speed and operation  
of vessel traffic on the Okeechobee Waterway, the following  
Boating Restricted Areas are established:

(a) SE Ocean Boulevard – A Slow Speed Minimum Wake  
boating restricted area from shoreline to shoreline, in and  
adjacent to the Okeechobee Waterway, bounded on the north  
by a line drawn perpendicular to the centerline of the  
Okeechobee Waterway 300 feet north of the centerline of the  
SE Ocean Boulevard (SR A1A) bridge, and bounded on the  
south by a line drawn perpendicular to the centerline of the  
Okeechobee Waterway 300 feet south of the centerline of said  
bridge, as depicted in drawing A.

(b) Stuart “Roosevelt Bridge” Area – A Slow Speed  
Minimum Wake boating restricted area from shoreline to  
shoreline, in and adjacent to the Okeechobee Waterway,  
bounded on the east by a line drawn parallel to and 300 feet  
east of the centerline of the Roosevelt Bridge (US Highway 1),  
bounded on the northwest by a line drawn from Britt Point to  
Arbeau Point across the mouth of the North Fork of the St.  
Lucie River at its confluence with the Okeechobee Waterway,  
and bounded on the southwest by a line drawn across the  
Okeechobee Waterway from Arbeau Point to Bessy Point  
3,000 feet southwest of the centerline of North Dixie Highway  
(SR 707) bridge, as depicted in drawing B.

(c) Palm City Bridge – A Slow Speed Minimum Wake  
boating restricted area, shoreline to shoreline, in and adjacent  
to the Okeechobee Waterway, bounded on the northwest by a  
line drawn parallel to and 300 feet east of the centerline of the  
Palm City Bridge (SR 714), and bounded on the southeast by a  
line drawn parallel to and 1,500 feet southeast of the centerline  
of said bridge, as depicted in drawing C.

(d) St. Lucie Lock and Dam Structure, the Florida  
Turnpike and I-95 Bridges –

1. A Slow Speed Minimum Wake boating restricted area  
from shoreline to shoreline, in and adjacent to the Okeechobee  
Waterway, bounded on the northeast by a line drawn parallel to  
and 1,000 feet northeast of the centerline of the eastern span of  
the northbound traffic lane of I-95 and bounded on the  
southwest by a line drawn perpendicular to the centerline of the  
Okeechobee Waterway 300 feet northeast of the St. Lucie Lock  
and Dam Structure, as depicted in drawing D.

2. An Idle Speed No Wake boating restricted area from  
shoreline to shoreline, in the Okeechobee Waterway in and  
adjacent to the St. Lucie Lock and Dam Structure, bounded on  
the northeast by a line drawn perpendicular to the centerline of  
the Okeechobee Waterway 300 feet northeast of the St. Lucie  
Lock and Dam Structure and bounded on the southwest by a

line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet southwest of the St. Lucie Lock and Dam Structure, as depicted in drawing D.

(e) Arundel Bridge (SW 96th Street) – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway, bounded on the northeast by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet northeast of the centerline of the Arundel Bridge (SW 96th Street), and bounded on the southwest by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet southwest of the centerline of said bridge, as depicted in drawing E.

(f) Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway, bounded on the northeast by a line drawn perpendicular to the centerline of the Okeechobee Waterway 500 feet northeast of the centerline of the Timer Powers Boat Ramp and bounded on the southwest by a line drawn perpendicular to the centerline of the Okeechobee Waterway 500 feet southwest of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

(g) SR 710 and Seaboard Coast Line (CSX) Railroad Trestle – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway, bounded on the northeast by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet northeast of the centerline of the SR 710 bridge, and bounded on the southwest by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet southwest of the centerline of the Seaboard Coast Line (CSX) Railway Trestle, as depicted in drawing G.

(h) FEC Railroad Trestle – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway, bounded on the east by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet east of the centerline of the FEC Railroad Trestle, and bounded on the west by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet west of the centerline of said trestle, as depicted in drawing H.

(i) US 441/US 98 Bridge and Port Mayaca Lock – An Idle Speed No Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway, east of the Port Mayaca lock structure and within the right-of-way of the Okeechobee Waterway west of said lock structure, bounded on the east by a line drawn parallel to and 300 feet east of the centerline of the US 441/US 98 bridge, and bounded on the west by a line drawn perpendicular to the centerline of the Okeechobee Waterway 300 feet west of the lock structure, as depicted in drawing I.

(j) Torry Island Bridge – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway in Palm Beach County, bounded on the north by a line drawn perpendicular to the

centerline of the Okeechobee Waterway 400 feet north of Torry Island Bridge in Belle Glade, Palm Beach County, and bounded on the south by a line drawn perpendicular to the centerline of the Okeechobee Waterway 1,400 feet south of said bridge, as depicted in drawing J.

(k) Clewiston Lock Structure – An Idle Speed No Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway and Cauley Cut in the vicinity of Hurricane Gate and Lock Structure S-310 in Clewiston, Hendry County, within the boundaries set forth below, as depicted in drawing K:

1. In Cauley Cut, from shoreline to shoreline, from the confluence of Cauley Cut and the Okeechobee Waterway Rim Canal to a line drawn parallel to the centerline of the Okeechobee Waterway Rim Canal 150 feet northeast of the confluence of Cauley Cut and the Okeechobee Waterway Rim Canal;

2. In the Route 1 Approach Channel leading northeast toward Port Mayaca, from shoreline to shoreline, from the confluence of Route 1 Approach Channel and the Okeechobee Waterway Rim Canal to a line drawn parallel to the centerline of the Okeechobee Waterway Rim Canal 150 feet northeast of the confluence of Route 1 Approach Channel and the Okeechobee Waterway Rim Canal;

3. In the Okeechobee Waterway Rim Canal, from shoreline to shoreline, from a line drawn perpendicular to the center line of the Rim Canal 150 feet southeast of Lock Structure S-310 to a line drawn perpendicular to the center line of the Rim Canal 150 feet northwest of the intersection of the Route 1 Approach Channel and the Okeechobee Waterway Rim Canal; and

4. In the Industrial Canal, from shoreline to shoreline, from the Okeechobee Waterway Rim Canal to and including the Lock Structure.

(l) Liberty Point – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway Rim Canal and Mayaca Cut in Glades County, bounded on the west by a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 300 feet west of Liberty Point, on the southeast by a line drawn perpendicular to the centerline of the Rim Canal 600 feet southeast of Liberty Point, and on the east by a line drawn perpendicular to the centerline of the Mayaca Cut 150 feet east of its confluence with the Rim Canal, as depicted in drawing L.

(m) Moore Haven Lock Structure and Vicinity – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline, in and adjacent to the Okeechobee Waterway Rim Canal, the Old Moore Haven Canal and associated canals, and the Caloosahatchee River in the vicinity of the Moore Haven Lock and flood control structure S-77 in Glades County, within the boundaries set forth below, as depicted in drawing M:

1. In the Okeechobee Waterway Rim Canal, shoreline to shoreline, from a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 1,800 feet northwest of the centerline of the Moore Haven Lock Gates canal (26°50'45.2"N/81°05'24.2"W), to a line drawn perpendicular to the centerline of the Okeechobee Waterway Rim Canal 500 feet southeast of the centerline of the Alvin Ward boat ramp (26°50'21.8"N/81°04'46.9"W), including the area shoreline to shoreline 500 feet north from the Okeechobee Waterway Rim Canal into the Old Moore Haven Canal (26°50'40.9"N/81°05'14.4"W), and including the Moore Haven Locks canal;

2. In the lock structure and approaches, shoreline to shoreline, from the Okeechobee Waterway Rim Canal to the Caloosahatchee River;

3. In the approaches and spillway of flood control structure S-77, shoreline to shoreline, from the Okeechobee Waterway Rim Canal to the Caloosahatchee River; and,

4. In the Caloosahatchee River, shoreline to shoreline, from the river's northern terminus at the lock structure to a line drawn perpendicular to the centerline of the river 1,450 feet downstream of the centerline of the US 27 Bridge, (26°49'48.3"N/81°05'30.2"W), including the area, shoreline to shoreline, in the Old Moore Haven Canal south of the Okeechobee Waterway Rim Canal to the Old Moore Haven Canal's terminus.

(n) SR 29 Bridge – A Slow Speed Minimum Wake boating restricted area in the Caloosahatchee River (Okeechobee Waterway), from shoreline to shoreline from a line drawn parallel to and 500 feet east of the centerline of the SR 29 bridge as it crosses the Caloosahatchee River to a line drawn parallel to and 2,056 feet west of the centerline said bridge, as depicted in drawing N.

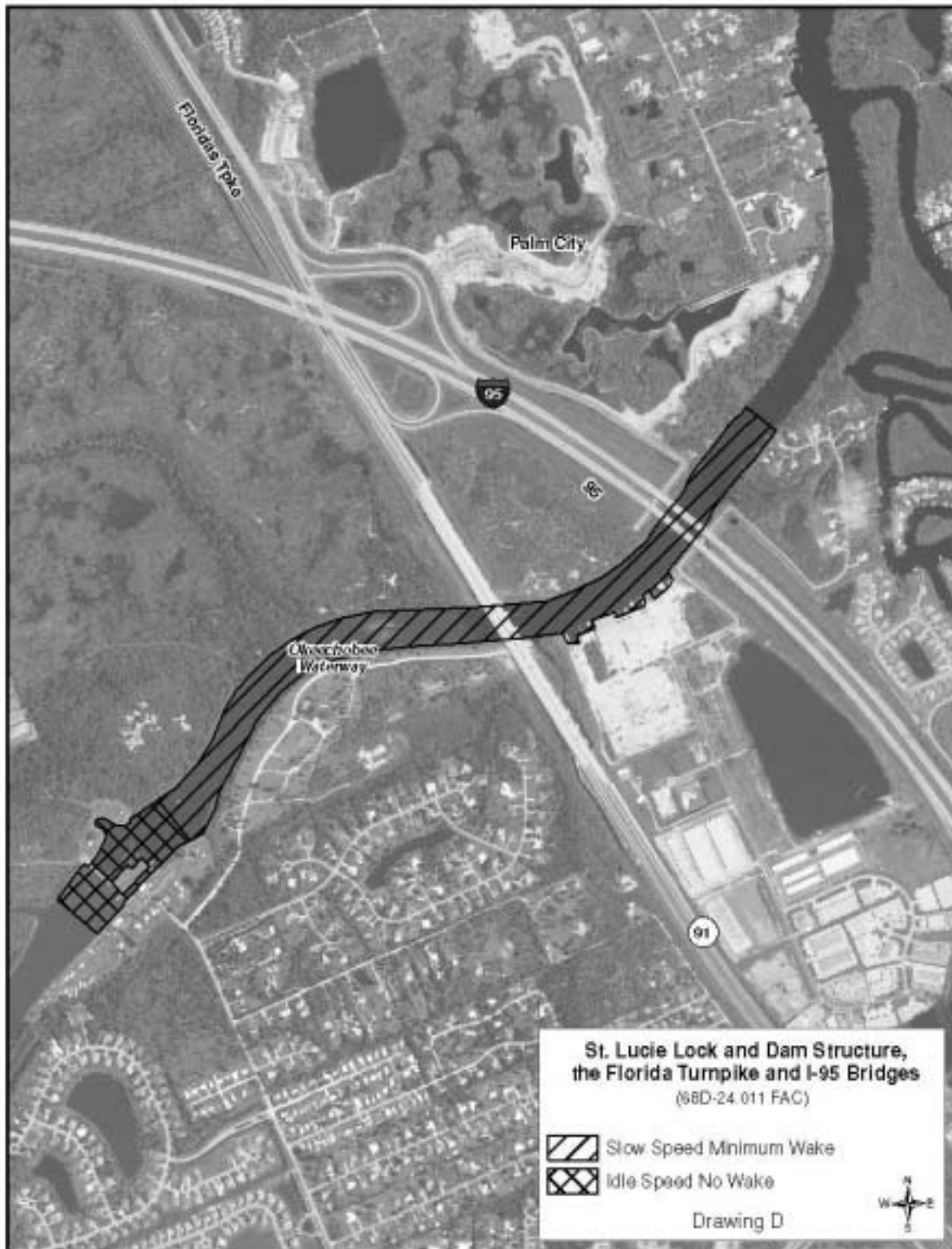
(2) The boating restricted areas are depicted in the following drawings:



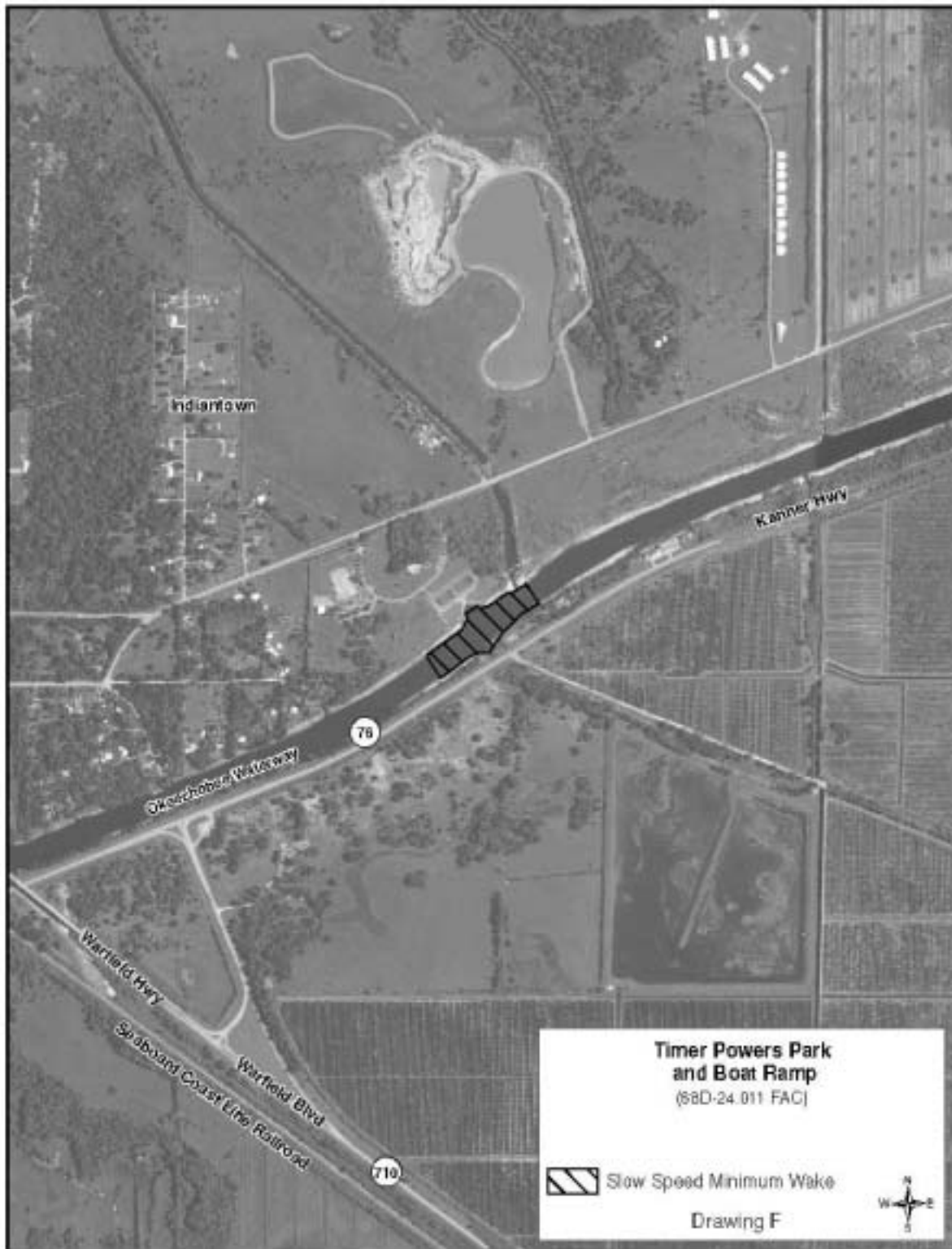














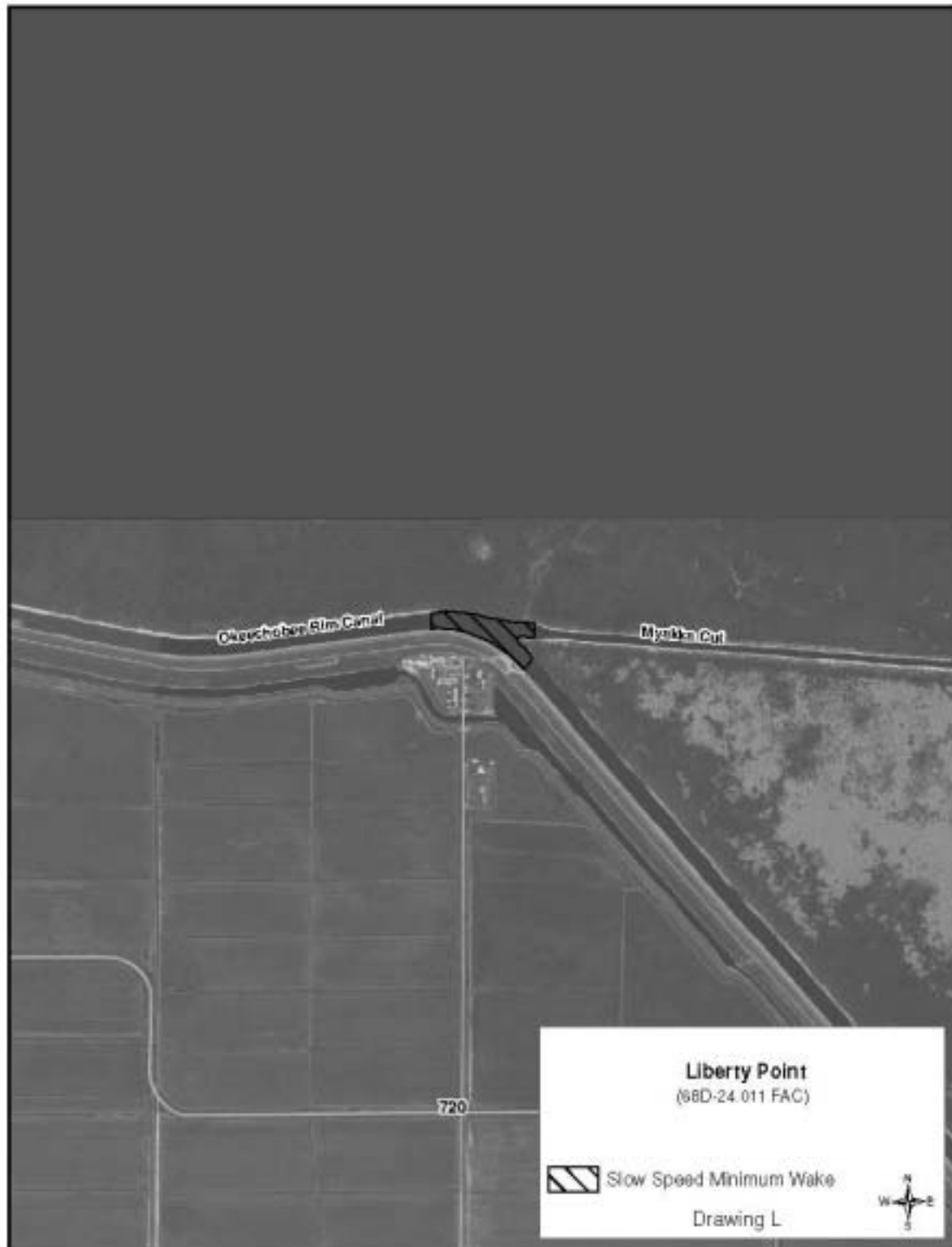




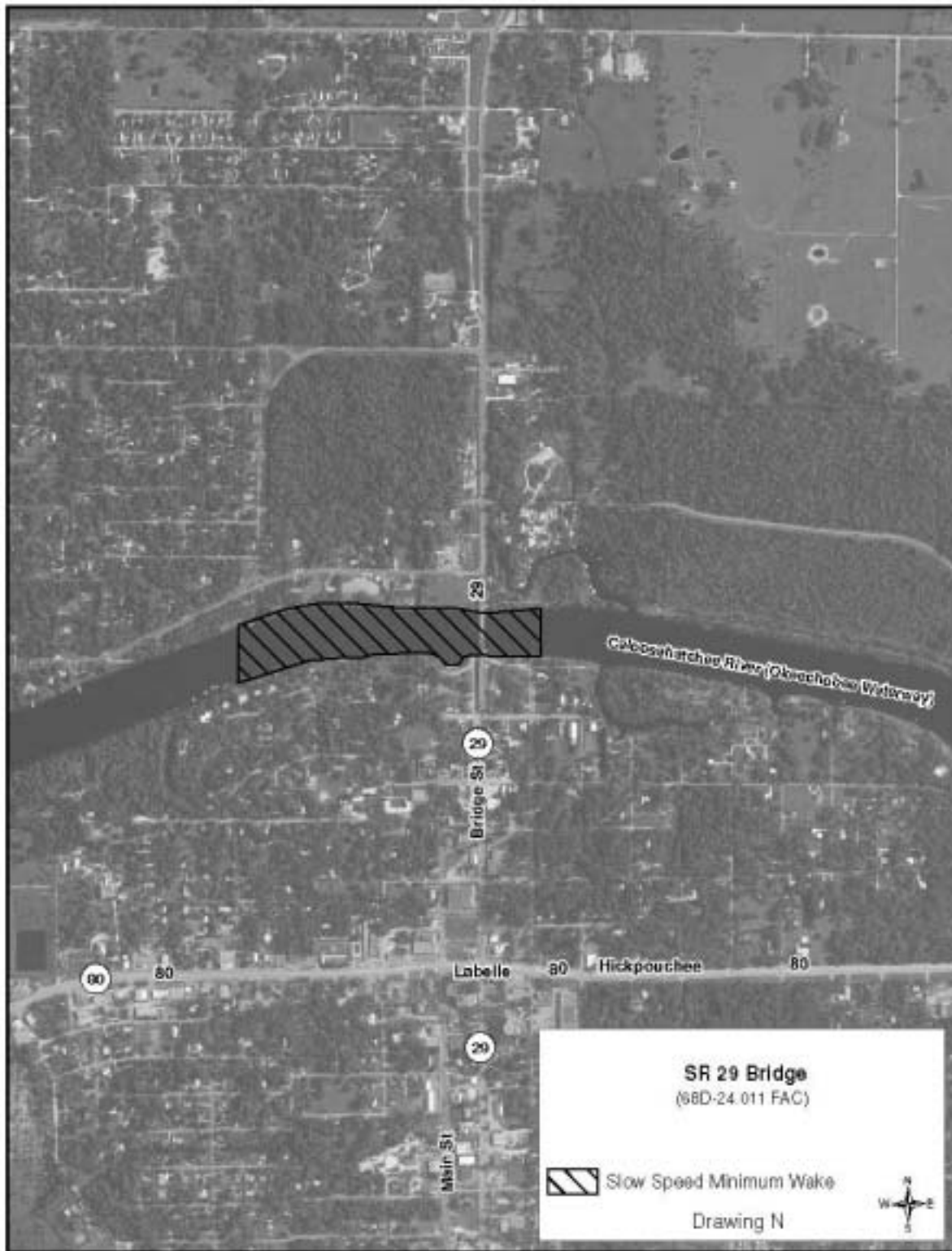












Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended 10-2-00, 10-23-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Alan Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Fish and Wildlife Conservation Commission sitting as agency head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE NO.: 68D-24.143 RULE TITLE: Martin County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety on the Okeechobee Waterway, based on the finding of the Martin County Vessel Traffic Study along with input from the citizenry of this county.

SUMMARY: This rule will reduce vessel speed limits over specified portions of the Florida Intracoastal Waterway where necessary to manage and promote the use of this state waterway for safe and enjoyable boating. Additionally, the rule is reorganized to list the boating restricted areas in order of the description of the Florida Intracoastal Waterway as given in the Coastal Pilot and navigation charts.

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

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 with 21 days of this notice.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

DATES AND TIME: December 3-4, 2008, 8:30 a.m. – 5:00 p.m. each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, Florida 33040

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.143 Martin County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Intracoastal Waterway in Martin County, Florida, the following Boating Restricted Areas are established ~~for vessels 35 feet or more in length:~~

~~(a) Jensen Beach Causeway – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet north of the centerline of the Jensen Beach Causeway (SR 707A) Bridge and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said bridge, as depicted in drawing A. Gleason Street Boat Ramp – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 600 feet north of the Gleason Street Boat Ramp and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said boat ramp, as depicted in drawing A. If the Gleason Street Boat Ramp is closed and its use as a transportation facility discontinued, the zone established in this paragraph shall no longer be in force or effect.~~

~~2. Jupiter Island – A Slow Speed Minimum Wake zone from shoreline to shoreline, in and adjacent to the Intracoastal Waterway, bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 4,350 feet south of the Hobe South (State Road 708) Bridge (at marker number 33) to the centerline of the Florida Intracoastal Waterway 8,295 feet south of said bridge (at marker 35), as depicted in drawing A.~~

~~(b) NE Ocean Boulevard – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline bounded on the north by the NE Ocean Boulevard (SR A1A) Bridge and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said bridge, as depicted in drawing B. The Town of Jupiter Island is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such boating restricted area.~~

~~(c) Hobe Sound Bridge – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet north of the centerline of the Hobe Sound (SR 708) Bridge and on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 300 feet south of said bridge, as depicted in drawing C.~~

~~(d) Jupiter Island – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the~~

Florida Intracoastal Waterway 4,350 feet south of the Hobe Sound (SR 708) Bridge and bounded on the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 8,295 feet south of said bridge, as depicted in drawing D. The boating restricted area established in this paragraph is applicable only to vessels 35 feet or more in length.

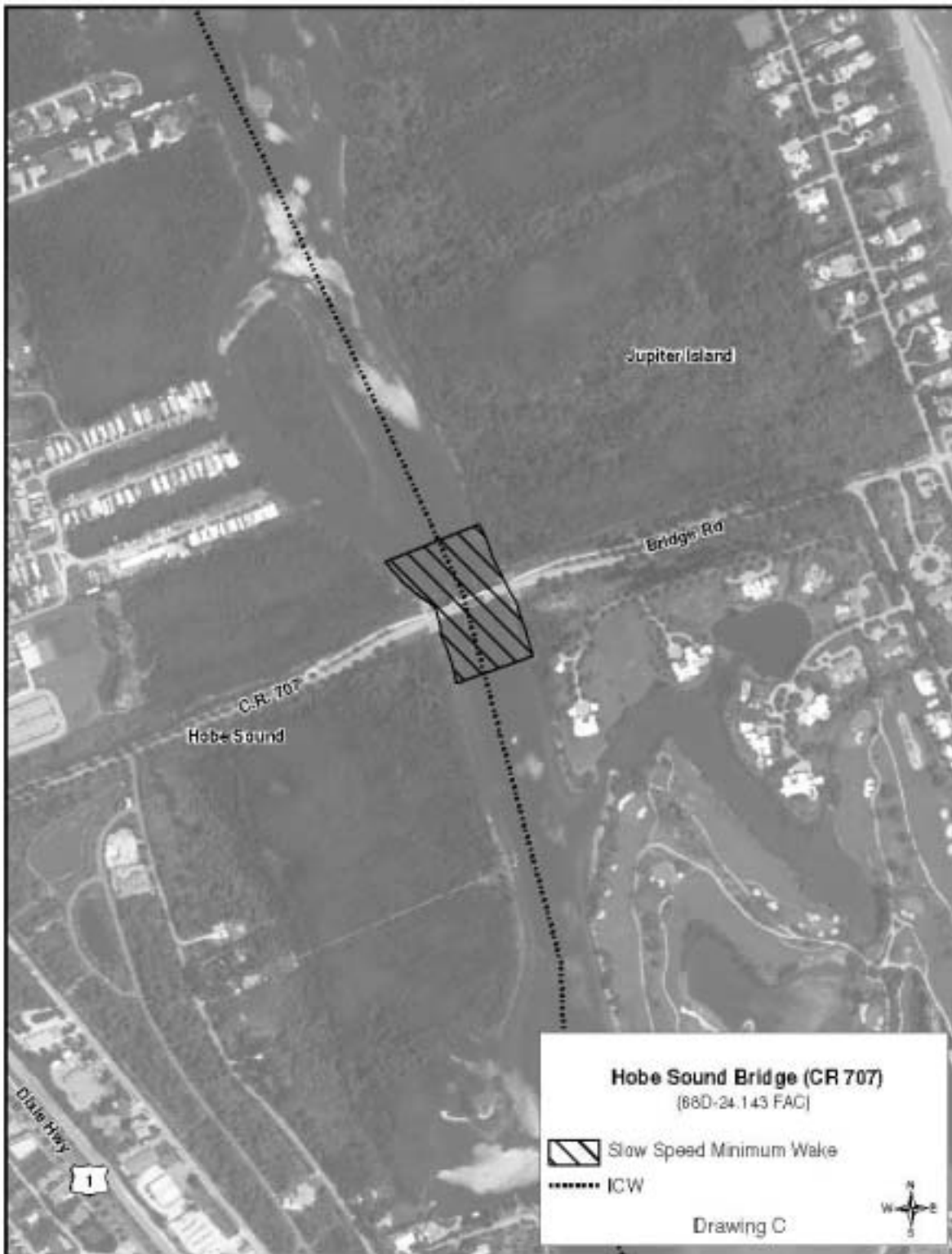
(e) Blowing Rocks – A Slow Speed Minimum Wake boating restricted area from shoreline to shoreline bounded on the north by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 500 feet north of the centerline of the fuel dock located at 26°58.749’N/80° 05.354’W and on

the south by a line drawn perpendicular to the centerline of the Florida Intracoastal Waterway 500 feet south of said fuel dock centerline, as depicted in drawing E. The boating restricted area established in this paragraph is applicable only to vessels 35 feet or more in length and in effect only from November 1 through April 30 each year. If the fuel dock is closed and its use as a public fueling facility discontinued, the boating restricted area established in this paragraph shall no longer be in force or effect.

(2) The boating restricted areas described in Rule 68D-24.143, F.A.C., are depicted on the following drawings:













Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 2-25-96, Formerly 62N-24.143, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Alan Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Fish and Wildlife Conservation Commission sitting as agency head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-197.006	Insurance Administrator Annual Report

PURPOSE AND EFFECT: To adopt a form Insurance Administrators must submit to the Office of Insurance Regulation to submit financial information.

SUMMARY: Rule adopts the annual report forms used by administrators, which insurance administrators must submit to report financial information to the Office.

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

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

SPECIFIC AUTHORITY: 626.8991 FS.

LAW IMPLEMENTED: 626.89 FS.

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

DATE AND TIME: November 24, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-197.006 Insurance Administrator Annual Report.

(1) The form adopted in subsection (2) below, is a form that Insurance Administrators must submit to the Office of Insurance Regulation to report financial information. This form may be viewed at the Office’s website: <http://www.flor.com/pdf/OIR-A3-975.pdf>.

(2) Form OIR-A3-975, “Insurance Administrator Annual Report” (REV 06/06), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

(3) All forms submitted for review or approval shall be submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 626.89(1), 626.8991 FS. Law Implemented 626.89 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: THE FINANCIAL SERVICES COMMISSION

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.03018	Special Programs for Students with Specific Learning Disabilities

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 Florida Administrative Weekly has been continued from October 21, 2008 to December 2, 2008.