

F.A.C., and is available from the Department at the address and website listed above. A renewal fee of \$100 and an unlicensed activity fee of \$5 shall accompany the form.

~~Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty five (45) days from the date of request. Failure to respond to the request within forty five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(2), F.S.~~

~~(3) Amendment of Registration. An applicant may amend the application for registration as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise, the application may be amended only with prior permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the registration filed at any time after the application has been received shall be deemed by the Department to be grounds for denial, and a new application for registration, accompanied by the appropriate filing fee, shall be required.~~

~~(4) Withdrawal of Registration. An applicant may request withdrawal of a registration prior to a determination of the registration being made by the Department by submitting a written request that the registration be withdrawn.~~

~~(5) Refunds. If the registration is withdrawn or denied, the registration fee is non-refundable.~~

~~(6) Upon approval of the registration, a license will be issued for the remainder of the biennial registration period.~~

Specific Authority 497.103(2)(c), (5)(b) (+), 497.281 FS. Law Implemented 497.103(2)(c), 497.281 FS. History--New 3-3-97, Formerly 3D-30.105, 69K-100.105, Amended _____.

**Section II
Proposed Rules**

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-9.010	Purpose of Ambulatory Patient Data Reporting
59B-9.011	Submission of Ambulatory Patient Data
59B-9.013	Definitions
59B-9.014	Schedule for Submission of Ambulatory Patient Data and Extensions
59B-9.015	Reporting Instructions
59B-9.016	Notice of Reporting Deficiencies and Response
59B-9.017	Certification and Audit Procedures
59B-9.018	Ambulatory Patient Data Format – Data Elements, Codes and Standards
59B-9.022	Penalties for Ambulatory Patient Data Reporting Deficiencies
59B-9.023	Ambulatory Patient Data Release
59B-9.030	Purpose of Ambulatory and Emergency Department Patient Data Reporting
59B-9.031	Definitions
59B-9.032	Ambulatory and Emergency Department Data Reporting and Audit Procedures
59B-9.033	Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions
59B-9.034	Reporting Instructions
59B-9.035	Certification, Audits, and Resubmission Procedures
59B-9.036	Penalties for Ambulatory Patient Data Reporting and Deficiencies
59B-9.037	Header Record
59B-9.038	Ambulatory Data Elements, Codes and Standards
59B-9.039	Public Records

PURPOSE AND EFFECT: The new rules align ambulatory data reporting standards with the uniform bill for institutional facilities (UB-04), modify data elements and codes, definition of submission requirements and other clarifications.

SUMMARY: The agency is proposing amendments to Rules 59B-9.010 through 59B-9.023, F.A.C., that modify ambulatory and emergency department reporting requirements.

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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.062, 408.063 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: January 23, 2009, 1:00 p.m.

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

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: Patrick Kennedy at (850)922-5531. 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: Patrick Kennedy at (850)922-5531

THE FULL TEXT OF THE PROPOSED RULES IS:

~~59B-9.010 Purpose of Ambulatory Patient Data Reporting. The reporting of ambulatory patient data will provide a statewide integrated database that includes ambulatory surgery and hospital emergency department services for the assessment of variations in utilization, disease surveillance, access to care and cost trends. The amendments appearing herein are effective with the reporting period starting January 1, 2005.~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.010, Amended 6-29-95, Amended 12-28-98, 2-25-02, 4-18-04, Repealed _____.~~

59B-9.011 Submission of Ambulatory Patient Data.

~~(1) The following entities shall submit ambulatory patient data and reports to the Agency for Health Care Administration (AHCA or agency):~~

- ~~(a) All licensed short-term acute care hospitals;~~
- ~~(b) All licensed ambulatory surgical centers as defined in Section 395.002(3), F.S.;~~
- ~~(c) All lithotripsy centers defined in Section 408.07, F.S.;~~
- ~~(d) All cardiac catheterization laboratories defined in Section 408.07, F.S.~~

~~(2) For purposes of Rules 59B-9.010 through 59B-9.023, F.A.C., “ambulatory centers” refers to the ambulatory patient data reporting facilities and providers in subsection (1) above.~~

~~(3) Each facility in paragraph (1)(a) above shall submit a separate report for each location per Rule 59A-3.203, F.A.C. Each facility in paragraph (1)(b) above shall submit a separate report for each location per Rule 59A-5.003, F.A.C. Each facility or provider in paragraph (1)(c) or (1)(d) above shall submit a separate report for each separate location.~~

~~(4) All ambulatory centers performing the services set forth in Rules 59B-9.011 through 59B-9.023, F.A.C., shall submit ambulatory patient data as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C., unless the reporting entity meets the criteria listed in subsection 59B-9.011(6), F.A.C., below.~~

~~(5) Any ambulatory center which has a total of 200 or more patient visits per Rule 59B-9.014, F.A.C., for the reporting period is required to report data as set forth in Rules 59B-9.018 and 59B-9.019, F.A.C.~~

~~(6) Ambulatory Centers with fewer than 200 patient visits in a quarter, must have the entity’s Chief Executive Officer certify to the Agency in writing, that the ambulatory center has fewer than 200 patient visits per Rule 59B-9.014, F.A.C., for the reporting period, and the certification is to be received at the Agency office in Tallahassee on or prior to the deadline for submission of the report. This is not a one-time letter, but must be submitted for each quarter where there were fewer than 200 visits.~~

~~(7) If requested by Agency staff, all ambulatory centers shall provide access to or at the option of Agency staff, information from the medical records underlying and documenting the ambulatory patient data submitted, as well as other patient-related documentation deemed necessary by the Agency to conduct complete ambulatory patient data audits subject to the limitations as set forth in Section 408.061(1)(d), F.S.~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08 FS. History—New 9-6-93, Formerly 59B-7.011, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, Repealed _____.~~

59B-9.013 Definitions.

(1) “CPT” means Current Procedural Terminology and refers to a coding system established by the American Medical Association to describe physician services which is published annually in Physicians’ Current Procedural Terminology manual which is incorporated by reference.

(2) “HCPCS” means Health Care Financing Administration Common Procedure Coding System which is published annually by the United States Department of Health and Human Services and is required by the Federal Government for Medicare reporting purposes.

(3) “Charity” means medical care provided by a health care entity to a person who has insufficient resources or assets to pay for needed medical care without utilizing his resources which are required to meet his basic need for shelter, food, or clothing. No patient shall be considered charity care whose

family income, as applicable for the twelve (12) months preceding the determination, exceeds 150 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income.

(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Observation patients are excluded unless they are admitted.

(5) "Visit" means a face to face encounter between a health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting at the time of the encounter or who is not admitted to the same facility's acute care hospital setting immediately following the encounter as described in subsection 59B-9.015(3), F.A.C. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit.

(6) Each "Ambulatory Center" is required to report ambulatory patient data. For the purposes of this rule, ambulatory center includes freestanding ambulatory surgery centers, short-term acute care hospitals, lithotripsy centers, and cardiac catheterization laboratories.

(7) "Attending Physician" means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who has primary responsibility for the patient's medical care and treatment during the visit or who certifies as to the medical necessity of the services rendered. The attending physician may be the operating or performing physician. The attending physician may be an emergency room physician or other specialist.

(8) "Operating or Performing Physician" means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who has primary responsibility for the surgery or procedure performed. The operating or performing physician may be the attending physician.

(9) "Other Physician" means a licensed medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who rendered care to the patient other than the attending physician or the operating or performing physician.

(10) "Short-Term Acute Care Hospitals" means a hospital as defined in Section 395.002(12), F.S.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.013, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, 4-18-04, Repealed

59B-9.014 Schedule for Submission of Ambulatory Patient Data and Extensions.

(1) ~~Ambulatory centers shall report ambulatory patient data, as described in subsection 59B-9.015(2) and Rule 59B-9.018, F.A.C., according to the following schedule:~~

(a) ~~Each report covering patient visits ending between January 1 and March 31, inclusive of each year, shall be submitted no later than June 10 of the calendar year during which the visit occurred.~~

(b) ~~Each report covering patient visits ending between April 1 and June 30, inclusive of each year, shall be submitted no later than September 10 of the calendar year during which the visit occurred.~~

(c) ~~Each report covering patient visits ending between July 1 and September 30, inclusive of each year, shall be submitted no later than December 10 of the calendar year during which the visit occurred.~~

(d) ~~Each report covering patient visits ending between October 1 and December 31, inclusive of each year, shall be submitted no later than March 10 of the calendar year following the year in which the visit occurred.~~

(2) ~~Extensions to the due dates in subsection 59B-9.014(1), F.A.C., above shall be granted by Agency staff for thirty (30) days in response to a written request if received prior to the due date, and provided that the delay is due to unforeseen and unforeseeable factors beyond the control of the reporting entity. These factors must be specified in the letter requesting the extension together with documentation of efforts undertaken to meet the filing requirements. For re-submissions, a fourteen (14) calendar day extension will be granted if requested in writing prior to the due date as specified in the letter accompanying the resubmitted request.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.15(11) FS. History—New 9-6-93, Formerly 59B-7.014, Amended 6-29-95, 4-18-04, Repealed.

59B-9.015 Reporting Instructions.

(1) ~~Ambulatory centers shall submit ambulatory patient data according to Rule 59B-9.018, F.A.C.~~

(2) ~~Ambulatory centers shall report data for:~~

(a) ~~All non-emergency visits in which surgery services were performed and the services provided correspond to a Current Procedural Terminology (CPT) code 10000 through 69999 or 93500 through 93599. Codes must be valid in the current or the immediately preceding year's code book to be accepted.~~

(b) ~~All emergency department visits in which emergency department registration occurs and the patient is not admitted for inpatient care at the reporting entity. Include all visits for which a billing record is created.~~

(3) ~~Ambulatory centers shall exclude records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was admitted to inpatient care~~

~~within a facility at the same location per Rule 59A-3.203, F.A.C. Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.013(5), F.A.C.~~

~~(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsection 59B-9.018(2), F.A.C.~~

~~(5) Ambulatory centers shall submit ambulatory patient data reports to the agency using one of the following methods described in paragraph (a) or in (b) below except that for patient visits ending on or after January 1, 2006, the methods described in paragraph (b) must not be used unless an exception is requested by the ambulatory center due to extraordinary or hardship circumstances and use of method (b) is approved by the agency. Use of method (a) must be approved by the agency for any patient visits ending prior to January 1, 2006.~~

~~(a) Internet Transmission. The Internet address established for receipt of ambulatory patient data is www.fdhe.state.fl.us. Reports sent to the Internet address shall be electronically transmitted with the ambulatory data in a text (XML) file using the Ambulatory Patient Data XML Schema available at www.fdhe.state.fl.us. The Ambulatory Patient Data XML Schema is incorporated by reference. The data in the text file shall contain the data elements, codes, and standards required in Rule 59B-9.018, F.A.C.~~

~~(b) CD-ROM or diskettes shall be sent to the agency's mailing address: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis. Electronic media specifications are:~~

- ~~1. MS-DOS formatted.~~
- ~~2. Text File (XML) using the Ambulatory Patient Data XML Schema available at www.fdhe.state.fl.us.~~
- ~~3. Type: 3.5" diskette, 1.4MB, hd; or CD-ROM.~~
- ~~4. FILENAME: (e.g., AS10QYY.XML) The 5th position shall contain the quarter (1-4) and the 6th and 7th position shall contain the year. XML indicates an XML text file.~~

~~5. Only one (1) file per diskette set or CD-ROM is allowable. Data requiring more than one diskette shall have the same internal file name. Data requiring more than one (1) diskette shall be externally labeled 1 of x, 2 of x, etc. (x = total number of diskettes).~~

~~(6) Ambulatory centers submitting diskettes shall affix the following external identification, or for CD-ROM, use a standard CD-ROM external label with the following information:~~

- ~~(a) Ambulatory center name;~~
- ~~(b) AHCA ambulatory center identification number in the AHCA format;~~
- ~~(c) Reporting period;~~
- ~~(d) Number of records excluding the header record and the trailer record;~~

~~(e) Diskette or CD-ROM Filename as in subsection 59B-9.015(5), F.A.C., above; and~~

~~(f) The description: "AMBULATORY PATIENT DATA".~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New 9-6-93, Formerly 59B-7.015, Amended 6-29-95, 12-28-98, 1-4-00, 7-11-01, 2-25-02, 4-18-04, Repealed _____.~~

~~59B-9.016 Notice of Reporting Deficiencies and Response.~~

~~(1) Within sixty (60) days after the due date or date of receipt, whichever is later of ambulatory patient data, agency staff shall determine and notify the ambulatory center whether the report is complete and conforms to the applicable rule instructions and data standards per Rules 59B-9.018-.020, F.A.C.~~

~~(2) Written notification shall be provided by certified mail, electronic mail, or FAX to an ambulatory center in the event the staff determines the data is incomplete or nonconforming. The notice shall clearly indicate the deficiencies found, and the time by which a corrected or modified report must be received in the agency's office.~~

~~(3) An ambulatory center shall have fourteen (14) calendar days following receipt of notice, to return to the agency's office the requested corrected data or completed certification pages.~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061 FS. History--New 9-6-93, Formerly 59B-7.016, Amended 6-29-95, 7-11-01, Repealed _____.~~

~~59B-9.017 Certification and Audit Procedures.~~

~~(1) All ambulatory centers submitting data in compliance with Rules 59B-9.010 through 59B-9.022, F.A.C., shall certify that the data submitted for each reporting period is accurate. These certification pages are sent by the agency to the reporting entity with summary reports generated by the agency using submitted data. The certification shall be submitted to the agency's office at the address in subsection (3) below using the Certification of Ambulatory Patient Data Form described in subsection (3) below or the Certification of Ambulatory Patient Data Form shall be submitted by electronic mail to SCHSdata@fdhe.state.fl.us using an agency authorized electronic signature.~~

~~(2) The Chief Executive Officer and Chief Financial Officer shall state in writing that a complete review was accomplished to assure the accuracy of the data and that to the best of their knowledge and belief, the data submitted are accurate and complete.~~

~~(3) Form APD1 is titled "Certification of Ambulatory Patient Data", may be obtained by writing to The Agency for Health Care Administration, Ambulatory Patient Data Section, 2727 Mahan Drive, Fort Knox Building #3, Tallahassee, Florida 32308-5403. The effective date of the form is July 1, 1995. Form APD1 is incorporated by reference.~~

~~(4) The agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all ambulatory centers or audit a random sample of ambulatory centers. The agency will notify each ambulatory center of any possible errors discovered by audit and request that the ambulatory center either correct the data or verify that the data is complete and correct. The notice shall indicate that the ambulatory center must return corrected data if there are errors and certify the data within ninety (90) days of receipt of the notice, or the ambulatory center Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within ninety (90) days of receipt of the notice. The notice shall clearly indicate that the ambulatory center may be subject to penalties pursuant to Rule 59B-9.022, F.A.C.~~

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.08(1), 408.08(5), 408.15(11) FS. History—New 9-6-93, Formerly 59B-7.017, Amended 6-29-95, 7-11-01, Repealed _____.

59B-9.018 Ambulatory Patient Data Format – Data Elements, Codes and Standards.

~~(1) Header Record: The first record in the data file shall be a header record, containing the information described below. If diskettes are submitted, the header record must be placed as the first record on the first diskette of the data set.~~

~~(a) Transaction Code—Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the agency to receive data corrections.~~

~~(b) Report Year—Enter the year of the data in the format YYYY.~~

~~(c) Report Quarter—Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year.~~

~~(d) Data Type—Enter AS10 for Ambulatory Data.~~

~~(e) Submission Type—Enter I, R, or C where I indicates an initial submission of data or resubmission of previously rejected data, R indicates a replacement submission of previously processed and accepted ambulatory patient data, and C indicates an individual record correction or set of individual record corrections where submission of a correction or corrections is requested or authorized by the agency.~~

~~(f) Processing Date—Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits.~~

~~(g) AHCA Ambulatory Center Number—Enter the identification number of the ambulatory center as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight digits and no more than 10 digits.~~

~~(h) Organization Name—Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field.~~

~~(i) Contact Person Name—Enter the name of the contact person at the ambulatory center. Submit name in the Last, First format. Up to a twenty five character field.~~

~~(j) Contact Person Telephone Number—The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person telephone number in the format (AAA)XXX XXXX EEEEE where AAA is the area code, and EEEEE is the extension. Blank fill if no extension.~~

~~(k) Contact Person E Mail Address—The e mail address of the contact person.~~

~~(l) Contact Person Address—Enter the mailing address of the contact person. Up to a forty character field.~~

~~(m) Mailing Address City—Enter the city of the address of the contact person. Up to a twenty five character field.~~

~~(n) Mailing Address State—Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida.~~

~~(o) Mailing Address Zip Code—Enter the zip code of the address of the contact person in the format XXXXX-XXXX. Blank fill if no extension.~~

~~(2) Individual Data Records: All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards.~~

~~(a) AHCA Ambulatory Center Number—An identification number assigned by AHCA for reporting purposes. The number must match the ambulatory center number recorded on the CD-ROM or diskette external label and header record. A valid identification number must contain at least eight digits and no more than 10 digits. A required entry.~~

~~(b) Record Identification Number—An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate storage and retrieval of individual case records. Up to seventeen characters. A required entry. Duplicate record identification numbers are not permitted.~~

~~(c) Patient Social Security Number—The social security number (SSN) of the patient. A nine digit field to facilitate retrieval of individual case records, to be used to track multiple patient visits, and for medical research. Reporting 00000000 is acceptable for newborns and infants up to 2 years of age who do not have a SSN. For patients not from the United States, use 55555555 if a SSN is not assigned. For those patients where efforts to obtain the SSN have been unsuccessful or where one~~

is unavailable, and the patient is 2 years of age or older and not known to be from a country other than the United States, use 7777777777. A required entry:

(d) Patient Race or Ethnicity—Self-designated by the patient or patient’s parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information have been unsuccessful. A required entry. Must be a one digit code as follows:

1. 1—American Indian or Alaska Native.
2. 2—Asian or Pacific Islander.
3. 3—Black or African American.
4. 4—White.
5. 5—White Hispanic.
6. 6—Black Hispanic.
7. 7—Other. Use if the patient’s self-designated race or ethnicity is not described by the above categories.
8. 8—No response. Use if the patient refuses or fails to disclose.

(e) Patient Birth Date—The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Use 9999-99-99 where type of service is “2” and efforts to obtain the patient’s birth date have been unsuccessful. Age greater than 120 years is not permitted unless verified by the reporting entity. A birth date after the patient visit ending date is not permitted. A required entry:

(f) Patient Sex—The gender of the patient. A required entry. Must be a one digit code as follows:

1. 1—Male.
2. 2—Female.
3. 3—Unknown shall be reported where efforts to obtain the information have been unsuccessful or where the patient’s sex cannot be determined due to a medical condition.

(g) Patient Zip Code—The five digit United States Postal Service ZIP Code of the patient’s permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry:

(h) Type of Service Code—A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one digit code as follows:

1. 1—Ambulatory surgery, as described in paragraph 59B-9.015(2)(a), F.A.C.
2. 2—Emergency department visit, as described in paragraph 59B-9.015(2)(b), F.A.C.

(i) Principal Payer Code—Describes the primary source of expected reimbursement for services rendered. A required entry. Must be a one character field using upper case as follows:

1. A—Medicare.

2. B—Medicare HMO.
3. C—Medicaid.
4. D—Medicaid HMO.
5. E—Commercial Insurance.
6. F—Commercial HMO.
7. G—Commercial PPO.
8. H—Workers’ Compensation.
9. I—CHAMPUS.
10. J—VA.
11. K—Other State/Local Government.
12. L—Self Pay. No third party coverage.
13. M—Other.
14. N—Charity.
15. O—KidCare. Includes Healthy Kids, MediKids and Children’s Medical Services.

16. P—Unknown. Unknown shall be reported if principal payer information is not available and type of service is “2” and patient status is “07”.

(j) Principal Diagnosis Code—The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “2” indicating an emergency department visit unless patient status is “07” indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is “2” and patient status is “07” consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. Inconsistency between the principal diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(k) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9)—A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, another diagnosis code must not be reported. No more than nine other diagnosis codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the diagnosis code and patient sex must be verified by the reporting entity. Inconsistency between the diagnosis code and patient age must

be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(l) ~~Principal CPT or HCPCS Procedure Code~~—A code representative of the services provided or procedures performed. Must contain a valid CPT code between 10000 and 69999, inclusive, or between 93500 and 93599, inclusive if type of service is “1” indicating ambulatory surgery. Must contain a valid HCPCS or CPT evaluation and management code if type of service is “2” indicating an emergency department visit and patient status is not “07.” Must contain a valid HCPCS or CPT evaluation and management code, or a blank field, consistent with the records of the reporting entity, if type of service is “2” indicating an emergency department visit and patient status is “07” indicating that the patient left against medical advice or discontinued care. If not space filled, must contain a valid CPT or HCPCS procedure code. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period.

(m) ~~Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7), Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9)~~—A code representing a procedure or service provided during the visit. If no principal CPT or HCPCS procedure is reported, another CPT or HCPCS procedure code must not be reported. No more than nine other CPT or HCPCS procedure codes may be reported. Less than nine entries or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid CPT or HCPCS code. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be five digits and valid for the reporting period.

(n) ~~Attending Physician Identification Number~~—The Florida license number of the attending physician as defined in subsection 59B-9.013(7), F.A.C. Report the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient’s care during the visit. An alpha numeric field of up to eleven characters. For military physicians not licensed in Florida, use US. Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry.

(o) ~~Operating or Performing Physician Identification Number~~—The Florida license number of the operating or performing physician as defined in subsection 59B-9.013(8), F.A.C. Report the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who had primary responsibility for the surgery or procedure performed. The operating or performing physician may be the person reported in paragraph (n) above. An alpha numeric field of up to eleven characters. For military physicians not licensed in Florida, use US. A blank or no entry is permitted consistent with the records of the reporting entity.

(p) ~~Other Physician Identification Number~~—The Florida license number of another physician as defined in subsection 59B-9.013(9), F.A.C. Report a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who rendered care to the patient other than the person reported in paragraph (n) or (o) above. An alpha numeric field of up to eleven characters. For military physicians not licensed in Florida, use US. A blank or no entry is permitted consistent with the records of the reporting entity.

(q) ~~Pharmacy Charges~~—Charges for medication, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(r) ~~Medical and Surgical Supply Charges~~—Charges for supply items required for patient care, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(s) ~~Laboratory Charges~~—Charges for the performance of diagnostic and routine clinical laboratory tests, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(t) ~~Radiology and Other Imaging Charges~~—Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(u) ~~Cardiology Charges~~—Facility charges for cardiac procedures rendered such as heart catheterization, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(v) ~~Operating Room Charges~~—Charges for the use of the operating room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(w) ~~Anesthesia Charges~~—Charges for anesthesia services by the facility, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(x) ~~Recovery Room Charges~~—Charges for the use of the recovery room, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(y) ~~Emergency Room Charges~~—Charges for medical examinations and emergency treatment, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(z) ~~Treatment or Observation Room Charges~~—Charges for use of a treatment room or for the room charge associated with observation services, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(aa) ~~Other Charges~~—Other facility charges not included in paragraphs (q) to (z) above, reported in dollars numerically without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(bb) ~~Total Gross Charges~~—The total of undiscounted charges for services rendered by the reporting entity, reported in dollars numerically without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. Amounts exceeding 50000 must be verified separately by the reporting entity if type of service is “1” indicating ambulatory surgery. Amounts exceeding 100000 must be verified separately by the reporting entity if type of service is “2” indicating an emergency department visit. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, radiology and other imaging charges, cardiology charges, operating room charges, anesthesia charges, recovery room charges, emergency room

charges, treatment or observation room charges, and other charges must equal total charges, plus or minus 10. A required entry.

(cc) ~~Patient Visit Beginning Date~~—The date at the beginning of the patient’s visit for ambulatory surgery or the date at the time of registration in the emergency department. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit beginning date must equal or precede the patient visit ending date. A required entry.

(dd) ~~Patient Visit Ending Date~~—The date at the end of the patient’s visit. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending date must occur within the calendar quarter recorded on the CD-ROM or diskette external label and header record. A visit exceeding 2 days as determined by the patient visit beginning date and patient visit ending date must be verified by the reporting entity. A blank field is not permitted unless type of service is “2” indicating an emergency department visit and patient status is “07” indicating the patient left against medical advice or discontinued care.

1. 00—12:00 midnight to 12:59 (ee) ~~Hour of Arrival~~—The hour on a 24-hour clock during which the patient’s visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

- 2. 01—01:00 to 01:59
- 3. 02—02:00 to 02:59
- 4. 03—03:00 to 03:59
- 5. 04—04:00 to 04:59
- 6. 05—05:00 to 05:59
- 7. 06—06:00 to 06:59
- 8. 07—07:00 to 07:59
- 9. 08—08:00 to 08:59
- 10. 09—09:00 to 09:59
- 11. 10—10:00 to 10:59
- 12. 11—11:00 to 11:59
- 13. 12—12:00 noon to 12:59
- 14. 13—01:00 to 01:59
- 15. 14—02:00 to 02:59
- 16. 15—03:00 to 03:59
- 17. 16—04:00 to 04:59
- 18. 17—05:00 to 05:59
- 19. 18—06:00 to 06:59
- 20. 19—07:00 to 07:59

- 21. 20—08:00 to 08:59
- 22. 21—09:00 to 09:59
- 23. 22—10:00 to 10:59
- 24. 23—11:00 to 11:59
- 25. 99—Unknown.

~~(ff) Patient’s Reason for Visit ICD-CM Code (Admitting Diagnosis) — The code representing the patient’s chief complaint or stated reason for seeking care. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is “2” indicating an emergency department visit unless the patient fails to disclose or the information is unavailable. A blank field is permitted if the patient fails to disclose or efforts to obtain the information have been unsuccessful consistent with the records of the reporting entity. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is “1” indicating ambulatory surgery.~~

~~(gg) Principal ICD-CM Procedure Code — The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is “1” indicating ambulatory surgery. A blank or no entry is permitted consistent with the records of the reporting entity if type of service is “2” indicating an emergency department visit. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the principal procedure code and patient sex must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(hh) Other ICD-CM Procedure Code (1), Other ICD-CM Procedure Code (2), Other ICD-CM Procedure Code (3), Other ICD-CM Procedure Code (4) — A code representing a procedure or service provided during the visit. If no principal ICD-CM procedure is reported, another ICD-CM procedure code must not be reported. No more than four other ICD-CM procedure codes may be reported. A blank or no entry is permitted if type of service is “1.” Less than four or no entry is permitted if type of service is “2” consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient sex must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(ii) External Cause of Injury Code (1), External Cause of Injury Code (2), and External Cause of Injury Code (3) — A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. No more than three external cause of injury codes may be reported. Less than three or no entry is permitted consistent with the records of the reporting entity. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(jj) Patient Status — Patient disposition at end of visit. A required entry. Must be a two digit code as follows:~~

- ~~1. 01 — Discharged to home or self care (with or without planned outpatient medical care).~~
- ~~2. 02 — Transferred to a short term general hospital.~~
- ~~3. 03 — Transferred to a skilled nursing facility.~~
- ~~4. 04 — Transferred to an intermediate care facility.~~
- ~~5. 05 — Transferred to another type of institution (psychiatric, cancer or children’s hospital or distinct part unit).~~
- ~~6. 06 — Discharged to home under care of home health care organization.~~
- ~~7. 07 — Left against medical advice or discontinued care.~~
- ~~8. 08 — Discharged to home under care of home IV provider.~~
- ~~9. 20 — Expired.~~
- ~~10. 50 — Discharged to hospice home.~~
- ~~11. 51 — Transferred to hospice medical facility.~~
- ~~12. 62 — Transferred to an inpatient rehabilitation facility including distinct part units of a hospital.~~

~~(3) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. If diskettes are submitted, the trailer record must be placed as the last record on the last diskette of the data set. One data element, number of records, must be entered in the trailer record. Report the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed.~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New 9-6-93, Formerly 59B-7.018, Amended 6-29-95, 12-28-98, 7-11-01, 2-25-02, 4-18-04, Repealed~~

~~59B-9.022 Penalties for Ambulatory Patient Data Reporting Deficiencies.~~

~~(1) For purposes of this rule, a report or other information is “incomplete” when it does not contain all data required by the agency or when it contains inaccurate data and the report is not corrected by the ambulatory center and certified timely pursuant to Rule 59B-9.017, F.A.C. A report or other~~

information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) An ambulatory center which refuses to file, fails to timely file, or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08, F.S., other Florida Law, or a rule adopted thereunder, shall be subject to administrative fines pursuant to Section 408.08(14), F.S.

(3) Reports are deemed delinquent on the first working day following the due date.

(4) Delinquent report notices will be sent via certified mail to the attention of "chief executive officer."

(5) The penalty period will begin on the first working day following the due date for purposes of penalty assessments.

(6) Any ambulatory center which is delinquent for a reporting deficiency other than submission of a false report shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1000 per day of violation for the third or subsequent violations to be fixed, imposed, and collected by the agency. Any ambulatory center which files a false report with the agency or provides false information to the agency shall be subject to a fine of \$1000 per day to be fixed, imposed and collected by the agency.

Specific Authority 408.15(8) FS. Law Implemented 408.006(5), 408.061, 408.08(14) FS. History-New 9-6-93, Formerly 59B-7.022, Amended 6-29-95, Repealed _____.

59B-9.023 Ambulatory Patient Data Release.

(1) Agency records, public records under Chapter 119, F.S., (Florida's Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying. (\$0.15 per one-sided page or \$0.20 per two-sided page.)

(2) Patient specific records collected by the Agency pursuant to Rules 59B-9.010 through 59B-9.022, F.A.C., are exempt from disclosure pursuant to Section 408.061(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d):

(a) The patient specific record shall be modified to protect patient confidentiality as follows:

- | | |
|-----------------------|--|
| 1. Record ID Number | Delete or Substitute Sequential Number |
| 2. Patient Social | Delete or Substitute a Record Linkage Number Security Number |
| 3. Patient Birth Date | Substitute Age |
| 4. Patient Zip Code | If less than 500 population for zip code per U.S. census, report a code representing a combination set of zip codes; if out of state, report state, U.S. territory or out of country code. |

5. Patient Visit Substitute Month Indicator (01-12)

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify individual patients through use of data available through the Agency.

(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarterly period based on date of visit.

(3) Aggregate reports derived from patient specific records collected pursuant to Rules 59B-9.010 through 59B-9.022, F.A.C., are public records and shall be released as described in subsections (1) and (4) of this rule, provided the aggregate reports do not include record ID number, patient birth date, patient visit date, patient social security number, or patient zip code or provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) Requests shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of its duties as provided in Section 119.07(1)(b), F.S.

Specific Authority 408.15(8) FS. Law Implemented 119.07, 120.53(2)(a), 408.061 FS. History-New 9-6-93, Formerly 59B-7.023, Amended 6-29-95, Repealed _____.

59B-9.030 Purpose of Ambulatory and Emergency Department Patient Data Reporting.

The reporting of ambulatory patient data will provide a statewide integrated database that includes hospital based and free standing ambulatory surgery centers, and hospital emergency department services for the assessment of variations in utilization, disease surveillance, access to care and cost trends. The amendments appearing herein are effective with the reporting period starting January 1, 2010.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History-New _____.

Editorial note: see former Rule 59B-9.010.

59B-9.031 Definitions.

(1) "Ambulatory Center." For the purposes of this rule, an ambulatory center means a freestanding ambulatory surgery center and a short-term acute care hospital facility.

(2) "Ambulatory Surgical Center" means a facility licensed as an ambulatory surgical center under Chapter 395, F.S.

(3) "Charity" means medical care provided by a health care entity to a person who has insufficient resources or assets to pay for needed medical care without utilizing his resources which are required to meet his basic need for shelter, food, or clothing. No patient shall be considered charity care whose family income, as applicable for the twelve (12) months preceding the determination, exceeds 200 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income. However, in no case shall the facility charges for a

patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. This information should be provided based on the patient's status at time of reporting.

(4) "CPT" means Current Procedural Terminology and refers to a coding system established by the American Medical Association to describe physician services which is published annually in Physicians' Current Procedural Terminology manual which is incorporated by reference.

(5) "E-code" means a Supplementary Classification of External Causes of Injury and Poisoning ICD-9-CM codes where environmental events, circumstances, and conditions are the cause of injury, poisoning and other adverse effects as specified in the ICD-9-CM manual and the conventions of coding.

(6) "Executive Officer" means a reporting facility's chief executive officer, president or any vice president of the facility in charge of a principal business unit, division or function (administration or finance).

(7) "HCPCS" means Health Care Common Procedure Coding System which is published annually by the United States Department of Health and Human Services and is required by the Federal Government for Medicare reporting purposes.

(8) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital.

(9) "NUBC" means National Uniform Billing Committee. A national body that defines the data fields that are reported on the Uniform Bill UB-04 which is published annually.

(10) "NUCC" means the National Uniform Claims Committee. A national body that define the data fields that are reported on the HCFA 1500 which is published annually.

(11) "NPI" means National Provider Identification. A unique identification number assigned to a provider by the Centers for Medicare & Medicaid Services.

(12) "Short-Term Acute Care Hospital" means a hospital as defined in Section 395.002(12), F.S.

(13) "Visit" means a face to face encounter between a health care provider and a patient who is not formally admitted as an inpatient in an acute care hospital setting at the time of the encounter or who is not admitted to the same facility's acute care hospital setting immediately following the encounter as described in subsections 59B-9.032(1), 59B-9.032(3), F.A.C. Visits which require the patient to appear in an ambulatory setting prior to the actual procedure (even if this occurs one or more days before the procedure) shall be counted as one visit. The admit date in these instances should be the day of the procedure.

(14) ISO 3166 – International Standard for Organization is a standardized list of country names and codes first published in 1974 and updated 2008. ISO 3166 is available at: http://www.iso.org/iso/english_country_names_and_code_elements.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New _____.

Editorial note: see former Rule 59B-9.013.

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(1) The following entities shall submit patient data reports to the Agency for Health Care Administration (AHCA or Agency):

(a) All licensed short-term acute care hospitals licensed under Chapter 395, F.S.:

(b) All licensed ambulatory surgical centers as defined in Section 395.002(3), F.S.:

(2) Each facility in paragraph (1)(a) above shall submit a separate report for each location per Rule 59A-3.203, F.A.C. Each facility in paragraph (1)(b) above shall submit a separate report for each location per Rule 59A-5.003, F.A.C. Each facility in paragraph (1)(a) or (1)(b) above shall submit a separate report for each separate location.

(3) All ambulatory centers performing the services set forth in Rules 59B-9.030 through 59B-9.039, F.A.C., shall submit ambulatory patient data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C., unless the reporting entity meets the criteria listed in subsection 59B-9.032(5), F.A.C., below.

(4) Any Ambulatory Surgical Center which has a total of 200 or more patient visits per Rule 59B-9.033, F.A.C., for the reporting period is required to report data as set forth in Rules 59B-9.037 and 59B-9.038, F.A.C.

(5) Ambulatory Surgical Centers with fewer than 200 patient visits in a quarter, must have the entity's chief executive officer or director to certify to the Agency in writing, that the ambulatory center has fewer than 200 patient visits per Rule 59B-9.033, F.A.C., for the reporting period, and the certification is to be received at the Agency office in Tallahassee on or prior to the deadline for submission of the report. This is not a one time letter, but must be submitted for each quarter where there were fewer than 200 visits.

(6) Upon notification by the Agency staff, all facilities shall provide access to all required information from the medical records and billing documents underlying and documenting the ambulatory patient data submitted, as well as other patient related documentation deemed necessary by the Agency to conduct complete ambulatory patient data audits subject to the limitations as set forth in Section 408.061(1)(d), F.S. No patient records that support patient data are exempt from disclosure to AHCA for audit purposes.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063, 408.07, 408.08, 408.15(11) FS. History--New _____.

Editorial note: see former Rule 59B-9.011.

59B-9.033 Schedule for Submission of Ambulatory and Emergency Department Patient Data and Extensions.

(1) Ambulatory centers and Emergency Departments shall report patient data according to the provisions in Rules 59B-9.030 through 59B-9.039, F.A.C.

(a) Each report covering patient visits ending between January 1 and March 31, inclusive of each year, shall be submitted no later than June 10 of the calendar year during which the visit occurred. This is considered to be the first quarter, regardless of the facility fiscal year. First quarter reports must be certified by August 31 of the same calendar year.

(b) Each report covering patient visits ending between April 1 and June 30, inclusive of each year, shall be submitted no later than September 10 of the calendar year during which the visit occurred. This is considered to be the second quarter, regardless of the facility fiscal year. Second quarter reports must be certified by November 30 of the same calendar year.

(c) Each report covering patient visits ending between July 1 and September 30, inclusive of each year, shall be submitted no later than December 10 of the calendar year during which the visit occurred. This is considered to be the third quarter, regardless of the facility fiscal year. Third quarter reports must be certified by February 28 of the following calendar year.

(d) Each report covering patient visits ending between October 1 and December 31, inclusive of each year, shall be submitted no later than March 10 of the calendar year following the year in which the visit occurred. This is considered to be the fourth quarter, regardless of the facility fiscal year. Fourth quarter reports must be certified by May 31 of the next calendar year.

(2) Extensions to the initial due dates in subsection 59B-9.033(1), F.A.C., above shall be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or Agency designee for a maximum of thirty (30) days from the initial submission due date in response to a written request signed by the hospital's chief executive officer, ambulatory center director or authorized executive officer designee if received prior to the initial due date, and provided that the delay is due to unforeseen factors beyond the control of the reporting facility. These factors must be specified in the letter requesting the extension together with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(3) Failure to file the report on or before the initial submission due date as specified in paragraphs 59B-9.033(1)(a)-(d), F.A.C., without an extension, and failure to correct a report which has been filed but contains errors or deficiencies by the certification deadline is punishable by fine pursuant to Rule 59B-9.036, F.A.C. The agency shall send a notification of errors or deficiencies by certified mail, electronic mail, or fax. Rejected reports must be corrected, resubmitted and certified by the certification due date.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.08(1)(2), 408.15(11) FS. History--New

Editorial note: see former Rule 59B-9.014.

59B-9.034 Reporting Instructions.

(1) Ambulatory centers shall report data for:

(a) All non-emergency visits for surgical procedures or services performed in the operating room, ambulatory surgical care, cardiology (cardiac catheterization and percutaneous transluminal coronary angioplasty (PTCA)), gastro intestinal, extra-corporeal shock wave treatment (lithotripsy) surgery, and endoscopy corresponding to the following Current Procedural Terminology (CPT) and corresponding HCPCS Codes.

1. 10021 through 69999. Includes, but not limited to, surgery, cardiac catheterization, endoscopy procedures, and lithotripsy.

2. 92980 through 92996 and 93500 through 93599. Includes percutaneous transluminal coronary angioplasty (PTCA) and Cardiac Catheterization.

(b) Do not report CPT codes 36415 or 36416.

3. Exclude visits where the primary reason for the visit is venipuncture for laboratory services.

(2) Emergency Departments shall report an Emergency Department Evaluation and Management Procedure code representing the patient's acuity as part of the emergency department visit.

(a) Report all emergency department visits in which emergency department registration occurs for the purpose of seeking emergency care services, including observation, and the patient is not admitted for inpatient care at the reporting entity.

(b) An ED visit occurs even if the only service provided to a registered patient is triage or screening. If the registered patient leaves prior to being seen by a physician, report the discharge status as "07" "AMA/discontinued care" and charges. Report zero if charges are not incurred.

(c) Do not include visits for registrations that occur in the Emergency Department when the hospital central registration department is closed unless emergency services are provided.

(3) Ambulatory centers shall exclude records of any patient visit in which the outpatient and inpatient billing record is combined because the patient was admitted to inpatient care within a facility at the same location per Rule 59A-3.203, F.A.C. Report one record for each visit, except pre-operation visits may be combined with the record of the associated ambulatory surgery visit. See subsection 59B-9.031(13), F.A.C.

(4) For each patient visit, ambulatory centers shall report all services provided using procedural codes specified in subsections 59B-9.037 and 59B-9.038, F.A.C.

(5) Beginning with the Ambulatory data report for the 1st quarter of the year 2010, reporting facilities must submit a zipped outpatient XML file by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances.

(a) Internet Transmission. The Internet address for receipt of ambulatory patient data is <https://ahcaxnet.fdhc.state.fl.us/patientdata>.

(b) Reports sent to the Internet address shall be electronically transmitted with the zipped ambulatory data in a XML file using the Ambulatory Patient Data XML Schema available at <http://ahca.myflorida.com/xmlschemas/asc.xsd>.

(c) The Ambulatory Patient Data XML Schema is incorporated by reference. The data in the XML file shall contain the data elements, codes and standards required in Rules 59B-9.037 and 59B-9.038, F.A.C.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History—New _____.

Editorial note: see former Rule 59B-9.015.

59B-9.035 Certification, Audits, and Resubmission Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall certify that the data submitted for each quarter period is accurate, complete and verifiable using Certification Form for Ambulatory Patient Data AHCA Form APD1, dated 7/1/95 and incorporated by reference. The completed certification form shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308, Attention: Florida Center for Health Information and Policy Analysis or by facsimile to the Agency's office, or a scanned certification submitted by electronic mail.

(2) Facilities not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee, for a maximum of 30 days following the certification due date in response to a written request signed by the facilities chief executive officer, ambulatory center director or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) Changes or corrections to certified data will be accepted from facilities to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and

Quality Assurance or designee may grant approval for resubmitting previously certified data in response to a written request signed by the facility's chief executive officer, Ambulatory Center director or authorized executive officer designee. The written request must specify the reason for the corrections or changes, explain the cause contributing to the inaccurate reporting, describe a corrective action plan to prevent future errors, the total number of records affected by quarters and years, the data type and the date that the replacement file will be submitted to the Agency. Any changes to a hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Resubmissions of previously certified data must be certified within thirty (30) days following receipt of the data file from the facility.

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08, 408.15(11) FS. History—New _____.

Editorial note: see former Rule 59B-9.017.

59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies.

(1) For purposes of this rule, a report or other information is "incomplete" when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data. The Agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all hospitals or audit a random sample of hospitals. The Agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. A report or other information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) An ambulatory center which refuse, fails to timely file or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08, F.S. other Florida Law, or a rule adopted thereunder, shall be subject to administrative fines pursuant to Section 408.08, F.S. Failure to comply with reporting requirements will also result in the referral of a facility to the Agency's Bureau of Health Facility Regulation.

(3) Notifications will be sent to reporting facilities who do not submit their data file by the initial due date as specified in Rule 59B-9.033, F.A.C.

(4) The penalty period will begin on the first working day following the due date for purposes of penalty assessments.

(5) Any ambulatory center which is delinquent for a reporting deficiency other than submission of a false report shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third or subsequent violations to be fixed, imposed, and collected by

the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine of \$1,000 per day to be fixed, imposed and collected by the Agency. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine of \$1000 per day, in addition to any other fine imposed hereunder. The fine shall be fixed, imposed and collected by the Agency.

Specific Authority 408.15(8) FS. Law Implemented 408.08), 408.061 FS. History--New _____.

Editorial note: see former Rules 59B-9.022 and 59B-9.016.

59B-9.037 Header Record.

The first record in the data file shall be a header record, containing the information described below.

(1) Transaction Code. Enter Q for a calendar quarter report. A required field.

(2) Report Year. Enter the year of the data in the format YYYY.

(3) Report Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year.

(4) Data Type. Enter AS10-1 for Ambulatory Data and Emergency Department Data.

(5) Submission Type. Enter I or R where I indicates an initial submission of a data file or resubmission of a data file prior to certification and R indicates a replacement submission of previously certified patient data where resubmission has been requested or authorized by the Agency. A required entry.

(6) Processing Date. Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits.

(7) AHCA Facility Number. Enter the identification number of the ambulatory center as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight digits and no more than 10 digits.

(8) Organization Name. Enter the name of the ambulatory center that performed the ambulatory services represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field.

(9) Contact Person Name. Enter the name of the contact person at the ambulatory center. Submit name in the Last, First format. Up to a twenty-five character field.

(10) Contact Person Telephone Number. The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person telephone number in the numeric format (AAA)XXX-XXXX-EEEE where AAA is the area code, and EEEEE is the extension. Blank fill if no extension.

(11) Contact Person E-Mail Address. The e-mail address of the contact person.

(12) Contact Person Street or P. O. Box Address. Enter the Street or Post Office Box address of the contact person. Up to a forty character field.

(13) Mailing Address City. Enter the city of the address of the contact person. Up to a twenty-five character field.

(14) Mailing Address State. Enter the state of the address of the contact person using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida.

(15) Mailing Address Zip Code. Enter the numeric zip code of the address of the contact person in the format XXXXX-XXXX. Blank fill if no extension.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History--New _____.

Editorial note: see former Rule 59B-9.018.

59B-9.038 Ambulatory Data Elements, Codes and Standards.

All data elements and data element codes listed below shall be reported. All facilities submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall report the following required data elements as stipulated by the Agency and described in the Official Data Specifications Manual published by the NUBC and NUCC.

(1) AHCA Ambulatory Center Number. An identification number assigned by AHCA for reporting purposes. The number must match the facility number recorded on the header record. A valid identification number must contain at least eight digits and no more than 10 digits. A required entry.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate retrieval of individual's account of services (accounts receivable) containing the financial billing records and any posting of payment. Up to twenty four (24) characters. A required field. Duplicate patient control numbers are not permitted. The facility must maintain a key list to locate actual records upon request by AHCA.

(3) Medical or Health Record Number. An alpha-numeric code assigned to the patient's medical or health record by the facility. The medical/health record number references a file

that contains the history of treatment. It should not be substituted for the Patient Control Number which is the financial record associated with a visit. Up to twenty four (24) characters. A required field.

(4) Patient Social Security Number. The social security number (SSN) of the patient. A nine digit field to facilitate retrieval of individual case records, to be used to track multiple patient visits, and for medical research. Reporting 77777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful or the patient is under two (2) years of age and does not have a SSN or for patients who are non-U.S. citizens who have not been issued SSNs. A required entry.

(5) Patient Ethnicity. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's ethnic background shall be reported as one choice from the following list of alternatives. A required entry. Must be a two (2) digit code as follows:

a. E1 = Hispanic or Latino. A person of Mexican, Puerto Rican, Cuban, Central or South

American or other Spanish culture or origin, regardless of race.

b. E2 = Non-Hispanic or Latino. A person not of any Spanish culture or origin.

c. E7 = Unknown.

(6) Patient Race. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's racial background shall be reported as one choice from the following list of alternatives. A required entry. Must be a one (1) digit code as follows:

(a) 1- American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(b) 2 - Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent. This area includes, for example, Cambodia, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(c) 3 - Black or African American. A person having origins in any of the black racial groups of Africa.

(d) 4 - Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(e) 5 - White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(f) 6 - Other. Any other possible options not covered in the above categories, including a patient who has more than one race.

(g) 7 - Unknown. Use if the patient refuses or fails to disclose.

(7) Patient Birth Date. The date of birth of the patient. A ten character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Unknown birthdates should use the default of YYYY-01-01 where the year is based on approximate age. A birth date after the patient visit ending date is not permitted. A required entry.

(8) Patient Sex - The patient sex at the time of admission. A required entry. Alpha characters must be in upper case. Must be a one (1) digit code as follows:

1. M - Male.

2. F - Female.

3. U - Unknown. Use where efforts to obtain the information have been unsuccessful or where the patient's sex cannot be determined due to a medical condition.

(9) Patient Zip Code. The five digit United States Postal Service ZIP Code of the patient's permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the Code for Representation of Names of Countries, ISO 3166 or latest release. A required entry for type of service "2".

(11) Type of Service Code. A code designating the type of service, either ambulatory surgery or emergency department visit. A required entry. Must be a one (1) digit code as follows:

(a) 1 - Ambulatory surgery, as described in paragraph 59B-9.032(1), F.A.C.

(b) 2 - Emergency department visit, as described in subsection 59B-9.032(2), F.A.C.

(12) Source or Point of Origin of Admission. Must be a one (1) character alpha code or two (2) digit numeric code indicating the direct source or point of patient origin for this visit. A required entry if type of service is "2". Zero fill if type of service is "1". Alpha characters must use upper case.

(a) 01 - Non-health care facility source of origin - Include patients coming from home, physician office or workplace. The patient presents to this facility with an order from a physician for services or seeks scheduled services for which an order is not required. Includes non-emergent self-referrals.

(b) 02 - Clinic. The patient was referred to this facility for outpatient or referenced diagnostic procedures.

(c) 04 - Transfer from a hospital. The patient was transferred to this facility as an outpatient from an acute care facility. Transfer must be from a different hospital.

(d) 05 – Transfer from a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF). The patient was referred to this facility as a transfer from a SNF or ICF where the patient was a resident.

(e) 06 – Transfer from another health care facility. The patient was referred to this facility for services by (a physician of) another health care facility not defined elsewhere in this code list where he or she was an inpatient or outpatient.

(f) 07 – Emergency Room. The patient received unscheduled services in this facility’s emergency department and discharged without an inpatient admission. Includes self-referrals in emergency situations that require immediate medical attention. Excludes patients who came to the emergency room from another health care facility.

(g) 08 – Court/Law Enforcement. The patient was referenced to this facility upon the direction of a court of law, or upon the request of a law enforcement agency representative for outpatient or referenced diagnostic services. Includes transfers from incarceration facilities.

(h) 09 – Information Not Available. The means by which the patient was referred to this hospital’s outpatient department is not known.

(i) D – Transfer from one distinct unit of the hospital to another distinct unit of the same hospital resulting in a separate claim. The patient received outpatient services in this facility as a transfer from within this hospital resulting in a separate claim to the payer.

(j) E – Transfer from Ambulatory Surgery Center. The patient was referred to this facility for outpatient or referenced diagnostic services from an ambulatory surgery center.

(k) F – Transfer from hospice and under a hospice plan of care or enrolled in a hospice program. The patient was referred to this facility for outpatient or referenced diagnostic services from a hospice.

(13) Principal Payer Code. Describes the primary source of expected reimbursement for services rendered based on the patient’s status at discharge or the time of reporting. Report charity as defined in subsection 59B-9.031(3), F.A.C. A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) A – Medicare. Patients covered by Medicare where Centers for Medicare & Medicaid Services is the direct payer.

(b) B – Medicare Managed Care. Patients covered by Medicare Advantage plans, Medicare HMO, Medicare PPO, Medicare Private Fee for Service or any other type of Medicare plan where Centers for Medicare & Medicaid Services is not the direct payer.

(c) C – Medicaid. Patients covered by state administered, non-managed Florida Medicaid. This would include those Medicaid recipients enrolled in MediPass.

(d) D – Medicaid Managed Care. Patients covered by Medicaid HMOs, Medicaid provider sponsored networks (PSNs) or other Medicaid funded plans that are licensed in the

state of Florida. This would include any type of program where the patient qualifies for Medicaid but payment is not directly from the State of Florida Medicaid program regardless of whether the hospital has a contract with that plan.

(e) E – Commercial Health Insurance. Patients covered by any type of private coverage, including HMO, PPO or self-insured plans.

(f) F – Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.

(g) H – Workers Compensation. Patients covered by any type of workers compensation plan, including self insured plans, managed care plans or the State of Florida sponsored workers compensation plan.

(h) I – TriCare or Other Federal Government. Patients covered by any federal government program for active and retired military and their families; Black Lung, Section 1011; the Federal Prison System; or any other federal program.

(i) J – VA. Patients covered by the Veteran’s Administration.

(j) K – Other State/Local Government. Patients covered by a state program that does not fall into any of the state funded categories listed above. This would include those covered by the Florida Department of Corrections or any county or local corrections department; patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.

(k) L – Self Pay. Patients with no insurance coverage.

(l) M – Other. This would include patients covered by any other type of payer not meeting the descriptions in (a)-(k) above or m-n below.

(m) N – Charity. Include charity that is known at the time of discharge.

(n) O – KidCare. Includes Healthy Kids, MediKids and Children’s Medical Services.

(o) P – Unknown. Unknown shall be reported if principal payer information is not available and type of service is “2” and patient status is “07”.

(14) Principal Diagnosis Code. The code representing the diagnosis chiefly responsible for the services performed during the visit. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “1” indicating ambulatory surgery. Must contain a valid ICD-9-CM or ICD-10-CM diagnosis code if type of service is “2” indicating an emergency department visit unless patient status is “07” indicating that the patient left against medical advice or discontinued care. A blank field is permitted if type of service is “2” and patient status is “07.” If not space filled, must contain a valid ICD-9-CM diagnosis code or valid ICD-10-CM diagnosis code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with a

decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(15) Other Diagnosis Code (1), Other Diagnosis (2), Other Diagnosis (3), Other Diagnosis (4), Other Diagnosis (5), Other Diagnosis (6), Other Diagnosis (7), Other Diagnosis (8), Other Diagnosis (9). A code representing a diagnosis related to the services provided during the visit. If no principal diagnosis code is reported, another diagnosis code must not be reported unless the patient discharge status is "07" indicating that the patient left against medical advice or discontinued care. No more than nine other diagnosis codes may be reported. Less than nine entries is permitted. If not space filled, must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each visit reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(16) Evaluation and Management Code (1), Evaluation and Management Code (2), Evaluation and Management Code (3), Evaluation and Management Code (4), Evaluation and Management Code (5). A code representative of the patient acuity level for the services provided. If type of service is "2", must contain a valid Evaluation and Management (EM) Code range 99281-99285; 99288; 99291-99292; and G0380-G0384, even if the only service provided to a registered patient is triage or screening. No more than five EM codes may be reported. Less than five entries is permitted. A required field.

(17) Principal CPT or HCPCS Procedure Code. A code representative of the primary services provided or procedures performed.

(a) Ambulatory surgery type of service "1" must contain a valid CPT code or HCPCS code as specified in subsection 59B-9.034(1), F.A.C., excluding CPT codes 36415, 36416 representing the reason for the surgery or the encounter.

(b) Emergency Department visits type of service "2" must contain a valid CPT or HCPCS code if the patient discharge status is not "07" indicating that the patient left against medical advice or discontinued care. Must contain either a valid CPT or HCPCS procedure code if type of service is "2" and patient discharge status is "07" indicating that the patient left against medical advice or discontinued care. The code must be five digits and valid for the reporting period. Do not report venipuncture codes 36415-36416 as a principal CPT or procedure code.

(18) Other CPT or HCPCS Procedure Codes 1 through 30. A code representing an additional procedure or service provided during the visit. Other CPT or HCPCS procedure code data element fields are designated specific code ranges. If a principal CPT or HCPCS procedure is not reported, Other CPT or HCPCS Procedure Codes must not be reported unless

the patient status is "07" indicating the patient left against medical advice or discontinued care. The code must be five digits and valid for the reporting period. Alpha characters must be in upper case.

(a) Other CPT or HCPCS Procedure Code (1), Other CPT or HCPCS Procedure Code (2), Other CPT or HCPCS Procedure Code (3), Other CPT or HCPCS Procedure Code (4), Other CPT or HCPCS Procedure Code (5), Other CPT or HCPCS Procedure Code (6), Other CPT or HCPCS Procedure Code (7), Other CPT or HCPCS Procedure Code (8), Other CPT or HCPCS Procedure Code (9), Other CPT or HCPCS Procedure Code (10).) Other CPT or HCPCS Procedure Codes 1-10 are designated for CPT procedure code ranges 10021-69999; 92980 through 92996; and 93500 through 93599 and corresponding HCPCS codes. Do not report CPT codes 36415 or 36416. If a principal CPT or HCPCS procedure is not reported, an Other CPT or HCPCS Procedure Code must not be reported. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.

(b) Other CPT or HCPCS Procedure Code (11), Other CPT or HCPCS Procedure Code (12), Other CPT or HCPCS Procedure Code (13), Other CPT or HCPCS Procedure Code (14), Other CPT or HCPCS Procedure Code (15), Other CPT or HCPCS Procedure Code (16), Other CPT or HCPCS Procedure Code (17), Other CPT or HCPCS Procedure Code (18), Other CPT or HCPCS Procedure Code (19), Other CPT or HCPCS Procedure Code (20). Other CPT or HCPCS Procedure Codes 11-20 are designated for radiology services provided during the visit corresponding to CPT procedure code ranges 70000-79999 and associated HCPCS codes. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.

(c) Other CPT or HCPCS Procedure Code (21), Other CPT or HCPCS Procedure Code (22), Other CPT or HCPCS Procedure Code (23), Other CPT or HCPCS Procedure Code (24), Other CPT or HCPCS Procedure Code (25), Other CPT or HCPCS Procedure Code (26), Other CPT or HCPCS Procedure Code (27), Other CPT or HCPCS Procedure Code (28), Other CPT or HCPCS Procedure Code (29), Other CPT or HCPCS Procedure Code (30). – Other CPT fields 21-30 are designated to report laboratory services provided during the visit corresponding to CPT procedure code ranges 80000-89999 and associated HCPCS codes. No more than ten other CPT or HCPCS procedure codes may be reported. Less than ten entries or no entry is permitted.

(19) Attending Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient's care during the visit. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use

US999999999. Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry.

(20) Attending Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in the US or its territories upon mandated HIPAA NPI implementation date.

(21) Operating or Performing Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing practitioner may be the attending practitioner. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use US999999999. Use NA if the patient was not treated by a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner. A required entry. A blank or no entry is permitted if a principal procedure is not reported.

(22) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date.

(23) Other Operating or Performing Practitioner Identification Number. The Florida license number of a different operating or performing practitioner. Report a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who rendered care to the patient other than the person reported in paragraph (19) or (21) above. An alpha-numeric field of up to eleven characters, alpha characters must be in upper case. For military physicians not licensed in Florida, use US999999999. A blank or no entry is permitted.

(24) Pharmacy Charges. Charges for medication. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(25) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(26) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(27) Radiology and Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no radiology or computed tomography charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(28) Cardiology Charges (Cardiac Cath). Charges for cardiac procedures rendered such as heart catheterization. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(29) Operating Room Charges. Charges for the use of the operating room. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(30) Anesthesia Charges. Charges for anesthesia services by the facility. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(31) Recovery Room Charges. Charges for the use of the recovery room. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(32) Emergency Room Charges. Charges for medical examinations and emergency treatment. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(33) Trauma Response Charges. Charges for a trauma team activation at a State of Florida licensed Trauma Center. Report charges for revenue code 68X used in the UB-04. Report in dollars rounded to the nearest whole dollar, without

dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(34) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(35) Gastro-Intestinal (GI) services. Charges for gastro-intestinal procedures rendered such as colonoscopy and endoscopy services. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no GI charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) Extra-Corporeal Shock Wave Therapy (Lithotripsy). Charges for Extra-Corporeal Shock Wave Therapy (Lithotripsy) procedures. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no Lithotripsy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(37) Other Charges. Other facility charges not included in paragraphs (24) to (36) above. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report 0 (zero) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(38) Total Gross Charges. The total of undiscounted charges for services rendered by the reporting entity. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Include charges for services rendered by the ambulatory center excluding professional fees. Negative amounts are not permitted unless verified separately by the reporting entity. The sum of pharmacy charges, medical and surgical supply charges, laboratory charges, radiology and other imaging charges, cardiology charges, operating room charges, anesthesia charges, recovery room charges, emergency room charges, treatment or observation room charges, Gastro-Intestinal (GI) services, Extra-Corporeal Shock Wave Therapy (Lithotripsy), and other charges must equal total charges, plus or minus 10. A required entry.

(39) Patient Visit Beginning Date. The date at the beginning of the patient's visit for ambulatory surgery or the date at the time of registration in the emergency department. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and

YYYY represents the year in four digits. Patient visit beginning date must equal or precede the patient visit ending date. A required entry.

(40) Patient Visit Ending Date. The date at the end of the patient's visit. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 1 to 12, DD represents numbered days of the month from 1 to 31, and YYYY represents the year in four digits. Patient visit ending date must equal or follow the patient visit beginning date. Patient visit ending date must occur within the calendar quarter included in the data report. A blank field is not permitted unless type of service is "2" indicating an emergency department visit and patient status is "07" indicating the patient left against medical advice or discontinued care.

(41) Hour of Arrival. The hour on a 24-hour clock during which the patient's visit for ambulatory surgery began or during which registration in the emergency department occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

A.M. HOURS

1. 00 – 12:00 midnight to 12:59:59

2. 01 – 01:00 to 01:59:59

3. 02 – 02:00 to 02:59:59

4. 03 – 03:00 to 03:59:59

5. 04 – 04:00 to 04:59:59

6. 05 – 05:00 to 05:59:59

7. 06 – 06:00 to 06:59:59

8. 07 – 07:00 to 07:59:59

9. 08 – 08:00 to 08:59:59

10. 09 – 09:00 to 09:59:59

11. 10 – 10:00 to 10:59:59

12. 11 – 11:00 to 11:59:59

P.M. HOURS

13. 12 – 12:00 noon to 12:59:59

14. 13 – 01:00 to 01:59:59

15. 14 – 02:00 to 02:59:59

16. 15 – 03:00 to 03:59:59

17. 16 – 04:00 to 04:59:59

18. 17 – 05:00 to 05:59:59

19. 18 – 06:00 to 06:59:59

20. 19 – 07:00 to 07:59:59

21. 20 – 08:00 to 08:59:59

22. 21 – 09:00 to 09:59:59

23. 22 – 10:00 to 10:59:59

24. 23 – 11:00 to 11:59:59

25. 99 – Unknown.

(42) ED Hour of Discharge. The hour on a 24-hour clock during which the patient left the emergency department. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

A.M. HOURS

1. 00 – 12:00 midnight to 12:59:59
2. 01 – 01:00 to 01:59:59
3. 02 – 02:00 to 02:59:59
4. 03 – 03:00 to 03:59:59
5. 04 – 04:00 to 04:59:59
6. 05 – 05:00 to 05:59:59
7. 06 – 06:00 to 06:59:59
8. 07 – 07:00 to 07:59:59
9. 08 – 08:00 to 08:59:59
10. 09 – 09:00 to 09:59:59
11. 10 – 10:00 to 10:59:59
12. 11 – 11:00 to 11:59:59

P.M. HOURS

13. 12 – 12:00 noon to 12:59:59
14. 13 – 01:00 to 01:59:59
15. 14 – 02:00 to 02:59:59
16. 15 – 03:00 to 03:59:59
17. 16 – 04:00 to 04:59:59
18. 17 – 05:00 to 05:59:59
19. 18 – 06:00 to 06:59:59
20. 19 – 07:00 to 07:59:59
21. 20 – 08:00 to 08:59:59
22. 21 – 09:00 to 09:59:59
23. 22 – 10:00 to 10:59:59
24. 23 – 11:00 to 11:59:59
25. 99 – Unknown.

(43) Patient's Reason for Visit ICD-CM Code (Admitting Diagnosis). The code representing the patient's chief complaint or stated reason for seeking care. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period if type of service is "2" indicating an emergency department visit. If not space filled, must contain a valid ICD-9-CM or ICD-10-CM diagnosis code. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Space fill if type of service is "1" indicating ambulatory surgery. Alpha characters must be in upper case.

(44) Principal ICD-CM Procedure Code. The code representing the procedure or service most related to the principal diagnosis. A blank field is permitted if type of service is "1" indicating ambulatory surgery. A blank or no entry is permitted consistent with the records of the reporting entity if type of service is "2" indicating an emergency department visit. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be

entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(45) Other ICD-CM Procedure Code (1), Other ICD-CM Procedure Code (2), Other ICD-CM Procedure Code (3), Other ICD-CM Procedure Code (4) – A code representing a procedure or service provided during the visit. If no principal ICD-CM procedure is reported, another ICD-CM procedure code must not be reported unless the patient status is "07" indicating the patient left against medical advice or discontinued care. No more than four other ICD-CM procedure codes may be reported. A blank or no entry is permitted if type of service is "1." Less than four or no entry is permitted if type of service is "2." Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(46) External Cause of Injury Code. External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning or other adverse effects recorded as a diagnosis. Assign the appropriate E-code for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred. No more than three (3) external cause of injury codes may be reported. Less than three (3) or no entry is permitted. If not space filled, must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each encounter reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(47) Service Location. For type of service "2", an alpha character upper case designation A-D to identify services performed at facilities whose license includes a free standing emergency department. A required entry for free standing licensed facilities only where A-D correspond to the order of entities on the hospital license.

(48) Patient disposition at end of visit. – Patient Status. A required entry. Must be a two (2) digit code as follows:

- (a) 01 – Discharged to home or self care (routine discharge).
- (b) 02 – Transferred to a short-term general hospital for inpatient care.
- (c) 03 – Transferred to a skilled nursing facility with Medicare certification in anticipation of skilled care.
- (d) 04 – Transferred to an intermediate care facility.
- (e) 05 – Transferred to a designated cancer center or Children's Hospital.

(f) 06 – Discharged to home under care of home health care organization service in anticipation of covered skilled care.

(g) 07 – Left against medical advice or discontinued care.

(h) 20 – Expired.

(i) 50 – Discharged to hospice – home.

(j) 51 – Transferred to hospice. Hospice medical facility (certified) providing hospice level of care.

(k) 62 – Transferred to an Inpatient Rehabilitation Facility (IRF) including rehabilitation distinct part units of a hospital.

(l) 63 – Discharged or transferred to a Medicare certified long term care hospital.

(m) 64 – Discharged or transferred to a Nursing Facility certified under Medicaid but not certified under Medicare.

(n) 65 – Discharged or transferred to a psychiatric hospital including psychiatric distinct part units of a hospital.

(o) 66 – Discharged or transferred to a Critical Access hospital.

(p) 70 – Discharged or transferred to another type of health care institution non defined elsewhere in this code list.

(49) Trailer Record: The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. Do not include leading zero's.

Specific Authority 408.15(8) FS. Law Implemented 408.061, 408.062, 408.063 FS. History–New _____.

Editorial note: see former Rule 59B-9.018.

59B-9.039 Public Records.

(1) Agency records, public records under Chapter 119, F.S., (Florida's Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying.

(2) Patient-specific records collected by the Agency pursuant to Rules 59B-9.030 through 59B-9.039, F.A.C., are exempt from disclosure pursuant to Section 408.061(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) The patient-specific record shall be modified to protect patient confidentiality as follows:

- | | |
|-----------------------------------|--|
| 1. Patient Control Number | <u>Delete or Substitute Sequential Number</u> |
| 2. Patient Social Security Number | <u>Delete or Substitute a Record Linkage Number</u> |
| 3. Patient Birth Date | <u>Substitute Age in years and an indicator of Age <29 Days except for persons 100 and older. substitute Age > 100 years</u> |

4. Visit Date

Substitute Quarter Indicator (1-4)

5. Medical or Health Record Number

Substitute Sequential Number

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify individual patients through use of data available through the Agency.

(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarterly period based on date of visit.

(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act and shall be made available on or after quarterly data has been certified as accurate by the facility as required by Section 408.061(1)(a), F.S.

(3) Aggregate reports derived from patient-specific records collected pursuant to Rules 59B-9.030 through 59B-9.038, F.A.C., are public records and shall be released as described in subsections (1) and (4) of this rule, provided the aggregate reports do not include patient control number, patient birth date, visit date, patient social security number, medical or health record number or provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) Requests shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of its duties as provided in Section 119.07(1)(b), F.S.

Specific Authority 408.15(8) FS. Law Implemented 119.07, 120.53(2)(a), 408.061 FS. History–New _____.

Editorial note: see former Rule 59B-9.023.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Kennedy, Administrator, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:

59E-7.011

59E-7.012

RULE TITLES:

Definitions

Inpatient Data Reporting and Audit

Procedures

- 59E-7.013 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
- 59E-7.014 Inpatient Data Format – Data Elements, Codes and Standards
- 59E-7.015 Public Records
- 59E-7.016 General Provisions
- 59E-7.020 Purpose of Inpatient Data Reporting
- 59E-7.021 Definitions
- 59E-7.022 Inpatient Data Reporting and Audit Procedures
- 59E-7.023 Schedule for Submission of Inpatient Data and Extensions
- 59E-7.024 Reporting Instructions
- 59E-7.025 Certification, Audits and Resubmission Procedures
- 59E-7.026 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
- 59E-7.027 Header Record
- 59E-7.028 Inpatient Data Elements, Codes and Standards
- 59E-7.029 Public Records
- 59E-7.030 General Provisions
- 59E-7.201 Submission of Comprehensive Inpatient Rehabilitation Hospital Patient Data
- 59E-7.202 Schedule for Submission of Patient Data and Extensions
- 59E-7.203 Reporting Instructions
- 59E-7.204 Certification Procedures
- 59E-7.205 Patient Data Format – Data Elements and Codes
- 59E-7.206 Patient Data Format – Record Layout
- 59E-7.207 Data Standards
- 59E-7.208 Notice of Potential Future Additional Data Requirements

PURPOSE AND EFFECT: The new rules align inpatient data reporting standards with the uniform bill for institutional facilities (UB-04), modify inpatient data elements and codes, definition of resubmission requirements and other clarifications, and incorporate collection of rehabilitative discharges.

SUMMARY: The agency is proposing amendments to Rules 59E-7.011 through 59E-7.016 and 59E-7.201 through 59E-7.208, F.A.C., that modify inpatient data and comprehensive rehabilitation reporting requirements.

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: 408.15(8) FS.

LAW IMPLEMENTED: 408.061 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: January 23, 2009, 10:00 a.m.

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

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: Patrick Kennedy at (850)922-5531. 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: Patrick Kennedy at (850)922-5531

THE FULL TEXT OF THE PROPOSED RULES IS:

INPATIENT AND COMPREHENSIVE REHABILITATIVE DATA COLLECTION PATIENT DATA COLLECTION

59E-7.011 Definitions.

As used in Rules 59E 7.011 through 59E 7.016, F.A.C.:

(1) ~~“Acute Care” means inpatient general routine care provided to patients who are in an acute phase of illness, which includes the concentrated and continuous observation and care provided in the intensive care units of an institution.~~

(2) ~~“Charity” means medical care provided by a healthcare entity to a person who has insufficient resources or assets to pay for the medical care without utilizing resources which are required to meet the person’s basic need for food, shelter, and clothing. No patient shall be considered charity care whose family income, as applicable for (12) months preceding the determination, exceeds 150 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. This is information which should be provided based on the patient’s status at time of reporting.~~

(3) ~~“E-coding,” meaning Supplementary Classification of External Causes of Injury and Poisoning, ICD 9 CM, is to be reported in all cases where environmental events,~~

circumstances, and conditions are the cause of injury, poisoning, and other adverse effects as specified in the ICD-9-CM manual and the conventions of coding.

(4) "Inpatient" means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Observation patients are excluded unless they are admitted.

(5) "Newborn" means a newborn baby born within the facility or the initial admission of an infant to any acute care facility within 24 hours of birth.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New 12-15-96, Amended 7-11-01, Repealed

59E-7.012 Inpatient Data Reporting and Audit Procedures.

(1) Hospitals licensed under Chapter 395, F.S., except state-operated hospitals and specialty rehabilitation hospitals as defined in subparagraph 59A 3.252(1)(c)2., F.A.C. (hereinafter referred to as "hospital/hospitals"), in operation for all or any of the reporting periods described in subsection 59E 7.012(5), F.A.C., below, shall submit hospital inpatient discharge data to the Agency according to the provisions in Rules 59E 7.011 through 59E 7.016, F.A.C. The amendments appearing herein are effective with the report period starting January 1, 2006 except the provisions in paragraph 59E-7.014(2)(p), F.A.C., are effective with the report period starting January 1, 2007.

(2) Each hospital shall submit a separate report for each location per paragraph 59A 3.066(2)(i), F.A.C.

(3) All acute, intensive care, and psychiatric live discharges and deaths including newborn live discharges and deaths shall be reported. Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths.

(4) Upon notification by the AHCA Agency staff, all hospitals shall provide access to all required information from the medical records and billing documents underlying and documenting the hospital inpatient discharge reports submitted, as well as other inpatient related documentation deemed necessary to conduct successful inpatient data audits of hospital data, regardless of reporting format. No inpatient discharge records that support inpatient discharge data are exempt from disclosure to AHCA for audit purposes.

(5) All hospitals reporting their inpatient discharge data shall report according to the following schedule commencing with 1st quarter data 1997 (01/01/97-03/31/97):

(a) Each report submitted for the 1st quarter covering inpatient discharges occurring between January 1 and March 31, inclusive, of each year, shall be submitted no later than June 1 of the calendar year during which the discharge occurred. This is considered to be the first quarter, regardless of the hospital's fiscal year.

(b) Each report submitted for the 2nd quarter covering inpatient discharges occurring between April 1 and June 30, inclusive, of each year, shall be submitted no later than September 1 of the calendar year during which the discharge occurred. This is considered to be the second quarter, regardless of the hospital's fiscal year.

(c) Each report submitted for the 3rd quarter covering inpatient discharges occurring between July 1 and September 30, inclusive, of each year, shall be submitted no later than December 1 of the calendar year during which the discharge occurred. This is considered to be the third quarter, regardless of the hospital's fiscal year.

(d) Each report submitted for the 4th quarter covering inpatient discharges occurring between October 1 and December 31, inclusive, of each year, shall be submitted no later than March 1 of the calendar year following the year in which the discharge occurred. This is considered to be the fourth quarter, regardless of the hospital's fiscal year.

(6) Extensions to the initial submission due date will be granted by the Administrator, Office of Data Collection Section of the Agency staff, for a maximum of 30 days from the initial submission due date in response to a written request signed by the hospital's chief executive officer or chief financial officer. The request must be received prior to the initial submission due date and the delay must be due to unforeseen and unforeseeable factors beyond the control of the reporting hospital. These factors must be specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(7) Failure to file the report on or before the due date without an extension, and failure to correct a report which has been filed but contains errors or deficiencies within 10 working days from notification of errors or deficiencies, is punishable by fine pursuant to Rule 59E-7.013, F.A.C. The agency shall send notification of errors or deficiencies by certified mail, electronic mail, or fax.

(8) Beginning with the inpatient data report for the 1st Quarter of the year 2006 (January 1, 2006 through March 31, 2006), reporting facilities shall submit inpatient discharge data by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances.

(b) Data submitted to the Internet address shall be electronically transmitted with the inpatient data in XML file using the Inpatient Data XML Schema available at <http://ahea.myflorida.com/SCHS/hpdunit.shtml> dated 11-01-06. The Inpatient Data XML Schema is incorporated by reference. (a) The Internet address for the receipt of inpatient data is <https://aheaxnet.fdhe.state.fl.us/patientdata>.

~~(e) The data in the XML file shall contain the data elements, codes, and standards required in Rules 59E-7.014 and 59E-7.016, F.A.C.~~

~~(9) All hospitals submitting data in compliance with Rules 59E-7.011 through 59E-7.014, F.A.C., shall certify that the data submitted for each quarter is accurate, complete, and verifiable using Certification Form for Inpatient Discharge Data, AHCA Form 4200-002, dated 10/93 and incorporated by reference. AHCA Form 4200-002 can be obtained from the Agency's office at the Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. The completed Certification Form for Inpatient Discharge Data shall be submitted to the Agency's office at the above address or shall be submitted by electronic mail to SCHSdata@fdhc.state.fl.us using an Agency authorized digital signature.~~

~~(10) Hospitals not certified within six (6) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.013, F.A.C. Extensions to this six (6) month period will not be granted.~~

~~(11) Changes or corrections to hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission of data. The Administrator, Office of Data Collection, may grant approval for resubmitting previously certified data in response to a written request signed by the hospital's chief executive officer or chief financial officer. The reason for the changes or corrections must be specified in the written request. Any changes to a hospital's data after this eighteen month period shall be subject to penalties pursuant to Rule 59E-7.013, F.A.C.~~

~~(12) The agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all hospitals or audit a random sample of hospitals. The agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. The notice shall indicate that the hospital must return corrected data if there are errors and certify the data within ninety (90) days of receipt of the notice, or the hospital Chief Executive Officer must verify by signature that the previously submitted and certified data is complete and correct within ninety (90) days of receipt of the notice. The notice shall clearly indicate that the hospital may be subject to penalties pursuant to Rule 59E-7.013, F.A.C.~~

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), 408.15(11) FS. History—New 12-15-96, Amended 1-4-00, 7-11-01, 7-12-05, 5-22-07, Repealed.

59E-7.013 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies.

~~(1) For purposes of this rule, a report or other information is incomplete when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data and the report is not corrected by the hospital and certified timely per Rule 59E-7.012, F.A.C. A report or other information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.~~

~~(2) A hospital which refuses to file, fails to timely file, or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08(13), F.S., other Florida Law, or rules adopted thereunder, shall be subject to administrative penalties. Failure to comply with reporting requirements will also result in the referral of a hospital to the Agency's Bureau of Health Facility Regulation.~~

~~(3) Delinquent report notices will be sent via certified mail to the attention of "Chief Executive Officer."~~

~~(4) The penalty period will begin on the first working day following the due date for purposes of penalty assessments.~~

~~(5) In addition, any hospital which is delinquent for a reporting deficiency shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1000 per day of violation for the third and all subsequent violations. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed, and collected by the Agency. Any hospital which files false information to the Agency shall be subject to a fine of \$1000 per day, in addition to any other fine imposed hereunder. The fine shall be fixed, imposed, and collected by the Agency.~~

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.08(13), (16) FS. History—New 12-15-96, Repealed.

59E-7.014 Inpatient Data Format – Data Elements, Codes and Standards.

~~(1) HEADER RECORD. The first record in the data file shall be a header record containing the information described below.~~

~~(a) Transaction Code. Enter Q for a calendar quarter report or S for a report period other than a calendar quarter where the special report is requested or authorized by the Agency to receive data corrections. A required field.~~

~~(b) Report Year. Enter the year of the data in the format YYYY where YYYY represents the year in four (4) digits. A required field.~~

~~(c) Report Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3~~

corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year. A required field.

(d) ~~Data Type.~~ Enter PD10-1 for Inpatient Data. A required field.

(e) ~~Submission Type.~~ Enter I or R where I indicates an initial submission or resubmission of previously rejected data, R indicates a replacement submission of previously processed and accepted inpatient data where resubmission has been requested or authorized by the Agency. A required field.

(f) ~~Processing Date.~~ Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. A required field.

(g) ~~AHCA Hospital Number.~~ Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than twelve (12) digits. A required field.

(h) ~~Organization Name.~~ Enter the name of the hospital that performed the inpatient service(s) represented by the data, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty character field. A required field.

(i) ~~Contact Person Name.~~ Enter the name of the contact person for the hospital. Submit name in the Last, First format. Up to a twenty five character field. A required field.

(j) ~~Contact Phone Number.~~ The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person's telephone number in the format (AAA)XXXXXXXXXXXX where AAA is the area code, XXXXXXXX represents the seven (7) digit phone number and EEEE represents the extension. Zero fill if no extension. A required field.

(k) ~~Contact Person E Mail Address.~~ Enter the e mail address of the contact person.

(l) ~~Contact Person Street or P.O. Box Address.~~ Enter the street or post office box address of the contact person's mailing address. Up to a forty character field. A required field.

(m) ~~Mailing Address City.~~ Enter the city of the contact person's address. Up to a twenty five character field. A required field.

(n) ~~Mailing Address State.~~ Enter the state of the contact person's address using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida. A required field.

(o) ~~Mailing Address Zip Code.~~ Enter the zip code of the contact person's address in the format XXXXX-XXXX.

~~(2) INDIVIDUAL DATA RECORDS.~~ All data elements and data element codes listed below shall be reported consistent with the records of the reporting entity. Data elements and codes are listed with a description of the data to be reported and data standards.

(a) ~~AHCA Hospital Number.~~ Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than twelve (12) digits. A required field.

(b) ~~Record Identification Number.~~ An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting period to facilitate storage and retrieval of individual case records. Up to seventeen (17) characters. Duplicate record identification numbers are not permitted. A required field. The hospital must maintain a key list to locate actual records upon request by AHCA.

(e) ~~Patient Social Security Number.~~ Enter the social security number (SSN) of the patient receiving treatment. The SSN is a nine (9) digit number issued by the Social Security Administration. Reporting 000000000 is acceptable for newborns and infants up to two (2) years of age at admission who do not have a SSN. Reporting 777777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful and the patient is two (2) years of age or older and not known to be from a country other than the United States (U.S.). Reporting 555555555 is acceptable for non U.S. citizens who have not been issued SSNs. One SSN; one inpatient. DO NOT share SSNs in this field. A required entry.

(d) ~~Patient Race or Ethnicity.~~ Self designated by the patient or patient's parent or guardian except code 8 indicating no response may be reported where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. A required entry. Must be a one (1) digit code as follows:

1. 1 American Indian or Alaska Native

2. 2 Asian or Pacific Islander

3. 3 Black or African American

4. 4 White

5. 5 White Hispanic

6. 6 Black Hispanic

7. 7 Other-Use if the patient's self-designated race or ethnicity is not described by the above categories.

8. 8 No Response Use if the patient refuses or fails to disclose.

(e) ~~Patient Birth Date.~~ The date of birth of the patient. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Age greater

than one hundred twenty (120) years is not permitted unless verified by the reporting entity. A birth date after the discharge date is not permitted. A required entry.

(f) Patient Gender. The gender of the patient at admission. A required entry. Must be a one (1) digit code as follows:

1. 1—Male

2. 2—Female

3. 3—Unknown—Use where efforts to obtain the information have been unsuccessful or where the patient's gender cannot be determined due to a medical condition.

(g) Patient Zip Code. The five (5) digit United States Postal Service ZIP Code of the patient's permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(h) Type of Admission. The scheduling priority of the admission. A required entry. Must be a one (1) digit code as follows:

1. 1—Emergency—The patient requires immediate medical intervention as a result of severe, life-threatening or potentially disabling conditions.

2. 2—Urgent—The patient requires attention for the care and treatment of a physical or mental disorder.

3. 3—Elective—The patient's condition permits adequate time to schedule the availability of a suitable accommodation.

4. 4—Newborn—Use of this code requires the use of special Source of Admission codes. (See also subparagraphs 59E 7.014(2)(i)10, 13., F.A.C.)

5. 5—Trauma Center—Trauma activation at a State of Florida designated trauma center.

(i) Source of Admission. Must be a two (2) digit code as follows, where codes 10 through 13 are to be used for newborn admissions, codes 1 through 8 are to be used for any admission that is not a newborn, code 9 is used where the source of admission is not known, and code 14 is used where the Source of Admission is other than code 1 through code 13. A required field.

1. 01—Physician referral—The patient was admitted to this facility upon the recommendation of the patient's personal physician.

2. 02—Clinic referral—The patient was admitted to this facility upon recommendation of this facility's clinic physician.

3. 03—HMO referral—The patient was admitted to this facility upon the recommendation of a health maintenance organization physician.

4. 04—Transfer from a hospital—The patient was admitted to this facility as a transfer from an acute care facility where the patient was an inpatient.

5. 05—Transfer from a skilled nursing facility—The patient was admitted to this facility from a skilled nursing facility where the patient was at a skilled level of care.

6. 06—Transfer from another health care facility—The patient was admitted to this facility as a transfer from a health care facility other than an acute care facility or a skilled nursing facility.

7. 07—Emergency Room—The patient was admitted to this facility through the emergency room upon recommendation of an emergency room physician or other physician.

8. 08—Court/Law Enforcement—The patient was admitted upon the direction of a court of law, or upon the request of a law enforcement agency representative.

9. 09—Information Not Available—The means by which the patient was admitted to this hospital is not known.

Codes required for newborn admissions (Type of Admission = 4):

10. 10—Normal delivery—A baby delivered without complications.

11. 11—Premature delivery—A baby delivered with time or weight factors qualifying it for premature status.

12. 12—Sick Baby—A baby delivered with medical complications, other than those relating to premature status.

13. 13—Extramural—A newborn born in a non-sterile environment.

14. 14—Other—The source of admission is not described by subparagraphs 1. through 13., above.

(j) Admission Date. The date the patient was admitted to the reporting facility. A ten (10) character field in the format YYYYMMDD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. A required entry.

(k) Discharge Date. The date the patient was discharged from the reporting facility. A ten (10) character field in the format YYYYMMDD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Discharge date must equal or follow the admission date, and discharge date must occur within the reporting period as shown on the header record. A required entry.

(l) Patient Discharge Status. Patient disposition at discharge. A required entry. Must be a two (2) digit code as follows:

1. 01—Discharged to home or self care (with or without planned outpatient medical care).

2. 02—Discharged to a short term general hospital.

3. 03—Discharged to a skilled nursing facility.

4. 04—Discharged to an intermediate care facility.

5. 05—Discharged to another type of institution (cancer or children's hospital or distinct part unit).

~~6.06 — Discharged to home under care of home health care organization.~~

~~7.07 — Left this hospital against medical advice (AMA) or discontinued care.~~

~~8.08 — Discharged home under care of home IV provider on IV medications.~~

~~9.20 — Expired.~~

~~10.50 — Discharged to hospice — home.~~

~~11.51 — Discharged to hospice — medical facility.~~

~~12.62 — Discharged to an inpatient rehabilitation facility including rehabilitation distinct part units of a hospital.~~

~~13.63 — Discharged to a Medicare-certified long-term care hospital.~~

~~14.65 — Discharged to a psychiatric hospital including psychiatric distinct part units of a hospital.~~

~~(m) Principal Payer Code. Describes the expected primary source of reimbursement for services rendered based on the patient's status at discharge or the time of reporting. Report charity as defined in subsection 59E-7.011(2), F.A.C. A required entry. Must be a one (1) character alpha field using upper case as follows:~~

~~1. A — Medicare~~

~~2. B — Medicare HMO or Medicare PPO~~

~~3. C — Medicaid~~

~~4. D — Medicaid HMO~~

~~5. E — Commercial Insurance~~

~~6. F — Commercial HMO~~

~~7. G — Commercial PPO~~

~~8. H — Workers' Compensation~~

~~9. I — CHAMPUS~~

~~10. J — VA~~

~~11. K — Other State/Local Government~~

~~12. L — Self Pay/Under insured — No third party coverage or less than 30% estimated insurance coverage.~~

~~13. M — Other~~

~~14. N — Charity~~

~~15. O — KidCare — Includes Healthy Kids, MediKids and Children's Medical Services.~~

~~(n) Principal Diagnosis Code. The code representing the diagnosis established, after study, to be chiefly responsible for occasioning the admission. Principal diagnosis code must contain a valid ICD-9-CM or ICD-10-CM code for the reporting period. Inconsistency between the principal diagnosis code and patient gender must be verified by the reporting entity. Inconsistency between the principal diagnosis code and patient age must be verified by the reporting entity. A diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry.~~

~~(o) Other Diagnosis Code (1), Other Diagnosis Code (2), Other Diagnosis Code (3), Other Diagnosis Code (4), Other Diagnosis Code (5), Other Diagnosis Code (6), Other Diagnosis Code (7), Other Diagnosis Code (8), Other Diagnosis Code (9), Other Diagnosis Code (10), Other Diagnosis Code (11), Other Diagnosis Code (12), Other Diagnosis Code (13), Other Diagnosis Code (14), Other Diagnosis Code (15), Other Diagnosis Code (16), Other Diagnosis Code (17), Other Diagnosis Code (18), Other Diagnosis Code (19), Other Diagnosis Code (20), Other Diagnosis Code (21), Other Diagnosis Code (22), Other Diagnosis Code (23), Other Diagnosis Code (24), Other Diagnosis Code (25), Other Diagnosis Code (26), Other Diagnosis Code (27), Other Diagnosis Code (28), Other Diagnosis Code (29), and Other Diagnosis Code (30). A code representing a condition that is related to the services provided during the hospitalization excluding external cause of injury codes. Report external cause of injury codes as described in paragraph (ww) below. No more than thirty (30) other diagnosis codes may be reported. Less than thirty (30) entries or no entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the other diagnosis code and patient gender must be verified by the reporting entity. Inconsistency between the other diagnosis code and patient age must be verified by the reporting entity. An other diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(p) Present on Admission Indicator for Principal Diagnosis Code, Present on Admission for Other Diagnosis Code (1), Present on Admission Indicator for Other Diagnosis Code (2), Present on Admission Indicator (3), Present on Admission Indicator for Other Diagnosis Code (4), Present on Admission Indicator for Other Diagnosis Code (5), Present on Admission Indicator for Other Diagnosis Code (6), Present on Admission Indicator for Other Diagnosis Code (7), Present on Admission Indicator for Other Diagnosis Code (8), Present on Admission Indicator for Other Diagnosis Code (9), Present on Admission Indicator for Other Diagnosis Code (10), Present on Admission Indicator for Other Diagnosis Code (11), Present on Admission Indicator for Other Diagnosis Code (12), Present on Admission Indicator for Other Diagnosis Code (13), Present on Admission Indicator for Other Diagnosis Code (14), Present on Admission Indicator for Other Diagnosis Code (15), Present on Admission Indicator for Other Diagnosis Code (16), Present on Admission Indicator for Other Diagnosis Code (17), Present on Admission Indicator for Other Diagnosis Code (18), Present on Admission Indicator for Other Diagnosis Code (19), Present on Admission Indicator for Other Diagnosis Code (20), Present on Admission Indicator for Other Diagnosis Code (21), Present on Admission Indicator for Other Diagnosis Code (22), Present on Admission~~

~~Indicator for Other Diagnosis Code (23), Present on Admission Indicator for Other Diagnosis Code (24), Present on Admission Indicator for Other Diagnosis Code (25), Present on Admission Indicator for Other Diagnosis Code (26), Present on Admission Indicator for Other Diagnosis Code (27), Present on Admission Indicator for Other Diagnosis Code (28), Present on Admission Indicator for Other Diagnosis Code (29), Present on Admission Indicator for Other Diagnosis Code (30), Present on Admission Indicator for External Cause of Injury Code (1), Present on Admission Indicator for External Cause of Injury Code (2), and Present on Admission Indicator for External Cause of Injury Code (3). A code differentiating whether the condition represented by the corresponding Principal Diagnosis Code (n), Other Diagnosis Code (o)(1) through (30), and External Cause of Injury Code (ww)(1) through (3) was present on admission or whether the condition developed after admission as determined by the physician, medical record, or nature of the condition. A required entry if the corresponding code is reported or a blank field may be reported when present on admission is not applicable. Present on Admission Indicator must be a one (1) character alpha code as follows:~~

- ~~1. Y — Yes — Present at the time that the order for inpatient admission occurs.~~
- ~~2. N — No — Not present at the time that the order for inpatient admission occurs.~~
- ~~3. U — Unknown — Documentation is insufficient to determine if condition is present on admission.~~
- ~~4. W — Clinically Undetermined — Provider is unable to clinically determine whether condition was present on admission or not.~~

~~(q) Principal Procedure Code. The code representing the procedure most related to the principal diagnosis. No entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. If a principal procedure date is reported, a valid principal procedure code must be reported. Inconsistency between the principal procedure code and patient gender must be verified by the reporting entity. Inconsistency between the principal procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(r) Principal Procedure Date. The date when the principal procedure was performed. If a principal procedure is reported, a principal procedure date must be reported. No entry is permitted if no principal procedure is reported. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The principal procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.~~

~~(s) Other Procedure Code (1), Other Procedure Code (2), Other Procedure Code (3), Other Procedure Code (4), Other Procedure Code (5), Other Procedure Code (6), Other Procedure Code (7), Other Procedure Code (8), Other Procedure Code (9), Other Procedure Code (10), Other Procedure Code (11), Other Procedure Code (12), Other Procedure Code (13), Other Procedure Code (14), Other Procedure Code (15), Other Procedure Code (16), Other Procedure Code (17), Other Procedure Code (18), Other Procedure Code (19), Other Procedure Code (20), Other Procedure Code (21), Other Procedure Code (22), Other Procedure Code (23), Other Procedure Code (24), Other Procedure Code (25), Other Procedure Code (26), Other Procedure Code (27), Other Procedure Code (28), Other Procedure Code (29), and Other Procedure Code (30). A code representing a procedure provided during the hospitalization. If no principal procedure is reported, an other procedure code must not be reported. No more than thirty (30) other procedure codes may be reported. Less than thirty (30) or no entry is permitted consistent with the records of the reporting entity. Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. Inconsistency between the procedure code and patient gender must be verified by the reporting entity. Inconsistency between the procedure code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.~~

~~(t) Other Procedure Code Date (1), Other Procedure Code Date (2), Other Procedure Code Date (3), Other Procedure Code Date (4), Other Procedure Code Date (5), Other Procedure Code Date (6), Other Procedure Code Date (7), Other Procedure Code Date (8), Other Procedure Code Date (9), Other Procedure Code Date (10), Other Procedure Code Date (11), Other Procedure Code Date (12), Other Procedure Code Date (13), Other Procedure Code Date (14), Other Procedure Code Date (15), Other Procedure Code Date (16), Other Procedure Code Date (17), Other Procedure Code Date (18), Other Procedure Code Date (19), Other Procedure Code Date (20), Other Procedure Code Date (21), Other Procedure Code Date (22), Other Procedure Code Date (23), Other Procedure Code Date (24), Other Procedure Code Date (25), Other Procedure Code Date (26), Other Procedure Code Date (27), Other Procedure Code Date (28), Other Procedure Code Date (29), and Other Procedure Code Date (30). The date when the procedure was performed. A required entry if a corresponding procedure code (s)(1) through (30) is reported. No entry is permitted if no procedure is reported consistent with the records of the reporting entity. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY~~

represents the year in four (4) digits. The procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.

~~(u) Attending Physician Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who had primary responsibility for the patient's medical care and treatment or who certified as to the medical necessity of the services rendered. For military physicians not licensed in Florida, use US. A required entry.~~

~~(v) Operating or Performing Physician Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing physician may be the attending physician. For military physicians not licensed in Florida, use US. No entry is permitted if no principal procedure is reported consistent with the records of the reporting entity.~~

~~(w) Other Operating or Performing Physician Identification Number. The Florida license number of a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor, or advanced registered nurse practitioner who assisted the operating or performing physician or performed a secondary procedure. The other operating or performing physician must not be reported as the operating or performing physician. The other operating or performing physician may be the attending physician. For military physicians not licensed in Florida, use US. No entry is permitted consistent with the records of the reporting entity.~~

~~(x) Room and Board Charges. Routine service charges incurred for accommodations. Report charges for revenue codes 11X through 16X as used in the UB-92 or UB-04. Charges to be reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no Room and Board Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(y) Nursery Charges. Accommodation charges for nursing care to newborn and premature infants in nursery. Report charges for revenue code 17X as used in the UB-92 or UB-04 excluding Level III charges. Charges to be reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(z) Level III Nursery Charges. Accommodation charges for nursing care to newborn and premature infants for Level III nursery charges. Report charges for revenue code 173 (Level III) as used in the UB-92 or UB-04. Charges to be reported in dollars numerically, without dollar signs or commas, excluding~~

~~cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(aa) Intensive Care Charges. Routine service charges for medical or surgical care provided to patients who require a more intensive level of care than is rendered in the general medical or surgical unit. Exclude neonatal intensive care charges reported as a Level III Nursery Charge. Report charges for revenue code 20X as used in the UB-92 or UB-04. Reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no intensive care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(bb) Coronary Care Charges. Routine service charges for medical care provided to patients with coronary illness who require a more intensive level of care than is rendered in the general medical unit. Report charges for revenue code 21X as used in the UB-92 or UB-04. Reported in dollars numerically, without dollar signs or commas, excluding cents. Report zero (0) if there are no coronary care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(cc) Pharmacy Charges. Charges for medication. Report charges for revenue codes 25X and 63X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(dd) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Report charges for revenue codes 27X and 62X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(ee) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests and for diagnostic and routine tests in tissues and culture. Report charges for revenue codes 30X and 31X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.~~

~~(ff) Radiology or Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Report charges for revenue codes 32X through 35X, 40X and 61X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if~~

there are no radiology or other imaging charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(gg) Cardiology Charges. Facility charges for cardiac procedures rendered such as, but not limited to, heart catheterization or coronary angiography. Reported in dollars numerically without dollar signs or commas, excluding cents. Report charges for revenue code 48X as used in the UB-92 or UB-04. Report zero (0) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(hh) Respiratory Services or Pulmonary Function Charges. Charges for administration of oxygen, other inhalation services, and tests that evaluate the patient's respiratory capacities. Report charges for revenue codes 41X and 46X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no respiratory service or pulmonary function charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ii) Operating Room Charges. Charges for the use of the operating room. Report charges for revenue code 36X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(jj) Anesthesia Charges. Charges for anesthesia services by the facility. Report charges for revenue code 37X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(kk) Recovery Room Charges. Charges for the use of the recovery room. Report charges for revenue code 71X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ll) Labor Room Charges. Charges for labor and delivery room services. Report charges for revenue code 72X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no labor room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(mm) Emergency Room Charges. Charges for medical examinations and emergency treatment. Report charges for revenue code 45X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding

cents. Report zero (0) if there are no emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(nn) Trauma Response Charges. Charges for a trauma team activation. Report charges for revenue code 68X used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(oo) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Report charges for revenue code 76X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(pp) Behavioral Health Charges. Charges for behavioral health treatment and services. Report charges for revenue codes 90X through 91X and 100X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(qq) Oncology. Charges for treatment of tumors and related diseases. Excludes therapeutic radiology services reported in radiology and other imaging services (ff). Report charges for revenue code 28X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no oncology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(rr) Physical and Occupational Therapy Charges. Report charges for physical, occupational or speech therapy in revenue codes 42X through 44X as used in the UB-92 or UB-04. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(ss) Other Charges. Other facility charges not included in paragraphs (x) to (rr) above. Include charges that are not reflected in any of the preceding specific revenue accounts in the UB-92 or UB-04. DO NOT include charges from revenue codes 96X, 97X, 98X, or 99X in the UB-92 or UB-04 for professional fees and personal convenience items. Reported in dollars numerically without dollar signs or commas, excluding cents. Report zero (0) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(tt) Total Gross Charges. The total of undiscounted charges for services rendered by the hospital. Include charges for services rendered by the hospital excluding professional

fees. The sum of all charges reported above in paragraphs (x) through (ss) must equal total charges, plus or minus ten (10) dollars. Reported in dollars numerically without dollar signs or commas, excluding cents. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(uu) Infant Linkage Identifier. The social security number of the patient's birth mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting ~~777777777~~ for the mother's SSN is acceptable for those patients where efforts to obtain the mother's SSN have been unsuccessful and the mother is not known to be from a country other than the United States. Reporting ~~555555555~~ is acceptable if the infant's mother is not a U.S. Citizen and has not been issued a SSN. Infants in the custody of the State of Florida or adoptions, use ~~333333333~~ if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at admission. If the patient is two (2) years of age or older, the field is zero filled. A required entry.

(vv) Admitting Diagnosis. The diagnosis provided by the admitting physician at the time of admission which describes the patient's condition upon admission or purpose of admission. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. Inconsistency between the admitting diagnosis code and patient gender must be verified by the reporting entity. Inconsistency between the admitting diagnosis code and patient age must be verified by the reporting entity. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry.

(ww) External Cause of Injury Code (1), External Cause of Injury Code (2), and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. No more than three (3) external cause of injury codes may be reported. Less than three (3) or no entry is permitted consistent with the records of the reporting entity. Entry must be a valid ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(xx) Emergency Department Hour of Arrival. The hour on a 24 hour clock during which the patient's registration in the emergency department occurred. A required entry. Use 99 where the patient was not admitted through the emergency department or where efforts to obtain the information have been unsuccessful. Must be two (2) digits as follows:

1.00 — 12:00 midnight to 12:59

2.01 — 01:00 to 01:59

3.02 — 02:00 to 02:59

4.03 — 03:00 to 03:59

5.04 — 04:00 to 04:59

6.05 — 05:00 to 05:59

7.06 — 06:00 to 06:59

8.07 — 07:00 to 07:59

9.08 — 08:00 to 08:59

10.09 — 09:00 to 09:59

11.10 — 10:00 to 10:59

12.11 — 11:00 to 11:59

13.12 — 12:00 noon to 12:59

14.13 — 01:00 to 01:59

15.14 — 02:00 to 02:59

16.15 — 03:00 to 03:59

17.16 — 04:00 to 04:59

18.17 — 05:00 to 05:59

19.18 — 06:00 to 06:59

21.20 — 08:00 to 08:59 20.19 — 07:00 to 07:59

22.21 — 09:00 to 09:59

23.22 — 10:00 to 10:59

24.23 — 11:00 to 11:59

25.99 — Unknown.

(3) TRAILER RECORD. The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New 12-15-96, Amended 7-11-01, 7-12-05, 5-22-07, Repealed.

59E-7.015 Public Records.

(1) Agency records, public records under Chapter 119, F.S. (Florida's Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying.

(2) Patient specific records collected by the Agency pursuant to Rules 59E 7.011 .016, F.A.C., are exempt from disclosure pursuant to Section 408.061(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (2)(d).

(a) The patient specific record shall be modified to protect patient confidentiality as follows:

1. Patient's Record ID Number as assigned by the facility. Substitute Sequential Number.

~~2. Patient Social Security Number. Deleted. Indicators of readmission at any Florida reporting hospital within 30 days of discharge will be substituted when available. Readmission data will not be released for any quarter until each subsequent quarter is 100 percent certified.~~

~~3. Patient Birth Date. Substitute Age in Years and an indicator of Age <29 Days.~~

~~4. Admission Date. Deleted.~~

~~5. Discharge Date. Length of Stay (LOS) will be substituted.~~

~~6. Principal Procedure Date. Days from Admission to Principal Procedure will be substituted.~~

~~7. Other Procedure Date. Days from Admission to Other Procedure will be substituted.~~

~~8. Infant Linkage ID. Deleted.~~

~~(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify an individual patient through use of data available through the Agency for Health Care Administration, but which can be used for confidential data output for bona fide research purposes.~~

~~(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarter based on date of discharge.~~

~~(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act and shall be made available on or after quarterly data has been certified as accurate by the hospitals as required by Section 408.061(1)(a), F.S.~~

~~(3) Aggregate reports derived from patient specific hospital records collected pursuant to Rules 59E-7.011-.016, F.A.C., are public records and shall be released as described in this rule, provided that the aggregate reports do not include the patient's record ID number as assigned by the facility, patient social security number, record linkage number, patient birth date, admission date, discharge date, principal procedure date, other procedure date, or infant linkage identifier; and provided the aggregate reports contain the combination of five or more records for any data disclosed.~~

~~(4) Requests for inpatient data shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of their duties.~~

~~Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 119.07(1)(a), (2)(a), 408.061(8) FS. History--New 12-15-96, Amended 7-12-05, Repealed _____.~~

~~59E-7.016 General Provisions.~~

~~Hospitals submitting inpatient discharge data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting:~~

~~(1) Hospitals are not required nor expected to submit inpatient discharge data on inpatients undergoing rehabilitative therapy if the therapy is not directly related to specific acute care reasons for the hospitalization being reported, (e.g., conduct of initial rehabilitative therapy during the period of the acute care phase of treatment for a broken leg to facilitate inpatient post discharge mobility). Any inpatient who is transferred or discharged from the acute care setting into a strictly rehabilitative therapy mode of treatment, must be dropped from acute care accountability regardless of the category of administrative movement of the inpatient's records. Any rehabilitation other than acute care cause specific treatment of short term duration will be questioned, and will be dropped from the AHCA data base if not acute care therapy in the strictest sense. This definition is applicable regardless of whether an inpatient transfers into a hospital internal rehabilitation therapy unit licensed for that purpose, or into a freestanding unit for continued therapy. A "rule of thumb" definition for application is that if it is not in conjunction with the acute care phase of inpatient treatment in the hospital, it is not applicable as reportable treatment reported as Inpatient Discharge Data as established and required by this rule. See also separate rules regarding Comprehensive Rehabilitation Discharge Inpatient Data reporting.~~

~~(2) If inpatients are administratively transferred or formally discharged from the acute care setting into a distinct part Medicare certified skilled nursing unit of a hospital, acute care accountability ceases at the time of discharge/transfer, and the inpatient must be carried as a sub-acute care inpatient in other reporting modes. Sub-acute care is not reported as a part of inpatient discharge data.~~

~~Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History--New 12-15-96, Amended 7-11-01, 7-12-05, Repealed _____.~~

~~PART II DATA COLLECTION COMPREHENSIVE REHABILITATION~~

~~59E-7.020 Purpose of Inpatient Data Reporting.~~

~~The reporting of inpatient patient data will provide a statewide integrated database that includes acute care hospitals, psychiatric hospitals, rehabilitation hospitals and long term care hospital services for the assessment of variations in utilization, disease surveillance, access to care and cost trends. The amendments appearing herein are effective with the reporting period starting January 1, 2010.~~

~~Specific Authority 408.15(8) FS. Law Implemented 408.061 FS. History--New _____.~~

~~59E-7.021 Definitions.~~

~~As used in Rules 59E-7.021 through 59E-7.030, F.A.C.~~

(1) “Acute Care” means inpatient general routine care provided to patients who are in an acute phase of illness, which includes the concentrated and continuous observation and care provided in the intensive care units of an institution.

(2) “Charity” means medical care provided by a healthcare entity to a person who has insufficient resources or assets to pay for the medical care without utilizing resources which are required to meet the person’s basic need for food, shelter, and clothing. No patient shall be considered charity care whose family income, as applicable for (12) months preceding the determination, exceeds 200 percent of the federal poverty guidelines, unless the amount of health care charges due from the patient exceeds 25 percent of annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. This information should be provided based on the patient’s status at time of reporting.

(3) “Comprehensive Rehabilitation” means services provided in a Specialty Rehabilitation Hospital licensed under Chapter 395, F.S. and services provided in a hospital rehabilitation distinct part unit.

(4) “Discharge” means an inpatient who is formally released from the care of the hospital; or is transferred within the hospital from one type of care to another type of care; or is transferred to another location for care unless the patient is returned the same day; or leaves the hospital against medical advice without a physician’s order; or is a psychiatric patient who is discharged as away without leave (AWOL or elopement); or has died.

(5) “Distinct Part Unit” means a unique unit or level of care at a hospital requiring the issuance of a separate claim to a payer.

(6) “E-code” means a Supplementary Classification of External Causes of Injury and Poisoning, ICD-9-CM, where environmental events, circumstances, and conditions are the cause of injury, poisoning, and other adverse effects as specified in the ICD-9-CM manual and the conventions of coding.

(7) “Executive Officer” means a reporting facility’s chief executive officer, president or any vice president of the facility in charge of a principal business unit, division or function (administration or finance).

(8) “Inpatient” means a patient who has an admission order given by a licensed physician or other individual who has been granted admitting privileges by the hospital. Observation patients are excluded.

(9) “Newborn” means a baby born within the facility or the initial admission of an infant to any acute care facility within 24 hours of birth.

(10) “NPI” means National Provider Identification. An NPI is a unique identification number assigned to a provider by the Centers for Medicare & Medicaid Services.

(11) “NUBC” means National Uniform Billing Committee. A national body that defines the data elements that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual.

(12) ISO 3166 – The International Standard for Organization is a standardized list of country names and codes first published in 1974 and updated 2008. ISO 3166 is available at: http://www.iso.org/iso/english_country_names_and_code_elements.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New _____.

Editorial note: see former Rule 59E-7.011.

59E-7.022 Inpatient Data Reporting and Audit Procedures.

(1) Hospitals licensed under Chapter 395, F.S., except state-operated hospitals, in operation for all or any of the reporting periods described in subsection 59E-7.023(1), F.A.C., below, shall submit hospital inpatient discharge data to the Agency according to the provisions in Rules 59E-7.021 through 59E-7.029, F.A.C. The amendments appearing herein are effective with the report period starting January 1, 2010.

(2) Each hospital shall submit a separate report for each location per paragraph 59A-3.066(2)(i), F.A.C.

(3) All acute, intensive care, short term and long term psychiatric, and comprehensive rehabilitation live discharges and deaths, including newborn live discharges and deaths, shall be reported. Submit one record per inpatient discharge, to include all newborn admissions, transfers and deaths. Patients receiving rehabilitation services while in the acute care setting (not discharged or transferred to a distinct part unit) are included in the inpatient record service type 1.

(4) Upon notification by the AHCA Agency staff, all hospitals shall provide access to all required information from the medical records and billing documents underlying and documenting the hospital inpatient discharge reports submitted, as well as other inpatient related documentation deemed necessary to conduct complete inpatient data audits of hospital data, subject to the limitations as set forth in Section 408.061(1)(d), F.S. No inpatient discharge records that support inpatient discharge data are exempt from disclosure to AHCA for audit purposes.

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), 408.15(11) FS. History–New _____.

Editorial note: see former Rule 59E-7.012.

59E-7.023 Schedule for Submission of Inpatient Data and Extensions.

(1) All hospitals reporting their inpatient discharge data shall report according to the following schedule commencing with 1st quarter data 2010.

(a) Each report submitted for the 1st quarter covering inpatient discharges occurring between January 1 and March 31, inclusive, of each year, shall be submitted no later than June 1 of the calendar year during which the discharge occurred. This is considered to be the first quarter, regardless of the hospital's fiscal year. First quarter reports must be certified by August 31 of the same calendar year.

(b) Each report submitted for the 2nd quarter covering inpatient discharges occurring between April 1 and June 30, inclusive, of each year, shall be submitted no later than September 1 of the calendar year during which the discharge occurred. This is considered to be the second quarter, regardless of the hospital's fiscal year. Second quarter reports must be certified by November 30 of the same calendar year.

(c) Each report submitted for the 3rd quarter covering inpatient discharges occurring between July 1 and September 30, inclusive, of each year, shall be submitted no later than December 1 of the calendar year during which the discharge occurred. This is considered to be the third quarter, regardless of the hospital's fiscal year. Third quarter reports must be certified by February 28 of the following calendar year.

(d) Each report submitted for the 4th quarter covering inpatient discharges occurring between October 1 and December 31, inclusive, of each year, shall be submitted no later than March 1 of the calendar year following the year in which the discharge occurred. This is considered to be the fourth quarter, regardless of the hospital's fiscal year. Fourth quarter reports must be certified by May 31 of the next calendar year.

(2) Extensions to the due dates in subsection 59E-7.023(1), F.A.C. will be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days from the initial submission due date in response to a written request signed by the hospital's chief executive officer or chief financial officer or authorized executive officer designee. The request must be received prior to the initial submission due date and the delay must be due to unforeseen factors beyond the control of the reporting hospital. These factors must be specified in the written request for the extension along with documentation of efforts undertaken to meet the filing requirements. Extensions shall not be granted verbally.

(3) Failure to file the report on or before the initial submission due date as specified in paragraphs 59E-7.023(1)(a)-(d), F.A.C., without an extension, and failure to correct a report which has been filed but contains errors or deficiencies by the certification deadline is punishable by fine pursuant to Rule 59E-7.026, F.A.C. The Agency shall send notification of errors or deficiencies by certified mail, electronic mail, or fax. Rejected reports must be corrected, resubmitted and certified by the certification due date.

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1)(2), 408.15(11) FS. History–New _____.

Editorial note: see former Rule 59E-7.012.

59E-7.024 Reporting Instructions.

Beginning with the inpatient data report for the 1st quarter of the year 2010, reporting facilities shall submit a zipped inpatient discharge data file by Internet according to the specifications in paragraphs (a) through (c) below unless reporting by CD-ROM is approved by the Agency in the case of extraordinary or hardship circumstances.

(1) The Internet address for the receipt of inpatient data is <https://ahcaxnet.fdhc.state.fl.us/patientdata>.

(2) Data submitted to the Internet address shall be electronically transmitted with the zipped inpatient data in a XML file using the Inpatient Data XML Schema available at: <http://ahca.myflorida.com/xmlschemas/inppoa.xsd>. The Inpatient Data XML Schema is incorporated by reference.

(3) The data in the XML file shall contain the data elements, codes and standards required in Rules 59E-7.027, 59E-7.028, and 59E-7.030, F.A.C.

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), 408.15(11) FS. History–New _____.

Editorial note: see former Rule 59E-7.012.

59E-7.025 Certification, Audits and Resubmission Procedures.

(1) All hospitals submitting data in compliance with Rules 59E-7.021 through 59E-7.030, F.A.C., shall certify that the data submitted for each quarter is accurate, complete and verifiable using Certification Form for Inpatient Discharge Data, AHCA Form 4200-002, dated 10/93 and incorporated by reference. The completed Certification Form for Inpatient Discharge Data shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis or by facsimile to the Agency's office, or a scanned certification submitted by electronic mail.

(2) Hospitals whose data is not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule 59E-7.026, F.A.C. Extensions to this five (5) month period may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days following the certification due date in response to a written request signed by the hospital's chief executive officer, chief financial officer, or authorized executive officer designee. A facility will not be penalized for delays caused by AHCA which is documented by the reporting facility to include on-line reporting system downtime or delays in receipt of reports from AHCA.

(3) Changes or corrections to certified hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance, or Agency designee, may grant approval for resubmitting previously certified data in response to a written request signed by the hospital's chief executive officer or chief financial officer, or authorized executive officer designee. The written request must specify the reason for the corrections or changes, explain the cause contributing to the inaccurate reporting, describe a corrective action plan to prevent future errors, the total number of records affected by quarters and years, the data type and the date that the replacement file will be submitted to the Agency. Any changes to a hospital's data after this eighteen-month period shall be subject to penalties pursuant to Rule 59E-7.026, F.A.C. Resubmissions of previously certified data must be certified within thirty (30) days following receipt of the data file from the facility.

Specific Authority 408.08(1)(e), 408.15(8) FS. Law Implemented 408.061, 408.08(1), (2), 408.15(11) FS. History-New _____.

Editorial note: see former Rule 59E-7.012.

59E-7.026 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies.

(1) For purposes of this rule, a report or other information is "incomplete" when it does not contain all data required by the Agency in this rule and in forms incorporated by reference or when it contains inaccurate data. The Agency shall to the extent practical, apply the same audit standards and use the same audit procedures for all hospitals or audit a random sample of hospitals. The Agency will notify each hospital of any possible errors discovered by audit and request that the hospital either correct the data or verify that the data is complete and correct. A report or other information is "false" if done or made with the knowledge of the preparer or an administrator that it contains information or data which is not true or accurate.

(2) A hospital which refuses to file, fails to timely file, or files false or incomplete reports or other information required to be filed under the provisions of Section 408.08, F.S., other Florida Law, or rules adopted thereunder, shall be subject to administrative fines. Failure to comply with reporting requirements will also result in the referral of a hospital to the Agency's Bureau of Health Facility Regulation.

(3) Notifications will be sent to reporting facilities who do not submit their data file by the initial due date as specified in Rule 59E-7.023, F.A.C.

(4) The penalty period will begin on the first calendar day following the initial due date and the first calendar day following the certification due date for purposes of penalty assessments.

(5) Any hospital which is delinquent for a certification deadline as specified in Rule 59E-7.023, F.A.C., shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third and all subsequent violations. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed, and collected by the Agency. Any hospital which files false information to the Agency shall be subject to a fine of \$1,000 per day, in addition to any other fine imposed hereunder. The fine shall be fixed, imposed and collected by the Agency.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.08(2), (3), (4), (5) FS. History-New _____.

Editorial note: see former Rule 59E-7.013.

59E-7.027 Header Record.

The first record in the data file shall be a header record containing the information described below.

(1) Transaction Code. Enter Q for a calendar quarter report. A required field.

(2) Report Year. Enter the year of the data in the format YYYY where YYYY represents the year in four (4) digits. A required field.

(3) Report Quarter. Enter the quarter of the data, 1, 2, 3 or 4, where 1 corresponds to the first quarter of the calendar year, 2 corresponds to the second quarter of the calendar year, 3 corresponds to the third quarter of the calendar year, and 4 corresponds to the fourth quarter of the calendar year. A required field.

(4) Data Type. Enter PD10-2 for Inpatient Data. A required field.

(5) Submission Type. Enter I or R where I indicates an initial submission of a data file or resubmission of a data file prior to certification, R indicates a replacement submission of previously certified inpatient data where resubmission has been requested or authorized by the Agency. A required field.

(6) Processing Date. Enter the date that the data file was created in the format YYYY-MM-DD where MM represents numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. A required field.

(7) AHCA Hospital Number. Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(8) Medicare Number. Enter the Medicare number of the facility as assigned by Centers for Medicare & Medicaid Services (CMS). A valid identification number must contain seven (7) numeric digits. A required field.

(9) Organization Name. Enter the name of the hospital from which the patient was discharged, and which is responsible for reporting the data. All questions regarding data accuracy and integrity will be referred to this entity. Up to a forty-character field. A required field.

(10) Contact Person Name. Enter the name of the contact person for the hospital. Submit name in the Last, First format. Up to a twenty-five-character field. A required field.

(11) Contact Phone Number. The area code, business telephone number, and if applicable, extension for the contact person. Enter the contact person's telephone number in the numeric format (AAA)XXXXXXXXXXXX where AAA is the area code, XXXXXXXX represents the seven (7) digit phone number and EEEE represents the extension. Zero fill if no extension. A required field.

(12) Contact Person E-Mail Address. Enter the e-mail address of the contact person.

(13) Contact Person Street or P. O. Box Address. Enter the street or post office box address of the contact person's mailing address. Up to a forty-character field. A required field.

(14) Mailing Address City. Enter the city of the contact person's address. Up to a twenty-five character field. A required field.

(15) Mailing Address State. Enter the state of the contact person's address using the U.S. Postal Service state abbreviation in the format XX. Use the abbreviation FL for Florida. A required field.

(16) Mailing Address Zip Code. Enter the numeric zip code of the contact person's address in the format XXXXX-XXXX.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History—New _____.

Editorial note: see former Rule 59E-7.014.

59E-7.028 Inpatient Data Elements, Codes and Standards. All hospitals submitting data in compliance with Rules 59E-7.021 through 59E-7.030, F.A.C., shall report the required data elements and data element codes listed below as described in the National Uniform Billing Committee Official UB-04 Data Specifications Manual and as stipulated by the Agency.

(1) AHCA Hospital Number. Enter the identification number of the hospital as assigned by AHCA for reporting purposes. A valid identification number must contain at least eight (8) digits and no more than ten (10) digits. A required field.

(2) Patient Control Number. An alpha-numeric code containing standard letters or numbers assigned by the facility as a unique identifier for each record submitted in the reporting

period to facilitate retrieval of the individual's account of services (accounts receivable) containing the financial billing records and any postings of payment. Up to twenty four (24) characters. Duplicate patient control numbers are not permitted. A required field. The hospital must maintain a key list to locate actual records upon request by AHCA.

(3) Medical or Health Record Number. An alpha-numeric code assigned to the patient's medical or health record by the facility. The medical or health record number references a file that contains the history of treatment. It should not be substituted for the Patient Control Number. Up to twenty four (24) characters. A required field.

(4) Patient Social Security Number. The social security number (SSN) of the patient. The SSN is a nine (9) digit number issued by the Social Security Administration used to facilitate retrieval of individual case records, track multiple patient discharges and for medical research. Reporting 77777777 is acceptable for those patients where efforts to obtain the SSN have been unsuccessful or the patient is under two (2) years of age and does not have a SSN or for patients who are non-U.S. citizens who have not been issued SSNs. A required entry.

(5) Patient Ethnicity. Self-designated by the patient or patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's ethnic background shall be reported as one choice from the following list of alternatives. A required entry. Must be a two (2) digit code as follows:

a. E1 = Hispanic or Latino. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

b. E2 = Non-Hispanic or Latino. A person not of any Spanish culture or origin.

c. E7 = Unknown.

(6) Patient Race. Self-designated by the patient, patient's parent or guardian. Use "Unknown" where efforts to obtain the information from the patient or from the patient's parent or guardian have been unsuccessful. The patient's racial background shall be reported as one choice from the following list of alternatives. A required entry. Must be a one (1) digit code as follows:

(a) 1 – American Indian or Alaska Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(b) 2 – Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. This area includes, for example, Cambodia, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(c) 3 – Black or African American. A person having origins in any of the black racial groups of Africa.

(d) 4 – Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(e) 5 – White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(f) 6 – Other. Any other possible options not covered in the above categories, including a patient who has more than one race.

(g) 7 – Unknown. Use if the patient refuses or fails to disclose.

(7) Patient Birth Date. The date of birth of the patient. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Unknown birthdates should use the default of YYYY-01-01 where the year is based on approximate age. A birth date after the discharge date is not permitted. A required entry.

(8) Patient Sex. The patient sex at the time of admission. A required entry. Must be a one (1) alpha character in upper case as follows:

1. M – Male.

2. F – Female.

3. U – Unknown – Use where efforts to obtain the information have been unsuccessful or where the patient’s sex cannot be determined due to a medical condition.

(9) Patient Zip Code. The numeric five (5) digit United States Postal Service ZIP Code of the patient’s permanent residence. Use 00009 for foreign residences. Use 00007 for homeless patients. Use 00000 where efforts to obtain the information have been unsuccessful. A required entry.

(10) Patient Country Code. The country code of residence. A two (2) digit upper case alpha code from the International Standard for Organization country code list, ISO 3166 or latest release. A required entry.

(11) Type of Service Code. A code designating the type of discharges, either acute inpatient and psychiatric, or comprehensive rehabilitation. A required entry. Must be a one digit code as follows:

(a) 1 – Inpatient, as described in subsection 59E-7.022(1), F.A.C.

(b) 2 – Comprehensive Rehabilitation, as described in subsection 59E-7.021(3), F.A.C.

(12) Priority of Admission. The scheduling priority of the initial admission. A required entry. Must be a one (1) digit code as follows:

(a) 1 – Emergency. The patient requires immediate medical intervention as a result of severe, life-threatening or potentially disabling conditions.

(b) 2 – Urgent. The patient requires attention for the care and treatment of a physical or mental disorder.

(c) 3 – Elective. The patient’s condition permits adequate time to schedule the services.

(d) 4 – Newborn. A baby born within the facility or the initial admission of an infant to any acute care facility within 24 hours of birth. Use of this code requires the use of a special Point of Origin for Admission code.

(e) 5 – Trauma. Visit to a State of Florida designated hospital trauma center.

(13) Source or Point of Origin for Admission. Must be a one (1) character alpha code or two (2) digit numeric code indicating the direct source of patient origin for the admission or visit. Codes 10 through 13 are to be used only for newborn admissions. A required entry. Alpha characters must use upper case.

(a) 01 – Non-health care facility source of origin. The patient was admitted to this facility upon an order of a physician. Includes a patient coming from home, physician office or workplace.

(b) 02 – Clinic. The patient was admitted to this facility as a transfer or referral from a freestanding or non-freestanding clinic.

(c) 04 – Transfer from a hospital. The patient was admitted to this facility as a transfer from an acute care facility where the patient was an inpatient. Transfer must be from a different hospital. Excludes transfers from hospital inpatients in the same facility.

(d) 05 – Transfer from a Skilled Nursing Facility (SNF) or Intermediate Care Facility (ICF). The patient was admitted to this facility from a SNF or ICF where the patient was a resident.

(e) 06 – Transfer from another health care facility. The patient was admitted to this facility as a transfer from another type of health care facility not defined elsewhere in this code list.

(f) 07 – Emergency Room. The patient was admitted to this facility after receiving services in this facility’s emergency department. Excludes patients who came to the emergency room from another health care facility.

(g) 08 – Court/Law Enforcement. The patient was admitted upon the direction of a court of law, or upon the request of a law enforcement Agency representative. Includes transfers from incarceration facilities.

(h) 09 – Information Not Available. The means by which the patient was admitted to this hospital is not known.

(i) D – Transfer from one distinct unit of the hospital to another distinct unit of the same hospital resulting in a separate claim. The patient was admitted to this facility as a transfer from hospital inpatient within this hospital resulting in a separate claim to the payer. For purposes of this code, “Distinct Unit” is defined as a unique unit or level of care at the hospital requiring the issuance of a separate claim to the payer.

(j) E – Transfer from an Ambulatory Surgery Center.

(k) F – Transfer from a hospice facility and under a hospice plan of care or enrolled in a hospice program. Codes required for newborn admissions (Priority of Admission = 4):

- (l) 10 – Born inside this hospital.
- (m) 13 – Born outside this hospital.

(14) Admission Date. The date the patient was admitted to the initial reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. A required entry.

(15) Inpatient Admission Time. The hour on a 24-hour clock during which the patient’s initial inpatient admission to the hospital occurred. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

A.M. HOURS

- 1. 00 – 12:00 midnight to 12:59:59
- 2. 01 – 01:00 to 01:59:59
- 3. 02 – 02:00 to 02:59:59
- 4. 03 – 03:00 to 03:59:59
- 5. 04 – 04:00 to 04:59:59
- 6. 05 – 05:00 to 05:59:59
- 7. 06 – 06:00 to 06:59:59
- 8. 07 – 07:00 to 07:59:59
- 9. 08 – 08:00 to 08:59:59
- 10. 09 – 09:00 to 09:59:59
- 11. 10 – 10:00 to 10:59:59
- 12. 11 – 11:00 to 11:59:59

P.M. HOURS

- 13. 12 – 12:00 noon to 12:59:59
- 14. 13 – 01:00 to 01:59:59
- 15. 14 – 02:00 to 02:59:59
- 16. 15 – 03:00 to 03:59:59
- 17. 16 – 04:00 to 04:59:59
- 18. 17 – 05:00 to 05:59:59
- 19. 18 – 06:00 to 06:59:59
- 20. 19 – 07:00 to 07:59:59
- 21. 20 – 08:00 to 08:59:59
- 22. 21 – 09:00 to 09:59:59
- 23. 22 – 10:00 to 10:59:59
- 24. 23 – 11:00 to 11:59:59
- 25. 99 – Unknown

(16) Discharge Date. The date the patient was discharged from the reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Discharge date must equal or follow the

admission date, and discharge date must occur within the reporting period as shown on the header record. A required entry.

(17) Discharge Time. The hour on a 24-hour clock in which the patient was discharged from the discharging hospital. A required entry. Use 99 where efforts to obtain the information have been unsuccessful. Must be two digits as follows:

- 1. 00 – 12:00 midnight to 12:59:59
- 2. 01 – 01:00 to 01:59:59
- 3. 02 – 02:00 to 02:59:59
- 4. 03 – 03:00 to 03:59:59
- 5. 04 – 04:00 to 04:59:59
- 6. 05 – 05:00 to 05:59:59
- 7. 06 – 06:00 to 06:59:59
- 8. 07 – 07:00 to 07:59:59
- 9. 08 – 08:00 to 08:59:59
- 10. 09 – 09:00 to 09:59:59
- 11. 10 – 10:00 to 10:59:59
- 12. 11 – 11:00 to 11:59:59
- P.M. HOURS
- 13. 12 – 12:00 noon to 12:59:59
- 14. 13 – 01:00 to 01:59:59
- 15. 14 – 02:00 to 02:59:59
- 16. 15 – 03:00 to 03:59:59
- 17. 16 – 04:00 to 04:59:59
- 18. 17 – 05:00 to 05:59:59
- 19. 18 – 06:00 to 06:59:59
- 20. 19 – 07:00 to 07:59:59
- 21. 20 – 08:00 to 08:59:59
- 22. 21 – 09:00 to 09:59:59
- 23. 22 – 10:00 to 10:59:59
- 24. 23 – 11:00 to 11:59:59
- 25. 99 – Unknown

(18) Patient Discharge Status. Patient disposition at discharge. A required entry. Must be a two (2) digit code as follows:

- (a) 01 – Discharged to home or self-care (routine discharge).
- (b) 02 – Discharged or transferred to a short-term general hospital for inpatient care.
- (c) 03 – Discharged or transferred to a skilled nursing facility with Medicare certification in anticipation of skilled care.
- (d) 04 – Discharged or transferred to an intermediate care facility.
- (e) 05 – Discharged or transferred to a designated cancer center or Children’s Hospital.
- (f) 06 – Discharged or transferred to home under care of home health care organization service in anticipation of skilled care.

(g) 07 – Left the hospital against medical advice (AMA) or discontinued care.

(h) 20 – Expired.

(i) 50 – Hospice-Home.

(j) 51 – Hospice Medical Facility (Certified) providing hospice level of care.

(k) 62 – Discharged or transferred to an Inpatient Rehabilitation Facility (IRF) including rehabilitation distinct part units of a hospital.

(l) 63 – Discharged or transferred to a Medicare certified long term care hospital.

(m) 64 – Discharged or transferred to a Nursing Facility certified under Medicaid but not certified under Medicare.

(n) 65 – Discharged or transferred to a psychiatric hospital including psychiatric distinct part units of a hospital.

(o) 66 – Discharged or transferred to a Critical Access hospital.

(p) 70 – Discharged or transferred to another type of health care institution non defined elsewhere in this code list.

(19) Principal Payer Code. Describes the expected primary source of reimbursement for services rendered based on the patient's status at discharge or the time of reporting. Report charity as defined in subsection 59E-7.021(2), F.A.C. A required entry. Must be a one (1) character alpha field using upper case as follows:

(a) A – Medicare. Patients covered by Medicare where Centers for Medicare & Medicaid Services is the direct payer.

(b) B – Medicare Managed Care. Patients covered by Medicare Advantage plans, Medicare HMO, Medicare PPO, Medicare Private Fee for Service or any other type of Medicare plan where Centers for Medicare & Medicaid Services is not the direct payer.

(c) C – Medicaid. Patients covered by state administered Florida Medicaid where the payment is directly from the State of Florida Medicaid program.

(d) D – Medicaid Managed Care. Patients covered by Medicaid funded capitated plans. This would include any program where the patient is enrolled in the Medicaid program but the payment is not directly from the state of Florida Medicaid program. This designation is to be used regardless of whether the hospital has a contract with that plan.

(e) E – Commercial Health Insurance. Patients covered by any type of private coverage, including HMO, PPO, self-insured plans.

(f) F – Commercial Liability Coverage. Patients whose health care is covered under a liability policy, such as automobile, homeowners or general business.

(g) H – Workers' Compensation. Patients covered by any type of workers compensation plan, including self insured plans, managed care plans or the State of Florida sponsored workers compensation plan.

(h) I – TriCare or Other Federal Government. Patients covered by any federal government program for active and retired military and their families, Black Lung, Section 1011, the Federal Prison System, or any other federal program.

(i) J – VA. Patients covered by the Veteran's Administration.

(j) K – Other State/Local Government. Patients covered by a state program that does not fall into any of the state funded categories listed above. This would include those covered by the Florida Department of Corrections or any county or local corrections department, patients covered by county or local government indigent care programs if the reimbursement is at the patient level; any out-of-state Medicaid programs and county health departments or clinics.

(k) L – Self Pay. Patients with no insurance coverage.

(l) M – Other. This would include patients covered by any other type of payer not meeting the descriptions in (a)-(k) above or m-n below.

(m) N – Charity. Include charity that is known at the time of discharge.

(n) O – KidCare. Includes Healthy Kids, MediKids and Children's Medical Services.

(20) Principal Diagnosis Code. The code representing the diagnosis established, after study, to be chiefly responsible for occasioning the admission. Principal diagnosis code must contain a valid ICD-9-CM or ICD-10-CM code for the reporting period. A diagnosis code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(21) Other Diagnosis Code (1), Other Diagnosis Code (2), Other Diagnosis Code (3), Other Diagnosis Code (4), Other Diagnosis Code (5), Other Diagnosis Code (6), Other Diagnosis Code (7), Other Diagnosis Code (8), Other Diagnosis Code (9), Other Diagnosis Code (10), Other Diagnosis Code (11), Other Diagnosis Code (12), Other Diagnosis Code (13), Other Diagnosis Code (14), Other Diagnosis Code (15), Other Diagnosis Code (16), Other Diagnosis Code (17), Other Diagnosis Code (18), Other Diagnosis Code (19), Other Diagnosis Code (20), Other Diagnosis Code (21), Other Diagnosis Code (22), Other Diagnosis Code (23), Other Diagnosis Code (24), Other Diagnosis Code (25), Other Diagnosis Code (26), Other Diagnosis Code (27), Other Diagnosis Code (28), Other Diagnosis Code (29), and Other Diagnosis Code (30). A code representing a condition that is related to the services provided during the hospitalization excluding external cause of injury codes. Report external cause of injury codes as described in paragraph (61) below. No more than thirty (30) other diagnosis codes may be reported. Less than thirty (30) entries is permitted. If an Other Diagnosis Code is reported, a valid

Principal Diagnosis code must be reported. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. An Other Diagnosis Code cannot be used more than once as a principal or other diagnosis for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(22) Present on Admission Indicator for Principal Diagnosis Code, Present on Admission Indicator for Other Diagnosis Code (1), Present on Admission Indicator for Other Diagnosis Code (2), Present on Admission Indicator for Other Diagnosis Code (3), Present on Admission Indicator for Other Diagnosis Code (4), Present on Admission Indicator for Other Diagnosis Code (5), Present on Admission Indicator for Other Diagnosis Code (6), Present on Admission Indicator for Other Diagnosis Code (7), Present on Admission Indicator for Other Diagnosis Code (8), Present on Admission Indicator for Other Diagnosis Code (9), Present on Admission Indicator for Other Diagnosis Code (10), Present on Admission Indicator for Other Diagnosis Code (11), Present on Admission Indicator for Other Diagnosis Code (12), Present on Admission Indicator for Other Diagnosis Code (13), Present on Admission Indicator for Other Diagnosis Code (14), Present on Admission Indicator for Other Diagnosis Code (15), Present on Admission Indicator for Other Diagnosis Code (16), Present on Admission Indicator for Other Diagnosis Code (17), Present on Admission Indicator for Other Diagnosis Code (18), Present on Admission Indicator for Other Diagnosis Code (19), Present on Admission Indicator for Other Diagnosis Code (20), Present on Admission Indicator for Other Diagnosis Code (21), Present on Admission Indicator for Other Diagnosis Code (22), Present on Admission Indicator for Other Diagnosis Code (23), Present on Admission Indicator for Other Diagnosis Code (24), Present on Admission Indicator for Other Diagnosis Code (25), Present on Admission Indicator for Other Diagnosis Code (26), Present on Admission Indicator for Other Diagnosis Code (27), Present on Admission Indicator for Other Diagnosis Code (28), Present on Admission Indicator for Other Diagnosis Code (29), Present on Admission Indicator for Other Diagnosis Code (30), Present on Admission Indicator for External Cause of Injury Code (1), Present on Admission Indicator for External Cause of Injury Code (2), and Present on Admission Indicator for External Cause of Injury Code (3). A code differentiating whether the condition represented by the corresponding Principal Diagnosis Code (20), Other Diagnosis Code (21), (1) through (30), and External Cause of Injury Code (61), (1) through (3), was present on admission or whether the condition developed after admission as determined by the physician, medical record or nature of the condition. A required entry. Present on Admission Indicator must be a one (1) character alpha-numeric upper case code as follows:

1. Y – Yes. Present at the time that the order for inpatient admission occurs.

2. N – No. Not present at the time that the order for inpatient admission occurs.

3. U – Unknown. Documentation is insufficient to determine if condition is present on admission.

4. W – Clinically Undetermined. Provider is unable to clinically determine whether condition was present on admission or not.

5. 1 – Exempt. A condition that is included on the current Centers for Medicare & Medicaid Services ICD-CM “Exempt from Reporting” list.

(23) Principal Procedure Code. The code representing the procedure most related to the principal diagnosis. No entry is permitted consistent with the records of the reporting entity. Must contain a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. If a principal procedure date is reported, a valid principal procedure code must be reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(24) Principal Procedure Date. The date when the principal procedure was performed. If a principal procedure is reported, a principal procedure date must be reported. No entry is permitted if no principal procedure is reported. A ten (10)-character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The principal procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.

(25) Other Procedure Code (1), Other Procedure Code (2), Other Procedure Code (3), Other Procedure Code (4), Other Procedure Code (5), Other Procedure Code (6), Other Procedure Code (7), Other Procedure Code (8), Other Procedure Code (9), Other Procedure Code (10), Other Procedure Code (11), Other Procedure Code (12), Other Procedure Code (13), Other Procedure Code (14), Other Procedure Code (15), Other Procedure Code (16), Other Procedure Code (17), Other Procedure Code (18), Other Procedure Code (19), Other Procedure Code (20), Other Procedure Code (21), Other Procedure Code (22), Other Procedure Code (23), Other Procedure Code (24), Other Procedure Code (25), Other Procedure Code (26), Other Procedure Code (27), Other Procedure Code (28), Other Procedure Code (29) and Other Procedure Code (30). A code representing a procedure provided during the hospitalization. If a principal procedure is not reported, an Other Procedure Code must not be reported. No more than thirty (30) other procedure codes may be reported. Less than thirty (30) or no entry is permitted. Must be a valid ICD-9-CM or ICD-10-CM procedure code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code.

(26) Other Procedure Code Date (1), Other Procedure Code Date (2), Other Procedure Code Date (3), Other Procedure Code Date (4), Other Procedure Code Date (5), Other Procedure Code Date (6), Other Procedure Code Date (7), Other Procedure Code Date (8), Other Procedure Code Date (9), Other Procedure Code Date (10), Other Procedure Code Date (11), Other Procedure Code Date (12), Other Procedure Code Date (13), Other Procedure Code Date (14), Other Procedure Code Date (15), Other Procedure Code Date (16), Other Procedure Code Date (17), Other Procedure Code Date (18), Other Procedure Code Date (19), Other Procedure Code Date (20), Other Procedure Code Date (21), Other Procedure Code Date (22), Other Procedure Code Date (23), Other Procedure Code Date (24), Other Procedure Code Date (25), Other Procedure Code Date (26), Other Procedure Code Date (27), Other Procedure Code Date (28), Other Procedure Code Date (29) and Other Procedure Code Date (30). The date when the procedure was performed. A required entry if a corresponding procedure code (26), (1) through (30) is reported. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. The procedure date must be less than four (4) days prior to the admission date and not later than the discharge date.

(27) Attending Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the patient's medical care and treatment or who certified as to the medical necessity of the services rendered. For military physicians not licensed in Florida, use US999999999. An alpha-numeric field of up to eleven characters. A required entry. Alpha characters must be in upper case.

(28) Attending Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider. A required entry for providers in the US or its territories and providers not in the US or its territories upon mandated HIPAA NPI implementation date.

(29) Operating or Performing Practitioner Identification Number. The Florida license number of the medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who had primary responsibility for the principal procedure performed. The operating or performing practitioner may be the attending practitioner. For military physicians not licensed in Florida, use US999999999. No entry is permitted if no principal procedure is reported. Alpha characters must be in upper case.

(30) Operating or Performing Practitioner National Provider Identification (NPI). An unique ten (10) character identification number assigned to a provider who had primary responsibility for the Principal Procedure. A required

identification number for providers in the US or its territories and providers not in US or its territories upon mandated HIPAA NPI implementation date. No entry is permitted if no principal procedure is reported.

(31) Other Operating or Performing Practitioner Identification Number. The Florida license number of a medical doctor, osteopathic physician, dentist, podiatrist, chiropractor or advanced registered nurse practitioner who assisted the operating or performing practitioner or performed a secondary procedure. The other operating or performing practitioner must not be reported as the operating or performing practitioner. The other operating or performing practitioner may be the attending practitioner. For military physicians not licensed in Florida, use US999999999. No entry is permitted consistent with the records of the reporting entity.

(32) Room and Board Charges. Routine service charges incurred for accommodations. Report charges for revenue codes 11X through 16X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Room and Board Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(33) Nursery Level I Charges. Accommodation charges for well-baby care services which include sub-ventilation care, intravenous feedings and gavage to neonates. Report charges for revenue code 170 and 171, as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(34) Nursery Level II Charges. Accommodation charges for services which include provision of ventilator services and at least 6 hours of nursing care per day. Restricted to neonates of 1000 grams birth weight and over with the exception of those neonates awaiting transfer to Level III. Report charges for revenue code 172 as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(35) Nursery Level III Charges. Accommodation charges for services which include the provision of continuous cardiopulmonary support services 12 or more hours of nursing care per day, complex pediatric surgery, neonatal cardiovascular surgery, pediatric neurology and neurosurgery, and pediatric cardiac catheterization. Report charges for revenue code 173 (Level III) as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no Level III Nursery Charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(36) Intensive Care Charges. Routine service charges for medical or surgical care provided to patients who require a more intensive level of care than is rendered in the general medical or surgical unit. Exclude neonatal intensive care charges reported as a Level III Nursery Charge. Report charges for revenue code 20X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no intensive care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(37) Coronary Care Charges. Routine service charges for medical care provided to patients with coronary illness who require a more intensive level of care than is rendered in the general medical unit. Report charges for revenue code 21X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no coronary care charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(38) Pharmacy Charges. Charges for medication. Report charges for revenue codes 25X and 63X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no pharmacy charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(39) Medical and Surgical Supply Charges. Charges for supply items required for patient care. Report charges for revenue codes 27X and 62X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no medical and surgical supply charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(40) Laboratory Charges. Charges for the performance of diagnostic and routine clinical laboratory tests and for diagnostic and routine tests in tissues and culture. Report charges for revenue codes 30X and 31X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no laboratory charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(41) Radiology or Other Imaging Charges. Charges for the performance of diagnostic and therapeutic radiology services including computed tomography, mammography, magnetic resonance imaging, nuclear medicine, and chemotherapy administration of radioactive substances. Report charges for revenue codes 32X through 35X, 40X and 61X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero

(0) if there are no radiology or other imaging charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(42) Cardiology Charges. Facility charges for cardiac procedures rendered such as, but not limited to, heart catheterization or coronary angiography. Report charges for revenue code 48X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no cardiology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(43) Respiratory Services or Pulmonary Function Charges. Charges for administration of oxygen, other inhalation services, and tests that evaluate the patient's respiratory capacities. Report charges for revenue codes 41X and 46X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no respiratory service or pulmonary function charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(44) Operating Room Charges. Charges for the use of the operating room. Report charges for revenue code 36X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no operating room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(45) Anesthesia Charges. Charges for anesthesia services by the facility. Report charges for revenue code 37X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no anesthesia charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(46) Recovery Room Charges. Charges for the use of the recovery room. Report charges for revenue code 71X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no recovery room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(47) Labor Room Charges. Charges for labor and delivery room services. Report charges for revenue code 72X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no labor room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(48) Emergency Room Charges. Charges for medical examinations and emergency treatment. Report charges for revenue code 45X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no

emergency room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(49) Trauma Response Charges. Charges for a trauma team activation at a State of Florida licensed trauma center. Report charges for revenue code 68X used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no trauma response charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(50) Treatment or Observation Room Charges. Charges for use of a treatment room or for the room charge associated with observation services. Report charges for revenue code 76X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no treatment or observation room charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(51) Behavioral Health Charges. Charges for behavioral health treatment and services. Report charges for revenue codes 90X through 91X and 100X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(52) Oncology. Charges for treatment of tumors and related diseases. Excludes therapeutic radiology services reported in radiology and other imaging services in paragraph (42). Report charges for revenue code 28X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no oncology charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(53) Physical Therapy Charges. Charges for physical therapy in revenue codes 42X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(54) Occupational Therapy Charges. Charges for occupational therapy for revenue code 43X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(55) Speech Therapy or Language Pathology Charges. Charges for speech therapy or language pathology therapy for revenue code 44X as used in the UB-04. Report in dollars rounded to the nearest whole dollar, without dollar signs or

commas, excluding cents. Report zero (0) if there are no charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(56) Other Charges. Other facility charges not included in paragraphs (33) to (56) above. Include charges that are not reflected in any of the preceding specific revenue accounts in the UB-04. DO NOT include charges from revenue codes 96X, 97X, 98X, or 99X in the UB-04 for professional fees and personal convenience items. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Report zero (0) if there are no other charges. Negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(57) Total Gross Charges. The total of undiscounted charges for services rendered by the hospital. Include charges for services rendered by the hospital excluding professional fees. The sum of all charges reported above in paragraphs (33) through (57) must equal total charges, plus or minus ten (10) dollars. Report in dollars rounded to the nearest whole dollar, without dollar signs or commas, excluding cents. Zero (0) or negative amounts are not permitted unless verified separately by the reporting entity. A required entry.

(58) Infant Linkage Identifier. The social security number of the patient's birth mother where the patient is less than two (2) years of age. A nine (9) digit field to facilitate retrieval of individual case records, to be used to link infant and mother records, and for medical research. Reporting 77777777 for the mother's SSN is acceptable for those patients where efforts to obtain the mother's SSN have been unsuccessful or the mother is not known to be from a country other than the United States. Infants in the custody of the State of Florida or adoptions, use 333333333 if the birth mother's SSN is not available. A required field for patients whose age is less than two (2) years of age at admission. No entry is permitted if the patient is two (2) years of age or older. A required entry.

(59) Admitting Diagnosis. The diagnosis provided by the admitting physician at the time of admission which describes the patient's condition upon admission or purpose of admission. Must contain a valid ICD-9-CM code or valid ICD-10-CM code for the reporting period. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. A required entry. Alpha characters must be in upper case.

(60) External Cause of Injury Code (1), External Cause of Injury Code (2) and External Cause of Injury Code (3). A code representing circumstances or conditions as the cause of the injury, poisoning, or other adverse effects recorded as a diagnosis. Assign appropriate E-codes for all initial encounters or treatments, but not for subsequent occurrences. A Place of Occurrence E-code (E849.X) should be included to describe where the event occurred. No more than three (3) external cause of injury codes may be reported. Must be a valid

ICD-9-CM or ICD-10-CM cause of injury code for the reporting period. An external cause of injury code cannot be used more than once for each hospitalization reported. The code must be entered with use of a decimal point that is included in the valid code and without use of a zero or zeros that are not included in the valid code. Alpha characters must be in upper case.

(61) Emergency Date of Arrival. The date the patient registered in the Emergency Department if the visit results in an inpatient admission to the reporting facility. A ten (10) character field in the format YYYY-MM-DD where MM represents the numbered months of the year from 01 to 12, DD represents numbered days of the month from 01 to 31, and YYYY represents the year in four (4) digits. Admission date must equal or precede the discharge date. Use 0000-00-00 for patients not admitted through the Emergency Department. A required entry.

(62) Emergency Department Hour of Arrival. The hour on a 24-hour clock during which the patient's registration in the emergency department occurred. A required entry. Use 99 where the patient was not admitted through the emergency department or where efforts to obtain the information have been unsuccessful. Must be two (2) digits as follows:

A.M. HOURS

- 1. 00 – 12:00 midnight to 12:59:59
- 2. 01 – 01:00 to 01:59:59
- 3. 02 – 02:00 to 02:59:59
- 4. 03 – 03:00 to 03:59:59
- 5. 04 – 04:00 to 04:59:59
- 6. 05 – 05:00 to 05:59:59
- 7. 06 – 06:00 to 06:59:59
- 8. 07 – 07:00 to 07:59:59
- 9. 08 – 08:00 to 08:59:59
- 10. 09 – 09:00 to 09:59:59
- 11. 10 – 10:00 to 10:59:59
- 12. 11 – 11:00 to 11:59:59

P.M. HOURS

- 13. 12 – 12:00 noon to 12:59:59
- 14. 13 – 01:00 to 01:59:59
- 15. 14 – 02:00 to 02:59:59
- 16. 15 – 03:00 to 03:59:59
- 17. 16 – 04:00 to 04:59:59
- 18. 17 – 05:00 to 05:59:59
- 19. 18 – 06:00 to 06:59:59
- 20. 19 – 07:00 to 07:59:59
- 21. 20 – 08:00 to 08:59:59
- 22. 21 – 09:00 to 09:59:59
- 23. 22 – 10:00 to 10:59:59
- 24. 23 – 11:00 to 11:59:59
- 25. 99 – Unknown.

(63) TRAILER RECORD. The last record in the data file shall be a trailer record and must accompany each data set. Report only the total number of patient data records contained in the file, excluding header and trailer records. The number entered must equal the number of records processed. Do not include leading zeros.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New _____.

Editorial note: see former Rule 59E-7.014.

59E-7.029 Public Records.

(1) Agency records, public records under Chapter 119, F.S. (Florida's Public Records Law), are available for public inspection during normal business hours. Copies of such records may be obtained upon request and upon payment of the cost of copying.

(2) Patient-specific records collected by the Agency pursuant to Rules 59E-7.021-.030, F.A.C., are exempt from disclosure pursuant to Section 408.061(8), F.S., and shall not be released unless modified to protect patient confidentiality as described in paragraph (2)(a) below and released in the manner described in paragraphs (2)(c) and (d).

(a) The patient-specific record shall be modified to protect patient confidentiality as follows:

- 1. Patient Control Number as assigned by the facility. Substitute sequential number.
- 2. Patient Social Security Number. Deleted. Indicators of readmission at any Florida reporting hospital within 30 days of discharge will be substituted when available. Readmission data will not be released for any quarter until each subsequent quarter is 100 percent certified.
- 3. Patient Birth Date. Substitute age in years and an indicator of Age < 29 Days except for persons 100 and older, substitute age > 100 years.
- 4. Admission Date. Substitute quarters 1-4. (admit month cannot be substituted).
- 5. Discharge Date. Length of Stay (LOS) will be substituted. (discharge month cannot be substituted).
- 6. Principal Procedure Date. Days from admission to Principal Procedure will be substituted.
- 7. Other Procedure Date. Days from admission to Other Procedure will be substituted.
- 8. Infant Linkage ID. Deleted.
- 9. Medical or Health Record Number. Substitute sequential number.
- 10. ED Date of Arrival. Boarding time (BT) will be substituted.

(b) A record linkage number shall be assigned which does not identify an individual patient and cannot reasonably be used to identify an individual patient through use of data

available through the Agency for Health Care Administration, but which can be used for confidential data output for bona fide research purposes.

(c) The modified data records described in paragraph (2)(a) shall be released as a set of all records occurring in one calendar quarter based on date of discharge.

(d) The modified data described in paragraph (2)(a) shall be released in accordance with the Limited Data Set requirements of the federal Health Insurance Portability and Accountability Act and shall be made available on or after quarterly data has been certified as accurate by the hospitals as required by Section 408.061(1)(a), F.S.

(3) Aggregate reports derived from patient-specific hospital records collected pursuant to Rules 59E-7.021 through 7.030, F.A.C., are public records and shall be released as described in this rule, provided that the aggregate reports do not include the patient control number as assigned by the facility, patient social security number, record linkage number, patient birth date, admission date, discharge date, principal procedure date, other procedure date, infant linkage identifier or medical or health record number and provided the aggregate reports contain the combination of five or more records for any data disclosed.

(4) Requests for inpatient data shall be submitted by users sufficiently in advance of the desired delivery date to permit the Agency staff to respond without disruption of their duties.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 119.07(1)(a), (2)(a), 408.061(8) FS. History–New _____.

Editorial note: see former Rule 59E-7.015.

59E-7.030 General Provisions.

Hospitals submitting inpatient discharge data pursuant to the provisions contained in these rules shall be directed by the following specific general provisions for inpatient data reporting:

(1) Any inpatient who is transferred or discharged from the acute care setting into a rehabilitative care distinct part unit or free standing unit, must be reported as a separate record from the patients acute care record. The acute care discharge record is assigned data type one (1), and the comprehensive rehabilitative therapy discharge record is assigned data type two (2).

(2) If inpatients are administratively transferred or formally discharged from the acute care setting into a distinct-part Medicare certified skilled nursing unit or hospice of a hospital, reporting accountability ceases at the time of discharge or transfer. Patient's receiving sub-acute care in these setting are excluded from inpatient reporting requirements.

(3) Observation patients are not included in the inpatient reported unless admitted to the hospital as an inpatient.

Specific Authority 408.061(1)(e), 408.15(8) FS. Law Implemented 408.061 FS. History–New _____.

Editorial note: former Rule 59E-7.016.

59E-7.201 Submission of Comprehensive Inpatient Rehabilitation Hospital Patient Data.

~~(1) All comprehensive inpatient rehabilitation hospitals, in operation for any of the reporting periods described in subsection 59E 7.202(1), F.A.C., below, shall submit hospital patient discharge data and reports to the agency.~~

~~(2) For purposes of submission of rehabilitation hospital patient data, a comprehensive inpatient rehabilitation hospital shall be any hospital licensed as a class III special rehabilitation hospital, with comprehensive medical rehabilitation beds, meeting the definition of "rehabilitation hospital" of subsections 59A 3.152(9) and 59A 3.168(1)-(5), F.A.C.~~

~~(3) All comprehensive inpatient rehabilitation hospitals shall make reasonably available for onsite inspection information from the medical records underlying, documenting, or supporting the patient data reports submitted by the hospital, as well as other patient related documentation deemed necessary to carry out the agency's regulatory duties. Inspections will be made at reasonable times and under reasonable circumstances.~~

~~(4) All comprehensive inpatient medical rehabilitation hospital patient data collected under Part III of Chapter 59E 7, F.A.C., shall not include specific provider contract reimbursement information, and any such data shall be considered proprietary. However, such specific provider reimbursement data shall be reasonably available for onsite inspection necessary to carry out the agency's regulatory duties. Any such data obtained by the agency as a result of onsite inspections may not be used by the state for purposes of direct provider contracting and shall not be disclosed to the public.~~

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History–New 3-31-94, Repealed _____.

59E-7.202 Schedule for Submission of Patient Data and Extensions.

~~(1) The first report of comprehensive inpatient rehabilitation hospital patient data covering patient discharges occurring between July 1 and September 30, 1993 and between October 1 and December 31, 1993, shall be submitted no later than May 1, 1994. Subsequently, all comprehensive inpatient rehabilitation hospitals shall report according to the following schedule:~~

~~(a) Each report covering patient discharges occurring between January 1 and March 31, inclusive, of each year, shall be submitted no later than June 1 of the calendar year during which the discharge occurred. This is considered to be the first quarter, regardless of the hospital's fiscal year.~~

~~(b) Each report covering patient discharges occurring between April 1 and June 30, inclusive, of each year, shall be submitted no later than September 1 of the calendar year during which the discharge occurred. This is considered to be the second quarter, regardless of the hospital's fiscal year.~~

~~(c) Each report covering patient discharges occurring between July 1 and September 30, inclusive, of each year, shall be submitted no later than December 1 of the calendar year during which the discharge occurred. This is considered to be the third quarter, regardless of the hospital's fiscal year.~~

~~(d) Each report covering patient discharges occurring between October 1 and December 31, inclusive, of each year, shall be submitted no later than March 1 of the calendar year following which the discharge occurred. This is considered to be the fourth quarter, regardless of the hospital's fiscal year.~~

(2) Hospitals must certify each calendar quarter's data at the time the report is submitted. This certification of data is pursuant to Rule 59E-7.204, F.A.C. Extensions to this period may be granted pursuant to Subsection (3).

(3) Extensions to processing due dates will be granted by the agency staff for a maximum of 10 working days from original submission due date in response to a written request by the hospital's Chief Executive Officer if received prior to the due date and provided that the delay is due to unforeseen factors beyond the control of the reporting hospital. These factors must be specified in the letter requesting the extension together with documentation of efforts undertaken to meet the filing requirements.

(4) Failure to file the report on or before the due date without an extension, and failure to correct a report which has been filed but contains errors or deficiencies within 10 days from notification of errors or deficiencies, is punishable by a fine pursuant to Rules 59E 2.024 and 59E 2.025, F.A.C.

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.08(9), 408.085 FS. History—New 3-31-94, Repealed _____.

59E-7.203 Reporting Instructions.

The following instructions apply to comprehensive inpatient rehabilitation hospitals reporting in the tape/diskette format pursuant to Rule 59E 7.205, F.A.C., Patient Data Format—Data Elements and Codes:

(1) Submit agency rehabilitation patient data reports according to the agency data format only (See Rule 59E 7.205, F.A.C., Patient Data Format—Data Elements and Codes).

(2) All inpatient rehabilitation discharges or deaths shall be reported.

(3) Tape/Diskette specifications are:

(a) Tape:

1. Density—1600 or 6250 BPI, 9 track
2. Collating Sequence—EBCDIC or ASCII.
3. Data Record Length—320 characters, fixed.
4. Blocking—Unblocked.
5. Labeling—Standard IBM label (non-labeled tapes are accepted).

(b) Diskette:

1. MS-DOS formatted.
2. PC Text File (ASCII).
3. Record Length—320 characters, fixed.
4. 5 1/4" diskette, 1.2 MB, MD2HD or.
5. 3.5" diskette, 1.4 MB, MF2HD.
6. FILENAME:(e.g., 1QTR92.TXT).

The first position must be a number from 1 through 4 indicating the quarter of the data submitted, followed by "QTR" in the second through fourth positions. The fifth and sixth positions indicate the calendar year of the data submitted. The seventh position is a period. The eighth through tenth positions are "TXT" which indicates a text file, (see example in 6. above).

(4) Hospitals shall submit tapes or diskettes, with the following external identification affixed via a label:

(a) Hospital Name

(b) AHCA Number in the AHCA 6 digit format

(c) Reporting period for discharges

(d) Number of records

(e) Tape Density: 1600/6250 BPI

(f) Collating Sequence: (TAPES)

(g) Filename: (DISKETTES) As in 7.203(3)(b)6. above

(h) Capacity: 1.2 MB or 1.4 MB (DISKETTES)

(i) The Description:—"Comprehensive Inpatient Rehabilitation Patient Data"

(5) Submit one record per discharge.

(6) The data report, when submitted on tape or diskette, shall be accompanied by an agency Data File Submission Form, number AHCA-2000-MIS-93-01, which was adopted by the agency January 4, 1993 and is incorporated by reference to this rule, indicating name and AHCA number of the hospital, and the name and telephone number of the individual to contact in case of any problems with the data. Form AHCA-2000-MIS-93-01 can be obtained from The Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis, Hospital Patient Data Section, 325 John Knox Road, Suite 301 the Atrium, Tallahassee, Florida 32303, (850)488-1295. Electronically transmitted data will be accompanied by a file containing the same information.

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History—New 3-31-94, Repealed _____.

59E-7.204 Certification Procedures.

(1) All hospitals submitting data in compliance with Rules 59E 7.201-7.208, F.A.C., shall certify that the data submitted for each quarter is accurate using form number AHCA 4200-0003-10/93, Rehabilitation Hospital Patient Data Report Certification Form, which was adopted by the agency October 22, 1993 and is incorporated by reference to this rule.

(2) The Chief Executive Officer and Chief Financial Officer shall certify in writing that a complete review was accomplished to assure the accuracy of the report and that to the best of their knowledge and belief, the data submitted are accurate and complete.

(3) Each hospital must certify each calendar quarter's data at the time that the data are submitted pursuant to Rule 59E 7.202, F.A.C. Extensions to this period will not be permitted.

(4) Form AHCA 4200-0003-10/93 can be obtained from the agency's office at The Agency for Health Care Administration, Florida Center for Health Information and Policy Analysis, Hospital Patient Data Section, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida 32303, (850)488-1295.

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.08(9), 408.085 FS. History—New 3-31-94, Repealed _____.

59E-7.205 Patient Data Format – Data Elements and Codes.

(1) **HEADER RECORD:** The first record in the data file shall be a header record with a logical record length of 320 characters, containing the following information in the prescribed format.

DATA ELEMENT	DESCRIPTION
(a) Transaction Code	"H" for header record in the first position.
(b) Reporting Year	A 4 digit field specifying the year of the data.
(c) Reporting Quarter	A 1 digit field specifying the quarter that the data pertains to: 1 = Jan. 1 through Mar. 31 2 = Apr. 1 through Jun. 30 3 = Jul. 1 through Sep. 30 4 = Oct. 1 through Dec. 31
(d) Data Type	"CR100" to specify comprehensive inpatient rehabilitation patient data.
(e) Submission Type	A 1 character field for submission type:

I = Initial. This is the first submission for the time period. All data set action codes must be "A". This code is also used when replacing previously rejected files.
M = Maintenance. All submissions which are not "I" or "R". Data set action codes must be "A", "D" or "U".
R = Re-submission. This code is used to replace all accepted or partially accepted records for the specified time period. All data set action codes must be "A". All existing data for the time period will be deleted and replaced with the new data set.
CCYYMMDD, the date that the data file was created by the submitter.
A 6 digit hospital identification number assigned by AHCA for reporting purposes.
A 10 digit license number assigned by AHCA Division of Health Quality Assurance.
A 7 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.
A 7 digit number provided for Medicare providers. If not Medicare provider, zero fill.
The name of the Comprehensive Inpatient Rehabilitation Hospital reporting the patient data records.
The name of the contact person at the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.
The area code, telephone number, and if Number required, extension for the contact

(f) Processing Date

(g) AHCA Number

(h) Florida License Number

(i) Provider Medicaid Number

(j) Provider Medicare Number

(k) Provider Organization Name

(l) Provider Contact Person Name

(m) Provider Contact Person Telephone

	person at the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.		to facilitate storage and retrieval of individual case records.
(n) Submitter Organization Name	The name of the organization that produced the data file that is being submitted.	(i) Patient Social Security Number	The social security number of the patient who received the treatment/services during this hospital stay. A 9 digit field to facilitate retrieval of individual case records; to be used to track patient readmissions, and for patient outcomes research. Fill with all zeros if not available.
(o) Submitter Contact Person Name	The name of the person at the submitting organization responsible for submitting the data file.		
(p) Submitter Contact Person Telephone	The area code, telephone number, and if Number required, extension for the contact person at the organization submitting the data file.	(j) Patient Racial Background	A 1 digit code as follows: 1— American Indian/Eskimo/Aleut 2— Asian or Pacific Islander 3— Black 4— White 5— White Hispanic 6— Black Hispanic 7— Other 8— No Response
(q) Filler	A field of 102 spaces, to be left blank.		
(2) INDIVIDUAL DATA RECORDS:			
DATA ELEMENT	DESCRIPTION		
(a) Data Type	“CR100” for all Comprehensive Inpatient Rehabilitation Hospital Patient Data.	(k) Patient Birth Date	CCYYMMDD, an 8 digit field.
(b) Action Code	A 1 character field identifying type of record: A— Add New Record U— Update Existing Record D— Delete Existing Record	(l) Patient Sex	A 1 digit code as follows: 1— Male 2— Female
(c) Reporting Quarter	A 1 digit field specifying the quarter that the data pertains to: 1— Jan. 1 through Mar. 31 2— Apr. 1 through Jun. 30 3— Jul. 1 through Sep. 30 4— Oct. 1 through Dec. 31	(m) Patient Zip Code	A 5 digit zip code of the patient’s permanent address. use 00009 for foreign patients who do not have a resident zip code. use 00000 if unknown.
(d) Reporting Year	CCYY, a 4 digit field.	(n) Source of Admission	A 1 digit code as follows: 1— Physician Referral 2— Clinic Referral 3— HMO Referral 4— Transfer from a hospital 5— Transfer from a skilled nursing facility 6— Transfer from another health care facility 7— Emergency Room 8— Court/Law Enforcement 9— Other
(e) AHCA Number	A 6 digit hospital identification number assigned by AHCA for reporting purposes.	(o) Admission Date	CCYYMMDD, an 8 digit field.
(f) Date Submitted	CCYYMMDD, an 8 digit field.	(p) Discharge Date	CCYYMMDD, an 8 digit field.
(g) Reserved Field	Left blank, 20 spaces.	(q) Patient Discharge Status	A 2 digit code as follows: 01— Discharged home
(h) Record Identification Code	A 17 character alpha-numeric code assigned by the hospital at the time of reporting as a unique identifier for each record submitted for each reporting period;		

	02—Discharged to a short term general hospital		08—Poly-arthritis, including Rheumatoid arthritis
	03—Discharged to a skilled nursing facility		09—Neurological disorders, including multiple sclerosis, motor neuron diseases, polyneuropathy, muscular dystrophy and Parkinson's disease.
	04—Discharged to an intermediate care facility		10—Burns
	05—Discharged to another type of institution		11—All conditions requiring intensive rehabilitation services not assigned to categories 01-10
	06—Discharged to home under care of home health care organization		
	07—Left against medical advice		
	08—Home on IV medications		
	20—Expired		
(r) Principal Payer Code	A-1 character field as follows:	(t) Attending Physician Identification Number	The physician's Florida License Identification Number as assigned by the Department of Business and Professional Regulation. This is the physician who would normally be expected to have the primary responsibility for the patient's care and treatment, or who certifies the comprehensive rehabilitation treatment. An 11 character-alpha numeric field.
	A—Medicare		
	B—Medicare HMO		
	C—Medicaid		
	D—Medicaid HMO		
	E—Commercial Insurance		
	F—Commercial HMO		
	G—Commercial PPO		
	H—Workers' Compensation	(u) Total Gross Charges	A required field up to 7 digits. Total dollars charged to the patient (before any discounts), rounded to the nearest dollar. No negative numbers.
	I—Champus		
	J—VA		
	K—Other State/Local Government	(v) Status Code	For agency use only. One space, to be left blank.
	L—Self Pay (No third party coverage)	(w) Reserved Filler	For agency use only, 193 spaces to be left blank. Errors in the record will be identified in this field by the agency.
	M—Other	(z) TRAILER RECORD: DATA ELEMENT	DESCRIPTION
(s) Primary Condition Code	The code is for the primary condition requiring treatment. Primary condition, established after study is found to be chiefly responsible for occasioning the admission of the patient to the hospital for inpatient rehabilitation services. A 2 digit code:	(a) Transaction Code	"T" for the trailer record.
	01—Stroke	(b) AHCA Number	A 6 digit hospital identification number assigned by AHCA for reporting purposes.
	02—Spinal Cord Injury	(c) Florida License Number	A 10 digit license number assigned by the
	03—Congenital Deformity		
	04—Amputation		
	05—Major Multiple Trauma		
	06—Fracture of the femur (hip fracture)		
	07—Brain Injury		

AHCA Division of Health Quality Assurance:

- (d) Provider Medicaid Number: A 7 digit number provided for Medicaid providers. If not a Medicaid provider, zero fill.
- (e) Provider Medicare Number: A 7 digit number provided for Medicare providers. If not Medicare provider, zero fill.
- (f) Provider Mailing Address: The address of the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.
- (g) Provider Mailing Address-City: The city of the address of the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.
- (h) Provider Mailing Address-State: The State of the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.
- (i) Provider Mailing Address Zip Code: The Zip Code of the Comprehensive Inpatient Rehabilitation Hospital providing the patient data records.
- (j) Submitter Mailing Address: The address of the organization that is submitting the data file.
- (k) Submitter Mailing Address-City: The City of the organization that is submitting the data file.
- (l) Submitter Mailing Address State: The state of the organization submitting the data file.
- (m) Submitter Mailing Address Zip Code: The zip code of the organization submitting the data file.
- (n) Number of Records: The total number of patient data records contained in the file, excluding header and trailer records.
- (o) Filler: A blank field of 126 spaces.

59E-7.206 Patient Data Format – Record Layout.

(1) Header Record Layout. Each data file must contain as the first record a header record with a logical record length of 320 characters with the following record layout.

DESCRIPTION	LENGTH	TYPE	POSITIONS	COMMENTS (a)
TRANSACTION CODE	1	A/N	1	MUST BE "H"
(b) REPORTING YEAR	4	N	2-5	CCYY
(c) REPORTING QUARTER	1	N	6	1, 2, 3, or 4
(d) DATE TYPE	5	A/N	7-11	MUST BE "CR100"
(e) SUBMISSION TYPE	1	A/I	2	I, M, or R
(f) PROCESSING DATE	8	N	13-20	CCYYMMDD
(g) AHCA NUMBER	10	N	21-30	RIGHT JUSTIFY
(h) FLORIDA LICENSE NUMBER	10	A/N	31-40	LEFT JUSTIFY
(i) PROVIDER MEDICAID NUMBER	10	A/N	41-50	LEFT JUSTIFY
(j) PROVIDER MEDICARE NUMBER	10	A/N	51-60	LEFT JUSTIFY
(k) PROVIDER ORGANIZATION NAME	40	A/N	61-100	LEFT JUSTIFY
(l) PROVIDER CONTACT PERSON NAME	25	A/N	101-125	LEFT JUSTIFY
(m) PROVIDER CONTACT PERSON TELEPHONE NUMBER	14	N	126-139	LEFT JUSTIFY
(n) SUBMITTER ORGANIZATION NAME	40	A/N	140-179	LEFT JUSTIFY
(o) SUBMITTER CONTACT PERSON NAME	25	A/N	180-204	LEFT JUSTIFY
(p) SUBMITTER CONTACT PERSON TELEPHONE NUMBER	14	N	205-218	LEFT JUSTIFY
(q) FILLER	102	A/N	219-320	BLANK SPACES

(2) Rehabilitation Patient Data Record Layout. The data elements for each patient record must have a logical record length of 320 characters with the following record layout.

DESCRIPTION	LENGTH	TYPE	POSITIONS	COMMENTS
(a) DATA TYPE	5	A/N	1-5	"CR100"
(b) ACTION CODE	1	A	6	A, U, or D
(c) REPORTING QUARTER	1	N	7	1, 2, 3 or 4
(d) REPORTING YEAR	4	N	8-11	CCYY
(e) AHCA NUMBER	6	N	12-17	RIGHT JUSTIFY
(f) DATE SUBMITTED	8	N	18-25	CCYYMMDD
(g) RESERVED FIELD	20	N	26-45	LEFT BLANK
(h) RECORD IDENTIFICATION CODE	17	A/N	46-62	RIGHT JUSTIFIED
(i) PATIENT SOCIAL SECURITY NUMBER	9	N	63-71	==
(j) PATIENT RACIAL BACKGROUND	1	N	72	==
(k) PATIENT BIRTH DATE	8	N	73-80	CCYYMMDD-
(l) PATIENT SEX	1	N	81	1 or 2
(m) PATIENT ZIP CODE	5	N	82-86	==
(n) SOURCE OF ADMISSION	1	N	87	==
(o) ADMISSION DATE	8	N	88-95	CCYYMMDD-
(p) DISCHARGE DATE	8	N	96-103	CCYYMMDD-
(q) PATIENT DISCHARGE STATUS	2	N	104-105	==
(r) PRINCIPAL PAYER CODE	1	A	106	==
(s) PRIMARY CONDITION CODE	2	N	107-108	==
(t) ATTENDING PHYSICIAN IDENTIFICATION NUMBER	11	A/N	109-119	FLORIDA LICENSE
(u) TOTAL GROSS CHARGES	7	N	120-126	RIGHT JUSTIFIED
(v) STATUS CODE	1	A	127	SPACE
(w) RESERVED FILLER	193	A/N	128-320	SPACES

(3) Trailer Record Layout. Each data file must contain as the last record, a trailer record with a logical record length of 320 characters with the following record layout.

DESCRIPTION	LENGTH	TYPE	POSITIONS	COMMENTS
(a) TRANSACTION CODE	1	A/N	1	MUST BE "T"
(b) AHCA NUMBER	10	N	2-11	RIGHT JUSTIFY
(c) FLORIDA LICENSE NUMBER	10	A/N	12-21	==
(d) PROVIDER MEDICAID NUMBER	10	A/N	22-31	LEFT JUSTIFY
(e) PROVIDER MEDICARE NUMBER	10	A/N	32-41	LEFT JUSTIFY

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History—New 3-31-94, Repealed _____.

(f) PROVIDER MAILING	40	A/N	42-81	NUMBER LEFT JUSTIFY ADDRESS
(g) PROVIDER MAILING	25	A/N	82-106	LEFT JUSTIFY ADDRESS CITY
(h) PROVIDER MAILING	2	A	107-108	ADDRESS STATE
(i) PROVIDER MAILING	5	N	109-113	ADDRESS ZIP CODE
(j) SUBMITTER MAILING	40	A/N	114-153	LEFT JUSTIFY ADDRESS
(k) SUBMITTER MAILING	25	A/N	154-178	LEFT JUSTIFY ADDRESS CITY
(l) SUBMITTER MAILING	2	A	179-180	=====
ADDRESS STATE				
(m) SUBMITTER MAILING	5	N	181-185	=====
ADDRESS ZIP CODE				
(n) NUMBER OF RECORDS	9	N	186-194	COUNT EXCLUDES HEADER AND TRAILER RECORDS: BLANK SPACES:
(o) FILLER	126	A/N	195-320	

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History—New 3-31-94, Repealed _____.

59E-7.207 Data Standards.

Hospitals submitting pursuant to Rule 59E-7.207, F.A.C., shall report data according to the following parameters:

(1) Header Record:

- (a) The Transaction Code must be "H".
- (b) The Reporting Year must be included or the record will be rejected.
- (c) The Reporting Quarter must be 1, 2, 3, or 4.
- (d) The Data Type must be "CR100"
- (e) The Submission Type must be I, M, or R.
- (f) The Processing Date should reflect the date that the data file was created by the submitter.
- (g) The AHCA Number must be valid for the facility or the file will be REJECTED.
- (h) The Florida License Number must be valid for the facility as licensed by the AHCA Division of Health Quality Assurance.
- (i) The Provider Medicaid Number must be valid for the facility. If the facility is not a Medicaid provider, zero fill this field.
- (j) The Provider Medicare Number must be valid for this facility. If the facility is not a Medicare provider, zero fill this field.
- (k) The Provider Organization Name is the name of the health care provider that the data file reflects.
- (l) The Provider Contact Person Name and Telephone Number specify the contact individual at the health care provider organization.
- (m) The Submitter Organization Name is the name of the organization that produced the data file being submitted.
- (n) The Submitter Contact Person Name and Telephone Number specify a contact person at the submitting organization.

(2) Comprehensive Inpatient Rehabilitation Hospital Patient Data Records:

- (a) The Data Type must be "CR100", is a required field for each comprehensive inpatient rehabilitation hospital patient data record, and is the first element in each record.
- (b) The Action Code must be included for each record or the entire record will be REJECTED.
- (c) The Reporting Quarter must be included for each record or the record will be REJECTED.
- (d) The Reporting Year must be included for each record or the record will be REJECTED.
- (e) The AHCA Number is a required field for each comprehensive inpatient rehabilitation hospital patient data record; must be 6 digits; and must be included on the tape/diskette external label or the entire file will be REJECTED.
- (f) The Date Submitted must be included in each record or the record will be REJECTED.
- (g) The Reserved Field is to be left blank for agency use.
- (h) The Record Identification Code must be provided; each must be a unique identifier, up to 17 characters, and cannot be all spaces. Failure to provide a record identification code will result in REJECTION of the record. Duplication of a record identification code will also result in REJECTION of the record, with the exception of revisions to previously submitted reports, in which case the revised record must have a more current submission date and must have an Action Code of "U", indicating that this is an update.
- (i) The Patient Social Security number is a 9 digit required field for all patients who have had social security numbers assigned. Those not having social security numbers are expected to be newborn up to two years of age, or foreign or elderly patients who have never had one assigned. If not available, zero fill this field.
- (j) The Patient Racial Background is a single digit entry showing: 1 - American Indian/Eskimo/Aleut, 2 - Asian/Pacific Islander, 3 - Black, 4 - White, 5 - White Hispanic, 6 - Black Hispanic, 7 - Other, 8 - No Response; For use as demographic and epidemiological information, and health planning.
- (k) The Patient Birth Date is required; must be 8 digits; month must be 01-12; day must be 01-31; and year must be a 4 digit numeric character (e.g., 1963).
- (l) The Patient Sex designation must be 1 or 2.
- (m) The Patient Zip Code is required and must be 5 digits; use 00009 for foreign patients who do not have a zip code for residence; use 00000 if unknown.
- (n) The Source of Admission is required; must be 1-9.
- (o) The Admission Date is required; must be 8 digits; month must be 01-12; day must be 01-31; and year must be a four digit numeric character (e.g., 1994). The Admission Date must be equal to or precede the Discharge Date.

~~(p) The Discharge Date is required; must be 8 digits; month must be 01-12; day must be 01-31; and year must be a four digit numeric character (e.g., 1994). The Discharge Date must occur within the specified reporting period as shown on the external label of the tape/diskette: (e.g., 01/01-03/31, 04/01-06/30, 07/01-09/30, 10/01-12/31).~~

~~(q) The Patient Discharge Status is required; must be 2 digits; and must be 01-08 or 20.~~

~~(r) The Principal Payer Code is required and must be an alphabetic character A through M.~~

~~(s) The Primary Condition Code is required and must be a valid code 01-11. The leading zero is required for 01-09. The primary condition reported should be in accordance with the primary diagnosis reported to the Health Care Financing Administration (HCFA). Failure to provide primary condition will result in REJECTION of the record.~~

~~(t) The Attending Physician Identification Number is a required entry showing the Florida license number of the physician having primary responsibility for the patient's care and treatment.~~

~~(u) The Total Gross Charges field is required; must be rounded to the nearest dollar; and must be numeric. A space filled field is not acceptable. A zero filled gross charge is only acceptable if the Discharge Status is 02 (Discharged to short term general hospital), 05 (discharged to another type of institution), or 20 (expired). Since all charges are rounded to the nearest dollar, an allowance for rounding will be accepted.~~

~~(v) The Status Code field must be left blank. It will be used by the agency, internally and in a report to the provider, to indicate whether the record has been accepted or rejected.~~

~~(w) The Reserved Filler field is to be left blank. This field will be used by the agency, internally and in a report to the provider, to indicate specific errors within the record.~~

~~(x) The total discharges reported must equal total discharges for calendar quarter stated on external tape/diskette label, and on the trailer record.~~

~~(3) Trailer Record:~~

~~(a) The Transaction Code must be "T".~~

~~(b) The AHCA Number, as issued by AHCA, must be valid for the health care provider facility.~~

~~(c) The Florida License Number must be currently valid for the facility licensed by the AHCA Division of Health Quality Assurance.~~

~~(d) The Provider Medicaid Number must be the correct number issued to the health care facility.~~

~~(e) The Provider Medicare Number must be the correct number issued to the health care facility.~~

~~(f) The Provider Address fields specify where correspondence and data files should be sent to the health care provider.~~

~~(g) The Submitter Address fields specify where correspondence and data files should be sent to the submitter organization.~~

~~(h) The Number of Records must equal the number of patient data records physically on the data exchange file, excluding the header and trailer records.~~

~~(i) The Filler field is to be left blank.~~

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History--New 3-31-94, Repealed.

59E-7.208 Notice of Potential Future Additional Data Requirements.

The agency intends to develop additional data requirements and implementation schedules after it receives and analyzes patient level data collected from comprehensive inpatient rehabilitation hospitals. The agency will continue to monitor national developments and evaluate the efficiency and value of supplementing the initial set of eleven primary condition codes with data related to the patient's functional status, diagnosis and procedure codes or of refining or expanding the set of primary condition codes.

Specific Authority 408.15(8) FS. Law Implemented 408.005(2), 408.05(2)(f)-(g), 408.05(6), 408.061(1)(a)-(b), 408.061(2)-(3), 408.061(8)-(9), 408.062(1)(f), 408.063(2), 408.07, 408.072, 408.085 FS. History--New 3-31-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick Kennedy, Administrator, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-18.005 Qualifications of Course Instructors

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the qualifications of course instructors.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify the qualifications of course instructors.

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: 489.108, 489.115 FS.

LAW IMPLEMENTED: 489.115 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.005 Qualifications of Course Instructors.

(1) No change.

(2) Any person with a four year college degree or graduate degree is qualified to teach any course in their field of study provided they are currently active in their respective field.

(3) Any active or inactive state certified or registered contractor, or standard licensed inspector, standard licensed plans examiner, or standard licensed building code administrator with at least five years experience may teach any technical course regarding construction within the scope of their the contractor's license. However, no individual contractor whose construction license is suspended or revoked as a result of any licensing Board discipline shall teach or serve as a continuing education course instructor.

(4) through (5) No change.

Specific Authority 489.108, 489.115 FS. Law Implemented 489.115 FS. History--New 12-2-93, Amended 11-25-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 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."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.520 **RULE TITLE:** Indian River Lagoon TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations. The TMDLs to be adopted through this rule are for the main stem segments of the Indian River Lagoon and Banana River Lagoon, including Indian River above Max Brewer Causeway, Indian River above NASA Causeway, Indian River above 520 Causeway, Indian River above Melbourne Causeway, Indian River above Sebastian Inlet, South Indian River, Banana River above Barge Canal, Banana River below 520 Causeway, Banana River above 520 Causeway, and Newfound Harbor.

SUMMARY: These TMDLs address the nutrient impairments in the main stems of Indian River Lagoon and Banana River Lagoon. Nutrient impairments in these waters were verified using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The Pollutant Load Screening Model (PLSM) and Hydrological Simulation Program – Fortran (HSPF) were used to simulate the nutrient loadings from the drainage basin. Seagrass maps from multiple years were unified to derive the depth-limit target for seagrass restoration. The final nutrient loading targets were established based on the correlation relationships between the drainage basin nutrient loadings and seagrass depth limits in these water segments.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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:

DATE AND TIME: Friday, February 6, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of

Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.520 Indian River Lagoon Basin TMDLs.

(1) through (2) No change.

(3) Indian River above Max Brewer Causeway: The Total Maximum Daily Loads (TMDLs) for the Indian River above Max Brewer Causeway are 177,220 lb/year of total nitrogen and 9,320 lb/year of total phosphorus, and are allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(b) The combined rainfall-driven nutrient loads of 177,220 lb/year of total nitrogen and 9,320 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are a 35% reduction of total nitrogen and a 47% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 35% reduction of total nitrogen and a 47% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(4) Indian River above NASA Causeway: The TMDLs for the Indian River above NASA Causeway are 173,232 lb/year of total nitrogen and 14,793 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The combined rainfall-driven nutrient loads of 173,232 lb/year of total nitrogen and 14,793 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 35% reduction of total nitrogen and a 47% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 35% reduction of total nitrogen and a 47% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(5) Indian River above 520 Causeway: The TMDLs for the Indian River above 520 Causeway are 147,524 lb/year of total nitrogen and 11,845 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources are 8,111 lb/year of total nitrogen and 1,609 lb/year of total phosphorus. The WLAs are granted to Cocoa Water Reclamation Facility (5,556 lb/year of total nitrogen and 1,423 lb/year of total phosphorus), FP & L Cape Canaveral Plant (2,555 lb/year of total nitrogen and 146 lb/year of total phosphorus), and Reliant Energy-Indian River Plant (40 lb/year total nitrogen).

(b) The combined rainfall-driven nutrient loads of 139,413 lb/year of total nitrogen and 10,236 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 36% reduction of total nitrogen and a 53% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 36% reduction of total nitrogen and a 53% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(6) Indian River above Melbourne Causeway: The TMDLs for the Indian River above Melbourne Causeway are 189,068 lb/year of total nitrogen and 20,592 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources are 9,200 lb/year of total nitrogen and 225 lb/year of total phosphorus. The WLAs are granted to Rockledge Wastewater Treatment Facility (30 lb/year of total nitrogen and 30 lb/year of total phosphorus), and Melbourne Reverse Osmosis (9,170 lb/year of total nitrogen and 195 lb/year of total phosphorus).

(b) The combined rainfall-driven nutrient loads of 179,868 lb/year of total nitrogen and 20,367 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 36% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 36% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the flushing effects of Sebastian Inlet and the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(7) Indian River above Sebastian Inlet and the northern South Indian River: The TMDLs for the Indian River above Sebastian Inlet and the northern South Indian River are 684,715 lb/year of total nitrogen and 111,594 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources are 831 lb/year of total nitrogen and 122 lb/year of total phosphorus. The WLAs are granted to BCUD/South Beaches Wastewater Treatment Facility (173 lb/year of total nitrogen and 36 lb/year of total phosphorus), Melbourne/Grant Street Wastewater Treatment Facility (182 lb/year of total nitrogen and 8 lb/year of total phosphorus), and Barefoot Bay Advanced Wastewater Treatment Facility (476 lb/year of total nitrogen and 78 lb/year of total phosphorus).

(b) The combined rainfall-driven nutrient loads of 683,884 lb/year of total nitrogen and 111,472 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 56% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 56% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the flushing effects of Sebastian Inlet and the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(8) Central and southern South Indian River: The TMDLs for the Central and southern South Indian River are 278,273 lb/year of total nitrogen and 53,599 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources is 25,391 lb/year of total nitrogen and 1,949 lb/year of total phosphorus. The WLAs are granted to Vero Beach Wastewater Treatment Facility (12,173 lb/year of total nitrogen and 916 lb/year of total phosphorus), Vero Beach Demineralization Concentrate (2,985 lb/year of total nitrogen and 487 lb/year of total phosphorus), IRCUD/Hobart Park Demineralization

Concentrate (2,759 lb/year of total nitrogen and 96 lb/year of total phosphorus), IRCUD/West Regional Wastewater Treatment Facility (2,838 lb/year of total nitrogen and 159 lb/year of total phosphorus), and IRCUD/South County Reverse Osmosis, Potable Water Treatment Plant (4,636 lb/year of total nitrogen and 291 lb/year of total phosphorus).

(b) The combined rainfall-driven nutrient loads of 252,882 lb/year of total nitrogen and 51,650 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 56% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 56% reduction of total nitrogen and a 48% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the flushing effects of Sebastian Inlet and the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(9) Banana River above Barge Canal: The TMDLs for the Banana River above Barge Canal are 115,314 lb/year of total nitrogen and 7,825 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources is 1,214 lb/year of total nitrogen and 302 lb/year of total phosphorus. The WLA is granted to Morton Salt Industrial Wastewater Treatment and Disposal System (1,214 lb/year of total nitrogen and 302 lb/year of total phosphorus).

(b) The combined rainfall-driven nutrient loads of 115,100 lb/year of total nitrogen and 7,523 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 67% reduction of total nitrogen and a 72% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 67% reduction of total nitrogen and a 72% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(10) Banana River below 520 Causeway and Banana River above 520 Causeway: The TMDLs for the Banana River below 520 Causeway and Banana River above 520 Causeway are 144,780 lb/year of total nitrogen and 12,181 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources is 6,173 lb/year of total nitrogen and 1,221 lb/year of total phosphorus. The WLAs are granted to Cape Canaveral Water Reclamation Facility (2,151 lb/year of total nitrogen and 158 lb/year of total phosphorus), and Cocoa Beach Water Reclamation Facility (4,022 lb/year of total nitrogen and 1,063 lb/year of total phosphorus).

(b) The combined rainfall-driven nutrient loads of 138,607 lb/year of total nitrogen and 10,960 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 59% reduction of total nitrogen and a 64% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 59% reduction of total nitrogen and a 64% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

(11) Newfound Harbor: The TMDLs for Newfound Harbor are 30,661 lb/year of total nitrogen and 3,247 lb/year of total phosphorus, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The combined rainfall-driven nutrient loads of 30,661 lb./year of total nitrogen and 3,247 lb/year of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005), to be allocated as follows:

1. WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 66% reduction of total nitrogen and a 70% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

2. The LAs for nonpoint sources are a 66% reduction of total nitrogen and a 70% reduction of total phosphorus based on the year 2000 landuse and a 30-year long-term average annual rainfall (1975 through 2005).

(c) The Margin of Safety is implicit. Not including the direct atmospheric deposition in the calculation makes the estimation of needed percent reduction more stringent and therefore adds to the margin of safety.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 6-3-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.705
RULE TITLE: St. Lucie Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs) and their allocations for the impaired water segments that drain into the St. Lucie Estuary, including the following Water Body Identifications (WBID): St. Lucie River Lower and Middle Estuary (3193), the North Fork St. Lucie River (3194), the North St. Lucie Estuary (3194B), the C-24 Canal (3197), the C-23 Canal (3200), the South St. Lucie Estuary (3210), the South Fork St. Lucie River (3210A), Bessey Creek (3211), and the C-44 Canal (3218).

SUMMARY: These TMDLs address the nutrient, dissolved oxygen and biological oxygen demand impairments in the North Fork St. Lucie River (3194) and C-24 Canal (3218); dissolved oxygen and biological oxygen demand impairments in the C-44 Canal (3218); nutrient and dissolved oxygen impairments in the North St. Lucie Estuary (3194B), C-23 Canal (3200), South Fork St. Lucie River (3210A), Bessey Creek (3211); the nutrient impairments in the St. Lucie River Lower Estuary (3193) and the South St. Lucie Estuary (3210). Impairments in these waters were verified using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The WATERSHed (WASH) Model was used to simulate flows from the drainage basins and in stream nutrient values were obtained from measured five- to ten-year annual averages. Percent reductions were specified for the St. Lucie River Lower and Middle Estuary (3193) at Roosevelt Bridge. Loads to the estuary were calculated by multiplying annual average flows by annual average concentrations for the contributing impaired water segments. The final nutrient concentration targets of these waters were established based on a weight of evidence approach which considered targets for the Indian River Lagoon developed to be protective of seagrasses, statewide nutrient concentrations in estuaries, and correlations between nutrients and healthy seagrass beds.

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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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:

DATE AND TIME: Friday, February 6, 2009, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Bob Martinez Center Room 609, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.705 St. Lucie Basin TMDLs.

(1) St. Lucie Estuary (Lower & Middle Estuary) WBID 3193: The Total Maximum Daily Loads (TMDLs) for the St. Lucie Estuary, based on data in the period from 1996 through 2005, are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen at Roosevelt Bridge and are allocated as follows:

(a) The Wasteload Allocation (WLA) for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are a 21.4% reduction of total nitrogen and a 41.3% reduction of total phosphorus.

(c) The Load Allocations (LAs) for nonpoint sources are a 21.4% reduction of total nitrogen and a 41.3% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(2) North Fork St. Lucie River (Freshwater) WBID 3194: The TMDLs for the North St. Lucie (Freshwater) are to achieve 0.081 mg/L total phosphorus, 0.74 mg/L total nitrogen, and 2.0 mg/L biological oxygen demand for this segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 140,134 lbs/year total nitrogen, 15,765 lbs/year total phosphorus and 2.0 mg/L biological oxygen demand allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 25.0% reduction of total nitrogen, 42.2% reduction of total phosphorus, and 74.0% reduction of biological oxygen demand.

(c) The LAs for nonpoint sources are 25.0% reduction of total nitrogen, 42.2% reduction of total phosphorus, and 74.0% reduction of biological oxygen demand, and

(d) The Margin of Safety is implicit.

(3) North Fork St. Lucie Estuary (Estuarine North Fork) WBID 3194B: The TMDLs for the North Fork St. Lucie Estuary (Estuarine North Fork) are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen in this estuary segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 103,174 lbs/year total nitrogen and 11,672 lbs/year total phosphorus allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 28.8% reduction of total nitrogen and 58.1% reduction of total phosphorus.

(c) The LAs for nonpoint sources are 28.8% reduction of total nitrogen and 58.1% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(4) C-24 Canal WBID 3197: The TMDLs for the C-24 Canal are to achieve 0.081 mg/L total phosphorus, 0.74 mg/L total nitrogen, and 2.0 mg/L biological oxygen demand for the canal segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 348,957 lbs/year total nitrogen, 39,258 lbs/year total phosphorus and 2.0 mg/L biological oxygen demand allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 51.8% reduction of total nitrogen, 72.2% reduction of total phosphorus, and 33.3% reduction of biological oxygen demand.

(c) The LAs for nonpoint sources are 51.8% reduction of total nitrogen, 72.2% reduction of total phosphorus, and 33.3% reduction of biological oxygen demand, and

(d) The Margin of Safety is implicit.

(5) C-23 Canal WBID 3200: The TMDLs for the C-23 Canal are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen in the canal segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 242,202 lbs/year total nitrogen and 27,248 lbs/year total phosphorus allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 51.7% reduction of total nitrogen and 78.6% reduction of total phosphorus.

(c) The LAs for nonpoint sources are 51.7% reduction of total nitrogen and 78.6% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(6) South Fork St. Lucie Estuary WBID 3210: The TMDLs for the South Fork St. Lucie Estuary are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen in this estuary segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 24,463 lbs/year total nitrogen and 2,752 lbs/year total phosphorus allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 38.4% reduction of total nitrogen and 57.2% reduction of total phosphorus.

(c) The LAs for nonpoint sources are 38.4% reduction of total nitrogen and 57.2% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(7) South Fork St. Lucie River WBID 3210A: The TMDLs for the South Fork St. Lucie River are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen in this river segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 90,471 lbs/year total nitrogen and 10,178 lbs/year total phosphorus allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 47.1% reduction of total nitrogen and 61.8% reduction of total phosphorus.

(c) The LAs for nonpoint sources are 47.1% reduction of total nitrogen and a 61.8% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(8) Bessey Creek WBID 3211: The TMDLs for Bessey Creek are to achieve 0.081 mg/L total phosphorus and 0.74 mg/L total nitrogen in the creek segment. Based on data in the period from 2000 through 2005, the cumulative load from all sources is 29,981 lbs/year total nitrogen and 3,373 lbs/year total phosphorus allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is 23.9% reduction of total nitrogen and 51.2% reduction of total phosphorus.

(c) The LAs for nonpoint sources is 23.9% reduction of total nitrogen and 51.2% reduction of total phosphorus, and

(d) The Margin of Safety is implicit.

(9) C-44 Canal WBID 3218: The TMDLs for the C-44 Canal are to achieve 0.081 mg/L total phosphorus, 0.74 mg/L total nitrogen, and 2.0 mg/L biological oxygen demand in this canal segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 242,929 lbs/year total nitrogen, 27,330 lbs/year total phosphorus and 2.0 mg/L biological oxygen demand allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are 51.2% reduction of total nitrogen, 55.0% reduction of total phosphorus, and 69.7% reduction of biological oxygen demand.

(c) The LAs for nonpoint sources are 51.2% reduction of total nitrogen, 55.0% reduction of total phosphorus, and 69.7% reduction of biological oxygen demand, and

(d) The Margin of Safety is implicit.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-341.494	Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County

PURPOSE AND EFFECT: The Department proposes to adopt a new environmental resource Noticed General Permit (NGP) for the West Coast Inland Navigation District (WCIND) to dredge public navigation channels and canals within 48 traffiched and secondary channel systems in Lee County.

The NGP is based on detailed studies conducted by the West Coast Inland Navigation District and Florida Sea Grant of existing traffic patterns, vessel drafts, vessel numbers and mooring locations, depth restrictions, and dredging needed to maintain existing boating use within these trafficheds and secondary channel systems. The NGP will expedite the permitting process for the WCIND to maintain and enhance public navigation in Lee County in accordance with its statutory authorization. The NGP contains terms, limitations, and conditions that ensure that the authorized activities will not result in more than minimal adverse impact on the water resources, in accordance with Sections 373.118(1) and 373.414(9), F.S.

The NGP also includes a pre-issued Letter of Consent under Chapter 253, F.S., subparagraph 18-21.005(1)(c)10., and Rule 18-21.005, F.A.C., to conduct the authorized dredging on state-owned submerged lands outside of aquatic preserves, and a Letter of Consent under Chapters 253 and 258, F.S., Chapter 18-20, F.A.C., and subparagraph 18-21.005(1)(c)15., F.A.C., to establish four No Internal Combustion Motor Zones (NICMZs) as mitigation and for public interest benefits within the Estero Bay, Matlacha Pass, Pine Island Sound, and Gasparilla Sound/Charlotte Harbor Aquatic Preserves.

SUMMARY: The rule adopts a new Noticed General Permit for the WCIND to maintain by dredging, marking, and maintaining public navigation channels and canals within 48 "trafficheds" and secondary channel systems in Lee County. Dredging within these areas will be limited to a maximum of 8,500 cubic yards in each traffiched or secondary channel system within a five-year period. The NGP limits dredging alignments, top and bottom widths, depths, and lengths of anticipated dredging. Twenty-six of the trafficheds are located within the Estero Bay, Matlacha Pass, Pine Island Sound, and Gasparilla Sound/Charlotte Harbor Aquatic Preserves, which are designated as Outstanding Florida Waters. The authorized work is estimated to involve some dredging of seagrass within the four aquatic preserves. To offset impacts to seagrass resources and provide that the activities within the aquatic preserves are clearly in the public interest, the general permit also requires the establishment of four NICMZs within the aquatic preserves. Lee County will also facilitate an update of the "Lee County Boaters Guide" to reflect the NICMZs and to include additional information designed to enhance water quality and resource protection within the aquatic preserves.

The NGP contains terms, limitations, and conditions that ensure the authorized activities will not result in more than minimal adverse impact on the water resources. Areas authorized for dredging cannot contain any living communities of true stony coral, hydrocoral, octocoral, soft coral, sponge beds, oyster bars, or certain macroalgae. Individual specimens of these organisms will be relocated if encountered. Dredging is required to follow existing channels and previously dredged areas to the maximum extent practicable, and to minimize the

potential for erosion of adjacent seagrass communities. All seagrass within dredge alignments will be relocated. Each use of the NGP will require a resource inventory, a plan for monitoring water quality, a description of resources proposed to be relocated and how, and at least one pre-application meeting. The NGP contains requirements for disposal of dredged material, and for maintaining water quality standards. Standard manatee conditions that incorporate recommendations from the Florida Fish and Wildlife Conservation Commission are included to ensure that the activities do not adversely affect manatees.

The NICMZs were established by Resolution of the Lee County Commission. The NGP includes a Letter of Consent from the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253, F.S., and Chapter 18-21, F.A.C., for the authorized channel dredging outside of aquatic preserves, and a Letter of Consent under Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., to establish the NICMZs within the aquatic preserves.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost is being prepared but is not yet available.

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: 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.814(1) FS.

LAW IMPLEMENTED: 253.002, 253.77(4), 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.426, 403.813(2)(f), 403.813(3), 403.814(1) FS.

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

DATE AND TIME: January 28, 2009, 10:00 a.m., ET

PLACE: Joseph P. D'Alessandro Office Complex (formerly State Regional Service Center), 2295 Victoria Avenue, Room 165 C and D, Ft. Myers, 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: Mary VanTassel at (850)245-8486. 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 VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from

the Department's Web Site at http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 07-0200; formerly Docket No. 05-01R)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-341.494 Noticed General Permit for Maintenance of Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County.

(1) A general permit is hereby granted to the West Coast Inland Navigation District ("WCIND") to dredge public navigation channels and canals within the trafficsheds and secondary channel systems listed in Table 1 and shown in Figures 1 through 48 of Antonini, Gustavo A., Robert A. Swett, and David Fann, 2008, Maps of Lee County Noticed General Permit Trafficshed Channels and Secondary Channels, SGEF-173, Florida Sea Grant College Program, Gainesville, Florida (30 October 2008), which is hereby incorporated by reference. Additional information on the background, methodology, and data used in identifying the trafficsheds and secondary channel systems that are the subject of this general permit is described in the following reports:

(a) Antonini, Gustavo A. and Paul Box, 1996, A Regional Waterway Systems Management Strategy for Southwest Florida, TP-83, Florida Sea Grant College Program, Gainesville, Florida;

(b) Swett, Robert A., David A. Fann, Gustavo A. Antonini and Lana Carlin Alexander, 2000, Regional Waterway Management System for Lee County, Phase I, TD-3, Florida Sea Grant College Program, Gainesville, Florida;

(c) Swett, Robert A., David A. Fann, Gustavo A. Antonini and Lana Carlin Alexander, 2001, Regional Waterway Management System for Lee County, Phase 2, TD-4, Florida Sea Grant College Program, Gainesville, Florida;

(d) Fann, D.A., R.A. Swett, and G.A. Antonini, 2002, Regional Waterway Management System for Lee County, Phase 3, TD-5, University of Florida, Gainesville, FL: 21 Florida Sea Grant.

Copies of the above documents may be obtained by contacting environmental resource permit program staff in the South District Office (Fort Myers) of the Department and from the Department's Internet site at <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

(2) This general permit is further limited as follows.

(a) For purposes of this general permit, the term "public navigation channels and canals" shall consist of the Intracoastal Waterway and those trafficsheds and secondary channel systems identified on the maps in SGEF-173, which have been determined by the WCIND Board to make a significant contribution to public boating traffic.

(b) The area to be dredged shall not contain any living communities of true stony coral (order Scleractinia), hydrocoral (order Milleporina), octocoral (subclass

Octocorallia), or soft coral (Alcynoacea, Gorgonacea and Pennatulacea), sponge beds (Porifera), oyster bars (Crassostrea spp.), or macroalgae of the family Caulerpaceae. This shall not prevent dredging of incidental individual specimens of corals, sponges, or oysters. To the extent individual or clumped oysters, corals, or sponges are to be dredged, they shall be relocated to the maximum extent practicable in accordance with paragraph (3)(c) of this general permit. In addition, the dredging alignments shall be located so as to not adversely affect coral and sponge communities and oyster bars as a result of sloughing of channel side slopes. Seagrass within the proposed dredged area shall be relocated in accordance with paragraph (3)(c) of this general permit.

(c) To the maximum extent practicable, dredging alignments shall follow existing channels and previously dredged areas and avoid and minimize impacts to seagrass communities (Potamogetonaceae, Hydrocharitaceae and Cymodoceae sp.). Dredging alignments also shall be located to minimize the potential for erosion to adjacent seagrass communities as a result of sloughing of channel side slopes.

(d)1. The "No Internal Combustion Motor Zones" (NICMZs) shown and described in the attached Exhibit A, which reflect the boundaries approved in Resolution 07-09-49 of the Lee County Board of County Commissioners on September 25, 2007, are hereby established by this general permit. Within these NICMZs, the use of electric motors is permitted, but operators of all vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion must turn off the internal combustion motor and, if possible to do so, tilt or raise the internal combustion motor out of the water. For purposes of implementing this rule, the definition of "No Internal Combustion Motors" in Chapter 68D-23, F.A.C., shall not apply.

2. Prior to any dredging authorized by this general permit within an Aquatic Preserve, WCIND shall demonstrate that the NICMZ(s) within that aquatic preserve have been marked in the field with signage in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission's (FWC) Boating and Waterways Section. DEP authorizes WCIND, as its agent, to apply to FWC for all required sign permits to mark the boundaries of the NICMZ's established by this general permit. WCIND shall pay all permitting fees, and shall be responsible for installing and maintaining all permitted signs.

3. WCIND will design and implement a program to monitor seagrasses within the NICMZs using various scientifically approved methods after consultation with DEP and FWC staff. The monitoring shall be designed to establish the baseline coverage of seagrasses by species, the number and coverage of prop scarring, and document any change in coverage over time. At a minimum, the first monitoring will occur within 90 days after the boundaries of the NICMZ's have

been marked with signage as provided in the preceding section of this general permit, and thereafter every two years for a total of ten years.

(e) Dredging alignments shall not exceed the maximum depths shown in Table 1. All dredging alignments shall not exceed a maximum top width of 30 feet and a maximum bottom width of 20 feet. Overdredging to achieve the final authorized depth and width is not allowed. An as-built survey of the dredging alignment shall be submitted to the Department as provided in paragraph (3)(h) below.

(f) No more than 8,500 cubic yards of dredged material shall be cumulatively removed through authorizations by this general permit over a five-year period within each trafficshed or secondary channel system, beginning with the first project authorized under this general permit within the trafficshed or secondary channel system. Within 30 days following the completion of the as-built survey required in paragraphs (2)(e) above and (3)(h), below, a report shall be submitted to the South District office of the Department that includes the volume of material excavated from each channel and canal within the trafficshed or secondary channel system, and the cumulative total volume of material excavated for the trafficshed or secondary channel system under this general permit within the previous five years. This report shall be included with any subsequent notices to dredge channels or canals within the same trafficshed or secondary channel system.

(g) The dredging activity is restricted to Class III Waters, or Class II Waters that are classified by the Department of Agriculture and Consumer Services under Chapter 62R-7, F.A.C., as unclassified, prohibited, restricted, or conditionally approved for shellfish harvesting.

(h) This general permit shall not apply to dredging within the limits of areas subject to currently valid individual ERP dredging permits.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-341.215, F.A.C., and the following specific conditions.

(a) Each dredging event for a trafficshed or secondary channel system shall require a separate notice to use this general permit. Multiple areas within a single trafficshed or secondary channel system may be included in one notice. Each notice shall be submitted with the following:

1. Scaled plan and cross-sectional drawings that clearly identify the length, width, and depth (referenced to mean lower low water) of the area or areas to be dredged within each channel and canal; locations of any hydraulic pipelines between the dredge areas and the dredged material disposal sites; and identification of the channels, canals, and names of the trafficsheds or secondary channel system that are to be dredged from Table 1.

2. Identification of the source document described in subsection 1 and reference data that specifically describe the work proposed for dredging within the trafficshed or secondary

channel system. All document titles, page numbers, figures, and other relevant information to the trafficshed or secondary channel system must be identified.

3. The location, dimensions, and estimated volumes of dredged material disposal sites, including the location of any water quality or habitat restoration as described in paragraph (3)(d) of this general permit and any relocation areas required under paragraph (2)(b) of this general permit. If dredged material fill will be transported over water by barge, the notice will include assurance that the barge will be designed and sized to prevent discharge of dredged material runoff, prop or hull dredging, and discharge during the loading and unloading of material. If temporary stockpile areas are to be used for temporary disposal and transport, the type and volume capacity of such stockpile areas, including controls that will be used to prevent dredge material runoff also must be described. The notice must provide assurance any temporary stockpile areas will have no impacts to jurisdictional wetlands or surface waters.

4. The estimated volume of each proposed dredging area.

5. Identification of any special water classifications for the areas to be dredged, such as the water class (Rule 62-302.400, F.A.C.); shellfish classification under Chapter 62R-7, F.A.C.; Aquatic Preserve, state park, or state recreation area designation under Chapter 258, F.S.; and Outstanding Florida Water or Outstanding National Resource Water designation under Rule 62-302.700, F.A.C.

6. A resource inventory of the dredging alignments which has been prepared or updated between May through September within one year prior to the proposed dredging. The resource inventory must be conducted by an individual experienced and knowledgeable in benthic communities and seagrass identification. The resource inventory must identify the presence and location of seagrasses, oysters, coral communities, sponge beds, and macroalgae of the family Caulerpaceae. This resource inventory must also include all areas within any requested mixing zones associated with the dredging project (including outfall pipes from the dredge material disposal area), and all areas that will be occupied by dredging equipment (including cables, pipelines, dredges, barges, and stockpiling/disposal of dredged material). The resource inventory assessment within channels will be conducted as follows, although the WCIND may use equivalent assessment methods upon receiving prior written approval from the Department:

a. The assessment will be conducted along a minimum of two transects within the dredging alignment. The transects will be along a line parallel with and 5 feet within the sides of the dredging alignment;

b. The resource inventory assessment within any requested mixing zones shall be conducted along grid transects every 10 feet throughout the length and width of the requested mixing zone; and

c. The resource inventory shall be qualitative in nature but shall include identification and location of corals, sponges, and oysters to be relocated pursuant to paragraph (2)(b) of this general permit, and include general identification and location of the extent of seagrass areas and a qualitative description of their relative extent of coverage, and density. The resource inventory shall be completed and submitted a minimum of 30 days prior to the pre-application meeting required by paragraph (3)(b) of this general permit.

7. Identification of the extent and location of all previous dredging within the past five years authorized pursuant to this noticed general permit within the trafficked or secondary channel system; the date of all such dredging events; the estimated cubic yards excavated from each distinct portion of the trafficked or secondary channel system pursuant to this general permit; and the permit numbers assigned to such prior use of this general permit for the trafficked or secondary channel system.

8. The estimated date the dredging activities are planned to begin and the estimated length of time it will take to complete the project. If the project will be accomplished in phases, the estimated starting and ending date of each phase must also be submitted.

9. A plan for monitoring water quality minimally consisting of monitoring at the dredge site, at the location of any waters receiving outfall from dredged material disposal sites, and at background and down-gradient locations in the water body where dredging is occurring and surrounding the dredged material disposal sites. The monitoring shall be designed primarily to measure in-situ turbidity, but will be modified based on the pre-application meeting discussion with the Department. If the dredge area is in close proximity to a facility or location likely to cause a discharge of toxic materials, the water quality monitoring as well as best management practices proposed shall be designed to contain deleterious substances during dredging. Results of the monitoring and a copy of the logs shall be submitted in accordance with the provisions in paragraph (3)(f) of this general permit.

10. A description of the resources to be relocated pursuant to paragraphs (2)(b) and (3)(c) of this general permit, the methods to be used for their relocation, and the locations to which they will be relocated.

(b) A minimum of 30 days prior to submittal of a notice to use this general permit, the WCIND and Lee County shall conduct at least one pre-application meeting with the South District Department Environmental Resources Permitting staff to discuss project designs, implementation details, and any resource concerns, including approval of any resource relocation in accordance with paragraph (2)(b) of this general permit or water quality or habitat restoration sites in accordance with paragraph (3)(d) of this general permit. For a proposed project within an aquatic preserve, this meeting shall include the appropriate aquatic preserve manager or their

designee. In the event the pre-application meeting adequately addresses all Department questions or concerns, the Department will inform the WCIND that the notice may be submitted immediately for review.

(c) To the extent seagrass, corals, sponges or clumped oysters are to be dredged, they shall be relocated to the maximum extent practicable. Seagrass, oysters, corals, and sponges must be relocated only into areas previously approved in writing by the Department. Relocation shall be done in a manner that avoids adverse impacts to water quality and adjacent submerged resources. If seagrasses are relocated, the donor site within the dredge area and the recipient location of the seagrass transplant shall be described in the application and in the pre-application meeting required under paragraph 3(b) of this general permit. Any relocation performed pursuant to this paragraph shall be described in a detailed report to the South District office of the Department within 60 days of project completion. The report shall describe the methods used, the donor site within the dredge area, and the recipient location of the transplant. The WCIND shall provide copies to the South District office of the Department of any follow up monitoring or studies performed on the success of the transplants.

(d) All dredged material resulting from the activities authorized by this general permit shall be removed and deposited on a self-contained, upland dredged material disposal site. The only exceptions to the use of a self-contained, upland dredged material disposal site shall be: seagrass, oyster, coral, or sponge relocations as required by this general permit; or where dredged materials are to be used as part of a water quality or habitat restoration plan authorized by the Department or a water management district under Part IV of Chapter 373, F.S., in which case any discharge of dredged material shall be in compliance with all terms of that authorization. In all cases, the dredging operation, the discharge of dredged material, and the dredged material disposal site shall be designed, located, and operated such that there are no water quality violations in wetlands or other surface waters outside of a mixing zone established under paragraph (3)(e) of this general permit.

(e) In areas outside of aquatic preserves, violations of state water quality standards shall be prevented immediately outside of a mixing zone of no more than 150 meters in radius from the dredge site and from any discharge point associated with a dredge material disposal area. To the greatest extent practicable, the mixing zone shall be restricted to the limits of the dredging alignment. Within aquatic preserves, violations of state water quality standards immediately outside the area of active work shall be prevented. This shall minimally consist of the use of erosion and sediment control devices, turbidity curtains or similar devices, and other best management practices, all of which shall be located immediately surrounding the area of active work and maintained in a functional condition. In addition, dredge pumping rates and volumes shall be managed to minimize discharges from

dredged material disposal sites; and the management of dredged material disposal site dikes, berms, and water control structures so as to minimize erosion, breaches, and discharges. In all cases, mixing zones shall be designed to avoid living communities of stony corals [true stony corals (order Scleractinia) hydrocorals (order Milleporina)], and octocorals (subclass Octocorallia), sponge bed communities (Porifera), oyster bars (Crassostrea spp.), macroalgae of the family Caulerpaceae, and seagrass (Potamogetaceae, Hydrocharitaceae and Cymodoceae).

(f) At all times during active dredging, the collection, analysis, and monitoring of the water quality samples required under this general permit must be conducted and performed by individuals who have prior training and experience in collecting and analyzing water quality samples using the Standard Operating Procedures accessible at the Department's Internet set and in accordance with Chapter 62-160, F.A.C. Such qualified individual(s) shall be on site at all times necessary to ensure full compliance with the requirements of this noticed general permit. In the event the water quality monitoring required under this general permit detects violations of state water quality standards, dredging shall cease immediately until the source of the violation is identified, measures taken to avoid future violations, and the receiving waters again meet applicable water quality standards. Weekly reports describing the hours of dredging accomplished and the results of the required monitoring will be provided to the South District office of the Department. Any violations of state water quality standards and/or other requirements of this noticed general permit shall be immediately reported to the South District office of the Department.

(g) The permittee shall be responsible for ensuring that all contractors and other entities implementing this general permit comply with the following standard manatee and marine turtle conditions:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel shall be responsible for observing water-related activities for the presence of manatees.

2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees, which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act of 1978. If the dredging activity results in any manatee being harmed, harassed, or killed as a result of construction activities, the Department will refer the matter to the Florida Fish and Wildlife Conservation Commission (FWC) for appropriate action.

3. Siltation barriers shall be made of material in which manatees and turtles cannot become entangled, shall be properly secured, and shall be monitored regularly to avoid manatee entrapment. Barriers associated with any activities authorized by this general permit shall not block manatee entry to or exit from manatee feeding areas and the following manatee warm water refuge areas:

a. Entrance of the Chiquita Canal (which provides access to the Eight Lakes area) within the Cape Coral Southwest Trafficshed.

b. The defined manatee protection speed zone within the Franklin Locks East Trafficshed and all waters of the Caloosahatchee River within 1/4 mile east of the easternmost end of the Franklin Lock & Dam.

c. Matlacha channel (which provides access to the Matlacha Isles canal system) including the Matlacha Isles canal system in the vicinity of the Boat Lift within the Matlacha Isles/Cape Coral (northwest) Trafficshed.

d. Mouth and remainder of the Orange River within the Orange River Trafficshed.

e. All waters within the Mullock Creek Trafficshed.

4. All vessels associated with the project shall operate at "no wake idle" speeds at all times while in water where the draft of the vessel provides less than four-foot clearance from the bottom, and such vessels shall follow routes of deep water whenever possible.

5. If a manatee is sighted within 100 yards of the project area, precautions shall be implemented by the permittee and the contractor to ensure protection of manatees. These precautions shall include not operating any equipment closer than 50 feet to a manatee, and immediately shutting down equipment if a manatee comes within 50 feet of the equipment. Activities will not resume until the manatees have departed the project area of their own volition.

6. Any collision with or injury to a manatee or marine turtle shall be reported immediately to the FWC at 1(888)404-FWCC (1(888)404-3922).

7. Temporary signs concerning manatees shall be posted prior to and during dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads "Caution: Manatee Area" shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction, and shall be placed visible to the vessel operator. The second sign shall be at least 8 inches by 11 inches and read: Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shutdown if a manatee comes within 50 feet of the operation. A collision with or injury to a manatee shall be

reported immediately to the FWC at 1(888)404-FWCC (1(888)404-3922). Specific information on obtaining these signs may be obtained by contacting the FWC.

8. Specific personnel shall be designated as manatee observers. The designated observer(s) shall be dedicated only for this task, must be on site during all in-water dredging activities, and will advise personnel to cease operation upon sighting a manatee within 50 feet of any in-water construction activity. The observer(s) shall wear polarized sunglasses during all dredging to aid in observation, and shall work in shifts of no longer than 5 hours each. Observers shall maintain a log detailing manatee sightings, work stoppages, and other protected species-related incidents. If approved by the Department after consultation with the FWC, the WCIND shall be allowed to implement alternative measures for observing for the presence of manatees when such measures provide reasonable assurance that manatees will not be adversely affected by the alternative methodology.

9. A report, summarizing all activities noted in the observer logs, the location and name of project, and the dates and times of work shall be submitted within 30 days following project completion, to the FWC's Imperiled Species Management Section at: 620 South Meridian Street, 6A, Tallahassee, Florida 32399-1600, or e-mailed at fcmpmail@myfwc.com.

10. No nighttime mechanical dredging, such as clamshell, shall occur. Movement of a work barge or other associated vessels shall not be performed after sunset, when the possibility of spotting manatees is negligible.

11. All channels designated as Cape Coral Southwest, Franklin Locks East, Matlacha Isles/Cape Coral (northwest), Mullock Creek, and Orange River shall be prohibited from being dredged between November 15th and March 31st of any year due to the high numbers of manatees present at these warm water refuges in the wintertime. When these areas are being dredged between April 1st and November 14th, the manatee protection measures outlined above for all other channel dredging shall be followed.

(h) An as-built survey shall be initiated within two weeks and shall be completed within 60 days after completion of dredging to document depths and widths established by the dredging. The Department shall grant additional time as reasonable to complete the survey upon submittal of written documentation of the existence of inclement weather or situations beyond the control of the permittee that prevented the timely completion of the survey, the submittal of a new timeline for completing the survey.

(i) Within 90 days of completion of each authorized dredge event under this general permit, the affected trafficked or secondary channel system shall be marked along its entire length with aids to navigation marked in accordance with Chapter 327, F.S. Markers shall be placed in a manner to facilitate safe navigation and protection of submerged natural resources. In channels dredged to less than 4 foot MLLW depth, signage that identifies areas of shallow water shall be

installed using language such as "Controlling Depth 3 feet, Local Knowledge Required," "Use Caution," or "Stay in Channel."

(j) WCIND shall provide an as-built report and survey detailing all work performed under this authorization and its compliance with the conditions and criteria of this general permit.

(k) All reports and information required by this authorization shall be submitted to the South District DEP office.

(l) WCIND will facilitate an update of the Lee County Boaters Guide to reflect the NICMZ's established by this general permit. The update will also include computer internet links to additional boater information that will enhance water quality and protection of resources within the aquatic preserves that are the subject of this general permit. WCIND will facilitate the distribution of the updated Boaters Guide to local marinas, commercial boat rental operations, and local residents.

(m) Works under this general permit shall not commence until the Department has provided written confirmation within 30 days that the notice required under paragraph (3)(a) meets all the applicable terms and conditions of this general permit.

(4) WCIND is advised that, pursuant to Section 556.105, F.S., excavating contractors are required to provide certain information concerning the excavation through the one-call notification system not less than two, nor more than five, business days before beginning any excavation.

(5) For activities located outside of aquatic preserves and outside of state parks, state preserves, and state recreation areas, this general permit constitutes a Letter of Consent by the Board of Trustees of the Internal Improvement Trust Fund (BOT) under Chapter 253, F.S., and Chapter 18-21, F.A.C., for the West Coast to enter upon and use state-owned submerged lands to the extent necessary to complete the permitted activities. Individual Letters of Consent from the BOT will be required for each use of this NGP on state-owned sovereign submerged lands within aquatic preserves, state parks, state preserves, and state recreation areas, except that this general permit also constitutes a Letter of Consent under Chapters 253 and 258, F.S., and Chapters 18-20 and 18-21, F.A.C., from the BOT to Lee County and the West Coast Inland Navigation District to establish, mark, and enforce the NICMZs depicted in Exhibit A.

(6) In accordance with Section 253.77, F.S., dredged material removed from sovereign submerged lands under this general permit is exempt from the payment of severed dredged material fees. However, dredged material with economic value, such as beach quality sand, shall be used for public purposes to the maximum extent practicable.

Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1), 403.814(1) FS. Law Implemented 253.002, 253.77(4), 373.118(1), 373.406(5), 373.413, 373.414(9), 373.416, 373.426, 403.813(2)(f), 403.813(3), 403.814(1) FS. History—New _____.

Table 1. Trafficsheds, Secondary Channel Systems, Dredge Depth Limits, and Trafficshed Report Identification Numbers

Trafficshed or Secondary Channel System Name	NGP Dredge Depth (ft)	All Channels Length (ft)	Public Channel Length (ft)	Anticipated NGP Dredge Length (ft)	Public Channel Length in AP (ft)	Anticipated Dredge Length in AP (ft)	Anticipated Dredge Length Outside AP (ft)	Anticipated Dredge Length in AP Sea Grass (ft)	Anticipated Dredge Length in Any Sea Grass (ft)
Back Channel-South Estero Bay	3	18,252	18,252	178	18,252	178	0	0	
Big Carlos Pass & Vicinity	4.5	9,354	9,354	0	8,082	0	0	0	
Bokeelia (east)	4.5	33,027	8,499	535	6,227	450	86	0	0
Bokeelia (west)	3.5	48,391	13,807	1,982	13,807	1,982	0	68	68
Caloosa Isle Marina	5.0	28,326	8,343	2,539	0	0	2,539	0	
Cape Coral Southwest	6.0	359,431	10,603	1,521	0	0	1,521	0	
Central Estero Bay	2.5	18,437	18,437	385	18,437	385	0	0	
Chantry Canal	4.5	76,137	11,315	458	0	0	458	0	
Compass Rose	4.5	1,172	1,172	0	97	0	0	0	
Deep Lagoon	6.0	37,861	9,242	491	0	0	491	0	
Demere Key	3.5	21,647	19,721	1,052	18,927	896	156	735	735
East Fort Myers	7.0	26,534	2,588	1,622	0	0	1,622	0	
Estero Island-Bayside Channels	4.5	11,955	11,955	853	0	0	853	0	
Everest Canal	5.0	124,094	4,928	2,494	0	0	2,494	0	
Fish Tale Marina	4.0	7,391	1,849	0	305	0	0	0	
Fish Trap Bay 2	2.5	8,893	3,213	520	3,213	520	0	0	
Fort Myers Yacht Basin	7.0	7,941	7,941	4,987	0	0	4,987	0	
Franklin Locks East	5.0	38,843	2,478	1,405	0	0	1,405	0	
Getaway	5.0	2,604	2,604	1,066	0	0	1,066	0	191
Hancock Creek	5.0	57,956	26,613	2,778	0	0	2,778	0	
Hogue	4.0	3,115	3,115	345	3,115	345	0	0	
Hurricane Bay East	4.5	8,602	8,602	917	8,474	917	0	0	
Hurricane Bay West	5.0	8,750	8,750	1,369	0	0	1,369	0	
Imperial River-Lower	3.5	31,336	15,203	661	9,225	661	0	0	
Imperial River-Upper	2.5	37,630	9,913	713	0	0	713	0	
Imperial Shores	2.5	15,526	4,106	1,685	4,106	1,685	0	0	
Marsh Point	3.0	17,783	5,729	1,201	0	0	1,201	0	
Matanzas Harbor	5.5	5,103	5,103	66	0	0	66	0	
Matlacha (northwest)	4.5	26,245	1,457	654	1,457	654	0	0	
Matlacha (southwest 2)	3.5	10,670	2,719	180	2,719	180	0	0	
Matlacha Isles/Cape Coral (northwest)	4.0	265,603	14,057	1,729	8,399	1,550	257	0	
Mullock Creek	2.5	42,168	11,374	2,099	10,161	2,099	0	0	
Normandy Canal	5.0	33,982	11,878	4,068	0	0	4,068	0	
North Matlacha	4.5	62,864	62,864	84	62,864	84	0	0	

Orange River	6.5	46,750	3,595	100	0	0	100	0	
Pelican Landing	2.5	3,992	3,992	1,169	3,992	1,169	0	0	
Plato Canal	5.5	109,235	18,520	5,487	0	0	5,487	0	
Punta Rassa/Connie Mack Island	5.0	28,784	14,869	4,084	0	0	4,084	0	103
Redfish Point	6.0	33,806	13,023	4,436	0	0	4,436	0	
Rookery Trace	3.5	8,496	8,496	1,028	1,621	819	231	0	
Roosevelt Channel-Bayside	3.0	2,249	1,509	0	1,292	0	0	0	
Roosevelt Channel-North	5.0	27,369	17,918	694	17,918	694	0	0	
Saint James City (east)	5.0	23,006	16,137	3,266	0	0	3,266	0	
Saint James City (south 1)	5.0	52,518	18,385	6,531	5,459	502	6,030	252	252
Siesta Isles	5.0	17,962	1,088	713	0	0	713	0	
South Estero Bay	4.0	27,694	27,694	327	27,694	327	0	0	
South Matlacha	3.5	71,465	71,465	889	28,408	381	508	381	381
Sunset Bay	2.5	2,681	2,440	376	2,440	376	0	0	

Exhibit A
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The Central Estero Bay No Internal Combustion Motor Zone is described from a point of beginning at N26.3989° W81.8664° (generally east of the South Estero Bay Channel marker presently numbered G13) [POB] continuing generally south-southeast to the east of the marked navigation channel approximately 7215 feet to a point at N26.3803° W81.8589° (generally east of the South Estero Bay Channel marker presently numbered G29) [2]; thence continuing north of the marked navigation channel in a northeasterly direction approximately 4000 feet to a point at N26.3873° W81.8495° (generally west of the Southern Passage Channel marker presently numbered G19) [3]; thence generally north approximately 240 feet to N26.3879° W81.8495° [4]; thence generally northwest approximately 1300 feet to N26.3908° W81.8519° [5]; thence generally north-northwest approximately 2080 feet to N26.3962° W81.8540° [6]; thence generally northwest approximately 1950 feet to N26.4002° W81.8579° [7]; thence due west to the shoreline of Davis Key and following said shoreline to the western end at N26.3992° W81.8658° [8]; thence continuing generally south of west approximately 230 feet to the point of beginning.

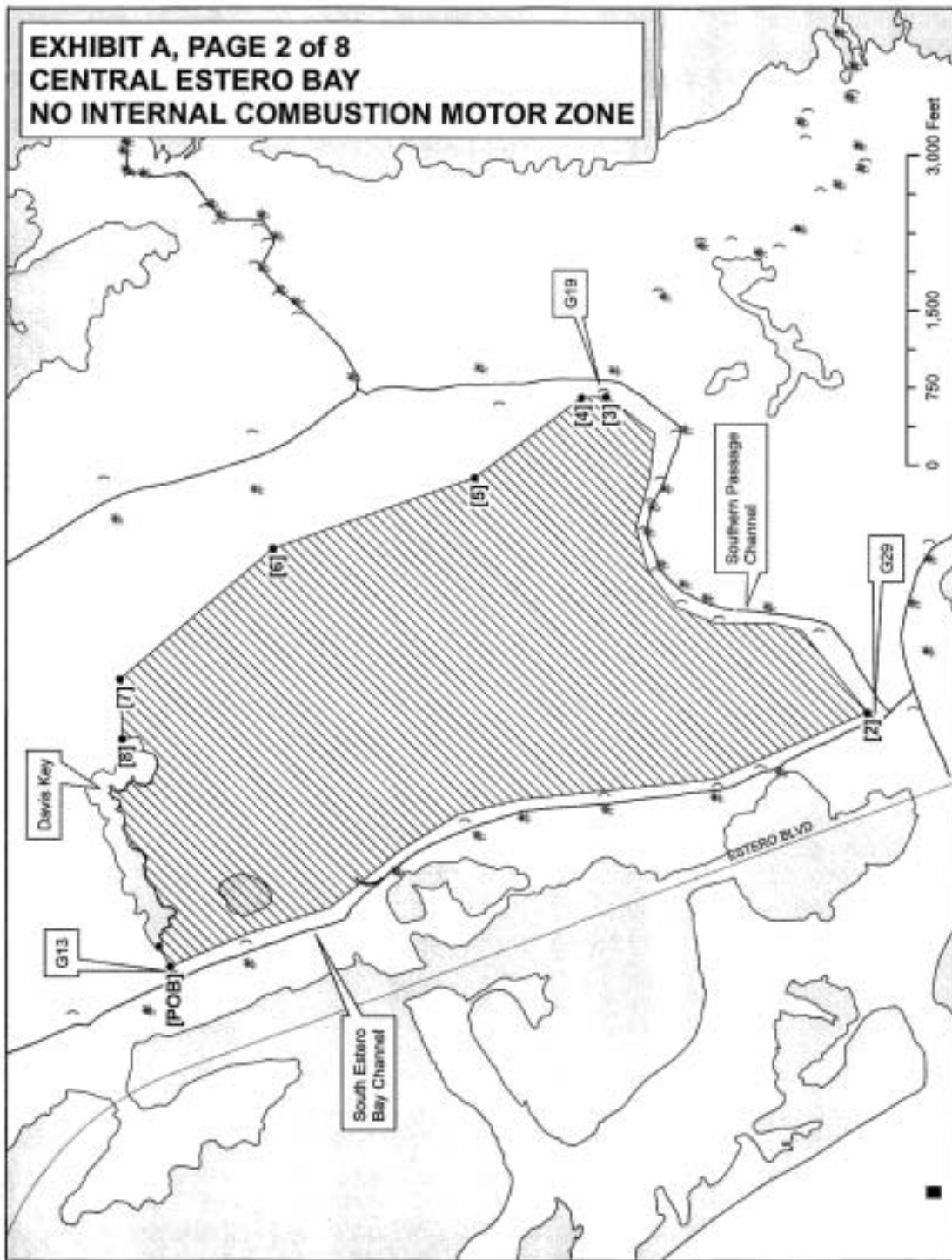


Exhibit A

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The Big Carlos No Internal Combustion Motor Zone is described from a point of beginning at Goombs Point N26.4092° W81.8655° [POB] continuing generally northwest along the mangrove shoreline to a point at N26.4122° W81.8688° [2]; thence continuing generally northwest approximately 120 feet to the shoreline of an unnamed mangrove island at N26.4124° W81.8690° [3]; thence continuing along the shoreline of said island to a point at N26.4158° W81.8721° [4]; thence continuing generally northwest approximately 266 feet to the shoreline of an unnamed mangrove island at N26.4162° W81.8727° [5]; thence continuing along the shoreline of said island to a point at N26.4179° W81.8757° [6]; thence continuing generally southwest approximately 834 feet to a point at N26.4160° W81.8773° [7]; thence continuing generally south approximately 2615 feet to a point at N26.4089° W81.8778° [8]; thence continuing generally east approximately 605 feet to a point at N26.4087° W81.8760° [9]; thence continuing generally south of east approximately 688 feet to a point at N26.4079° W81.8740° [10]; thence continuing generally southeast approximately 570 feet to a point at N26.4070° W81.8726° [11]; thence continuing generally south of east approximately 613 feet to a point at N26.4066° W81.8708° [12]; thence continuing generally east approximately 913 feet to a point at N26.4066° W81.8680° [13]; thence continuing generally north of east approximately 680 feet to a point at N26.4075° W81.8662° [14]; thence continuing generally northeast approximately 390 feet to a point at N26.4084° W81.8655° [15]; thence continuing generally north approximately 314 feet to the point of beginning.

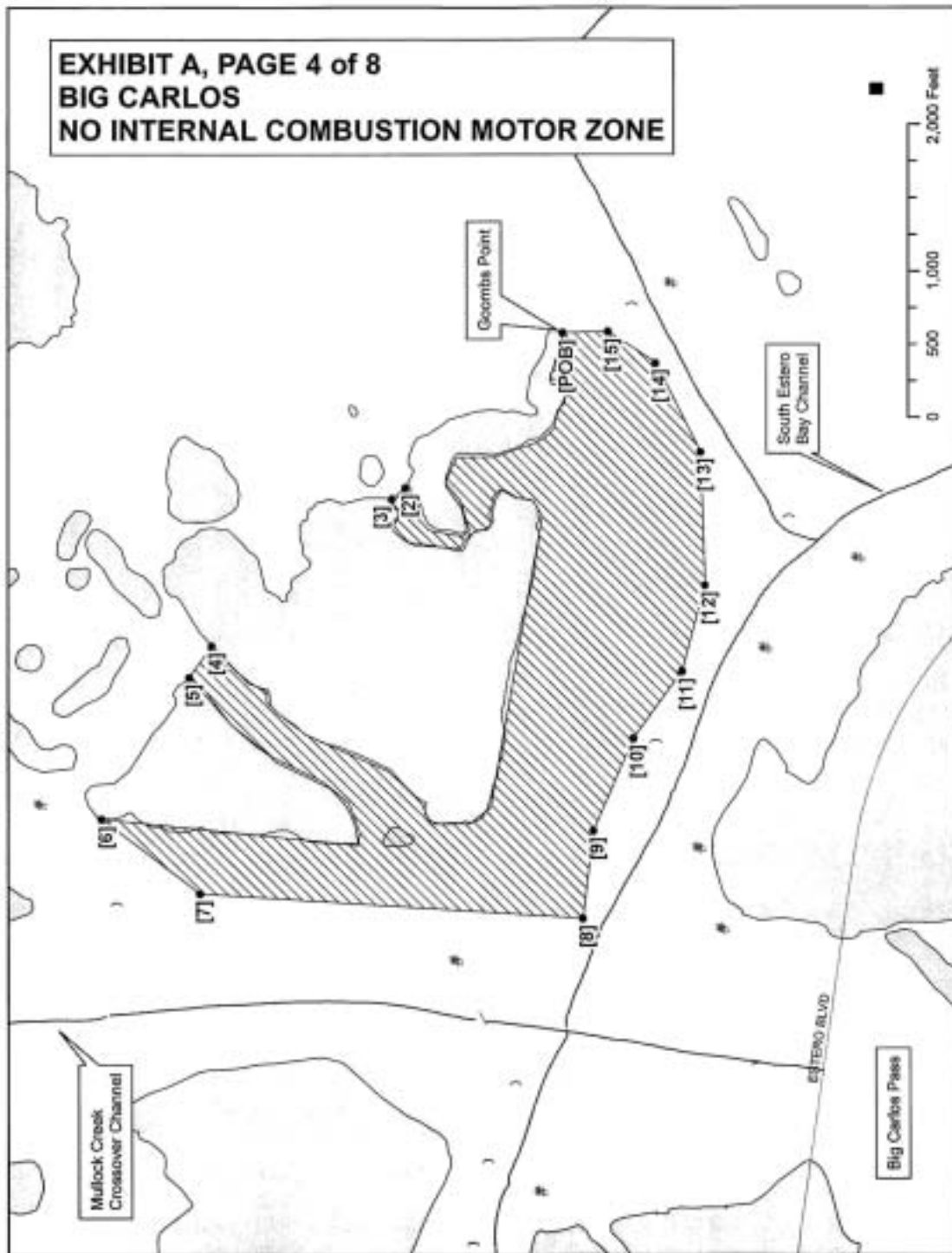


Exhibit A
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The Jug Creek Shoals No Internal Combustion Motor Zone encompasses a portion of Jug Creek Shoals more specifically described from a point of beginning at N26.7128° W82.1802° (generally southwest of the Jug Creek Shoal Channel marker presently numbered G11) [POB]; thence continuing generally southwest approximately 602 feet to a point at N26.7113° W82.1811° [2]; thence continuing generally southwest approximately 1369 feet to a point at N26.7089° W82.1843° [3]; thence continuing generally southwest approximately 3862 feet to a point at N26.7014° W82.1926° [4]; thence continuing generally southwest approximately 908 feet to a point at N26.6994° W82.1943° [5]; thence continuing generally southwest approximately 1201 feet to a point at N26.6968° W82.1966° [6]; thence continuing generally west-southwest approximately 2144 feet to a point at N26.6952° W82.2029° [7]; thence continuing generally west-northwest approximately 918 feet to a point at N26.6959° W82.2056° [8]; thence continuing generally northwest approximately 571 feet to a point at N26.6971° W82.2067° [9]; thence continuing generally north-northeast approximately 1110 feet to a point at N26.7001° W82.2058° [10]; thence continuing generally northeast approximately 946 feet to a point at N26.7018° W82.2036° [11]; thence continuing generally northeast approximately 876 feet to a point at N26.7030° W82.2013° [12]; thence continuing generally northeast approximately 963 feet to a point at N26.7050° W82.1994° [13]; thence continuing generally northeast approximately 884 feet to a point at N26.7071° W82.1980° [14]; thence continuing generally northeast approximately 893 feet to a point at N26.7089° W82.1962° [15]; thence continuing generally northeast approximately 588 feet to a point at N26.7100° W82.1948° [16]; thence continuing generally northeast approximately 715 feet to a point at N26.7111° W82.1930° [17]; thence continuing generally northeast approximately 1017 feet to a point at N26.7127° W82.1905° [18]; thence continuing generally east approximately 375 feet to a point at N26.7129° W82.1893° [19]; thence continuing generally northeast approximately 553 feet to a point at N26.7136° W82.1879° [20]; thence continuing generally east-northeast approximately 1188 feet to a point at N26.7145° W82.1844° [21]; thence continuing generally east approximately 653 feet to a point at N26.7145° W82.1824° [22]; thence continuing generally east-southeast approximately 741 feet to a point at N26.7139° W82.1802° [23]; thence continuing generally south approximately 393 feet to the point of beginning.

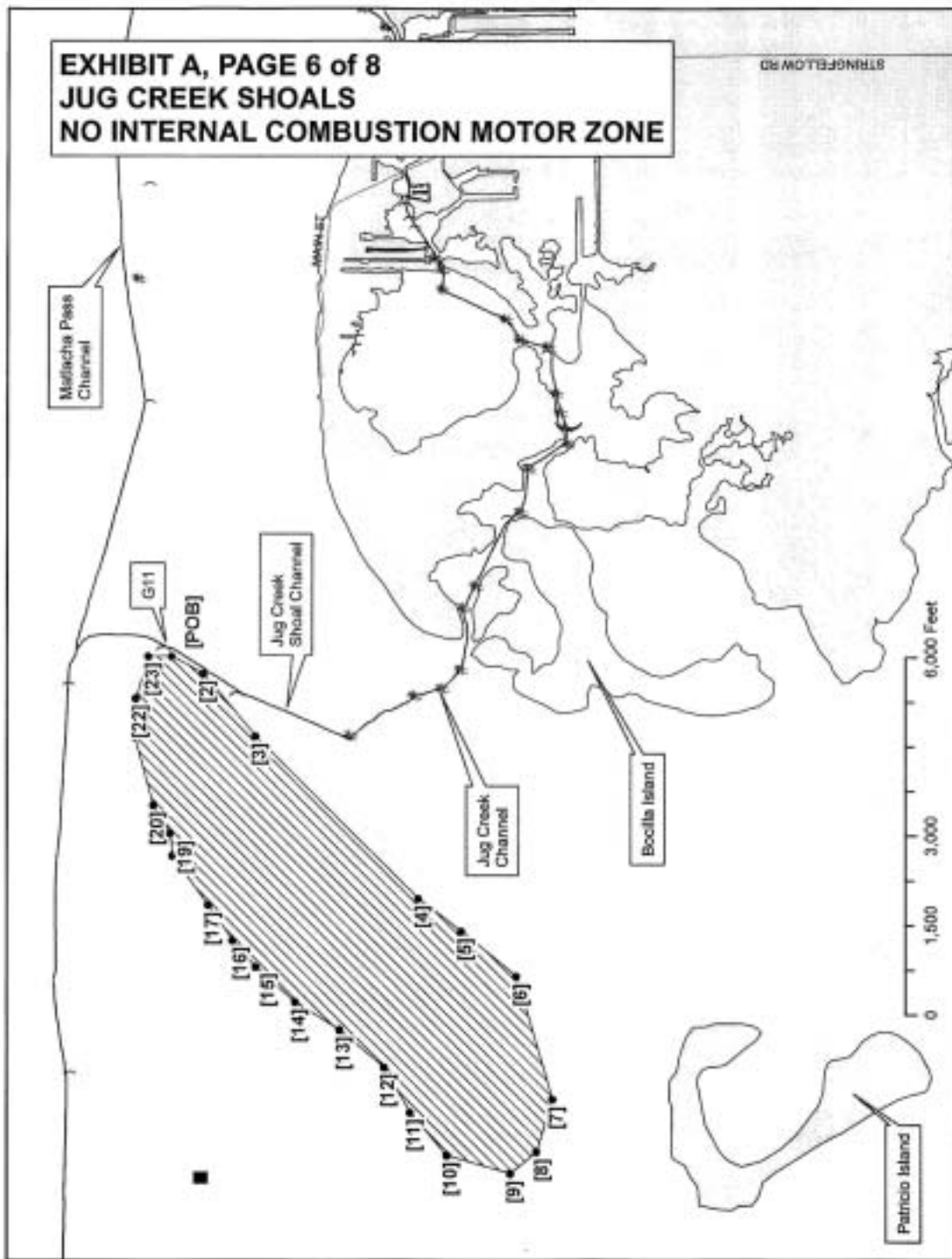
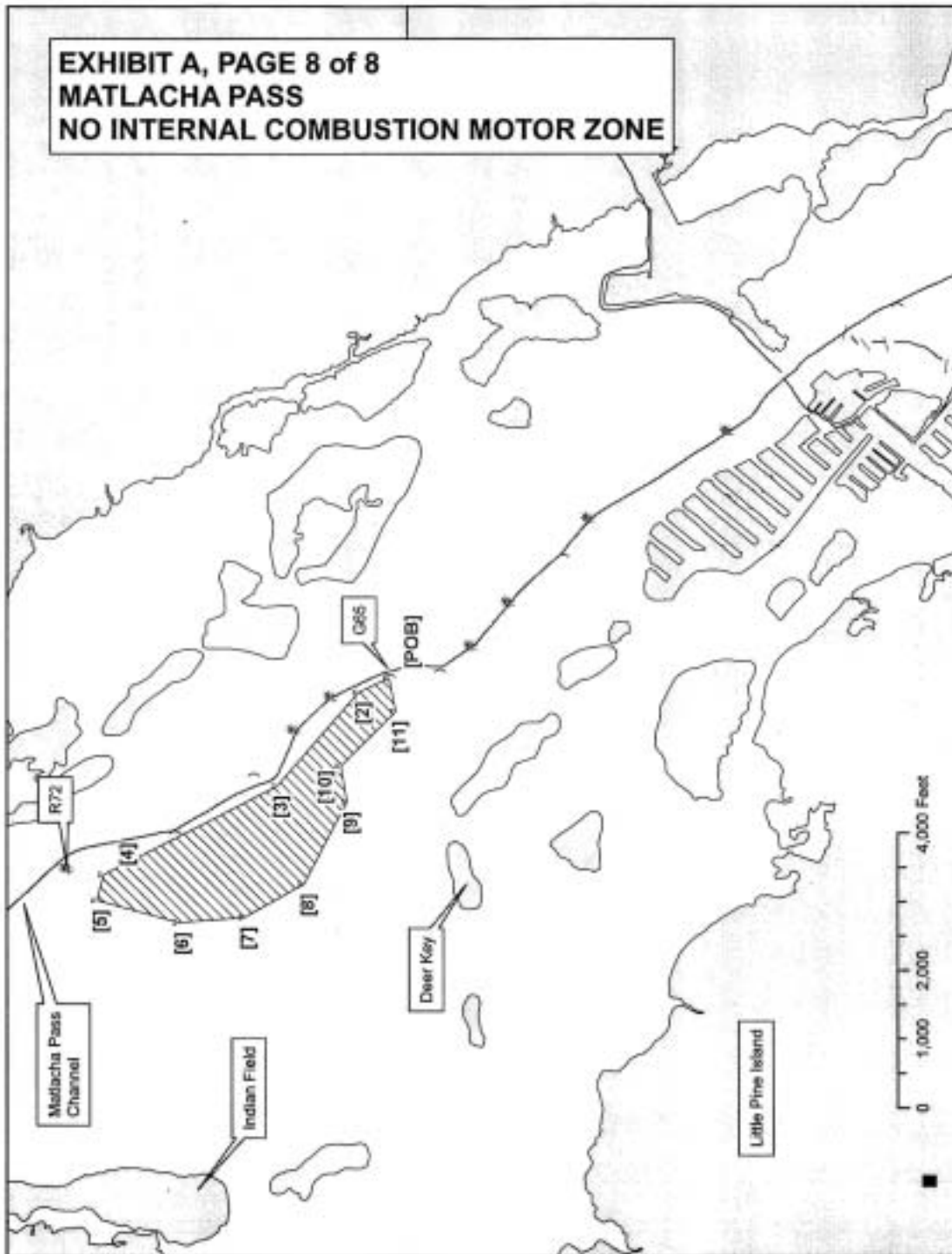


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The Matlacha Pass No Internal Combustion Motor Zone encompasses an area specifically described from a point of beginning at N26.6490° W82.0819° (generally west of the Matlacha Pass Channel marker presently numbered G65) [POB]; thence continuing generally north-northwest approximately 492 feet to a point at N26.6502° W82.0826° [2]; thence continuing generally northwest approximately 1809 feet to a point at N26.6535° W82.0868° [3]; thence continuing generally north-northwest approximately 2826 feet to a point at N26.6604° W82.0907° [4]; thence continuing generally north of west approximately 389 feet to a point at N26.6607° W82.0919° [5]; thence continuing generally south-southwest approximately 1223 feet to a point at N26.6574° W82.0928° [6]; thence continuing generally east of south approximately 958 feet to a point at N26.6548° W82.0926° [7]; thence continuing generally southeast approximately 1000 feet to a point at N26.6524° W82.0911° [8]; thence continuing generally east-southeast approximately 1350 feet to a point at N26.6507° W82.0875° [9]; thence continuing generally north of east approximately 532 feet to a point at N26.6509° W82.0859° [10]; thence continuing generally southeast approximately 1127 feet to a point at N26.6487° W82.0834° [11]; thence continuing generally north of east approximately 501 feet to the point of beginning.



NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.0011
RULE TITLE: Mandatory HIV/AIDS and Prevention of Medical Errors Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify timing and required hours for HIV/AIDS and medical errors courses.

SUMMARY: The rule amendment will add language to clarify timing and required hours for HIV/AIDS and medical errors courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Joe Baker, Jr., Executive Director, at the address listed below.

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: 456.013(7), 456.033(7), 468.1685(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.033(16) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.0011 Mandatory HIV/AIDS and Prevention of Medical Errors Education ~~for Initial Licensure and Renewal. As a condition of initial licensure, each applicant shall successfully complete:~~

(1) Each licensee shall be required to complete no later than upon first renewal a ~~board-approved~~ course on human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS). To receive ~~board~~ approval, courses on HIV/AIDS shall consist of one hour of ~~at least 3 hours of~~

~~classroom~~ instruction, which shall be approved by any board within the Department of Health's Medical Quality Assurance, ~~or which meet the requirements of subsection 64B10-15.001(8), F.A.C.; and~~

(2) Each applicant as a condition of initial licensure and each licensee as part of the renewal process shall complete a ~~A~~ board-approved two-hour course on the prevention of medical errors, which must contain the following components: root cause analysis; error reduction; prevention and patient safety.

Specific Authority ~~456.013(7), 456.033(7), 468.1685(1) FS. Law Implemented 456.013(7), 456.033(1)(4) FS. History--New 8-30-05, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.010
RULE TITLE: Inactive Status

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase inactive status fees.

SUMMARY: The rule amendment will increase inactive status fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Joe Baker, Jr., Executive Director, at the address listed below.

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: 468.1685(1), 468.1725(2) FS.

LAW IMPLEMENTED: 468.1725 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.010 Inactive Status.

(1) The application fee for inactive status is \$325.00 ~~\$250.00~~.

(2) The fee for renewal of an inactive license is \$325.00 ~~\$250.00~~.

(3) The fee for reactivation of an inactive license is \$325.00 ~~\$250.00~~.

Specific Authority 468.1685(1), 468.1725(2) FS. Law Implemented 468.1725 FS. History—New 2-24-87, Amended 4-8-90, Formerly 21Z-12.010, 61G12-12.010, 59T-12.010, Amended 2-26-02, 2-12-06, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-12.011 Temporary License Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the temporary license fees.

SUMMARY: The rule amendment will increase the temporary license fees.

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: 468.1685(1) FS.

LAW IMPLEMENTED: 456.025, 468.1705(4) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.011 Temporary License Fees.

(1) The application fee for a temporary license is \$325.00 ~~\$200.00~~.

(2) No change.

Specific Authority 468.1685(1) FS. Law Implemented 456.025, 468.1705(4) FS. History—New 2-24-87, Amended 1-22-90, Formerly 21Z-12.011, 61G12-12.011, 59T-12.011, Amended 2-15-06, _____.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-12.012 Preceptor Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the preceptor initial certification fee.

SUMMARY: The rule amendment will increase the preceptor initial certification fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Joe Baker, Jr., Executive Director, at the address listed below.

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: 468.4685(1), 468.1695(5) FS.

LAW IMPLEMENTED: 468.1695(4) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.012 Preceptor Certification.

(1) The preceptor initial certification fee shall be \$100.00 ~~\$0.00~~ and shall be remitted at the time of application for initial certification, to be included with the initial application fee contained in Rule 64B10-12.002, F.A.C.

(2) No change.

Specific Authority 468.1685(1), 468.1695(5) FS. Law Implemented 468.1695(4) FS. History—New 1-22-90, Formerly 21Z-12.012, 61G12-12.012, 59T-12.012, Amended 2-15-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.016 RULE TITLE: Delinquency Fee
PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to increase the delinquency fee.
SUMMARY: The rule amendment will add language to increase the delinquency fee.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Joe Baker, Jr., Executive Director, at the address listed below.
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: 456.036 FS.
LAW IMPLEMENTED: 456.036 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.016 Delinquency Fee.
A licensee who is delinquent shall pay a delinquency fee of ~~three two-hundred twenty-five~~ thirty dollars (~~\$250.00~~ \$325.00) for reinstatement of the license.
Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-22-96, Formerly 59T-12.016, Amended 2-26-02, 8-17-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 24, 2008

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-1.303	Assets
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rules amend the treatment of resources in the Food Stamp and Medicaid eligibility determination.

SUMMARY: The proposed rules allow for the exclusion of all vehicles as a resource.

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: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.918, 410.033, 414.075, 414.31 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: January 26, 2009, 3:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.303 Assets.
(1) through (3) No change.
~~(4) Vehicles. The determination of whether a vehicle is an asset for food stamps and/or cash assistance purposes depends on the use of the vehicle, whether the vehicle is licensed or unlicensed, and the vehicle's equity value. The determination must be made in accordance with Section 414.075, F.S., and 7 CFR 273.8.~~

Specific Authority ~~409.919~~ 414.45 FS. Law Implemented 409.903, 409.904, ~~409.919~~, 410.033, 414.075, 414.31 FS. History--New 4-9-92, Amended 9-19-94, Formerly 10C-1.303, Amended 8-22-05, _____.

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) Family-related Medicaid income is based on the definitions of income, resources (assets), verification and documentation requirements as follows.

(a) No change.

(b) Resources. Resources are items of value that are owned singly or jointly by an individual who has access to the cash value upon disposition. To be financially eligible for family-related Medicaid, the coverage group's resources cannot exceed the limits specified in subsection 65A-1.716(4), F.A.C. If countable resources are below the resource limit at any time during the month, the coverage group is eligible on the factor of resources for that month. The following resources are excluded in determining the coverage group's eligibility:

1. No change.

2. ~~All vehicles. One licensed vehicle valued at not more than \$8,500; or, if vehicles are needed for training, employment, or education, one vehicle per employable adult in the coverage group, when the combined value of all vehicles does not exceed \$8,500; or any vehicle necessary for transportation of a physically disabled member of the family;~~

3. through 7. No change.

(c) through (f) No change.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.918; ~~409.919~~ FS. History--New 10-8-97, Amended 2-15-01, 11-23-04, 2-20-07, 5-6-08,_____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) No change.

(a) through (f) No change.

(2) Exclusions. The department follows SSI policy prescribed in 20 C.F.R. Part 416 (2008), incorporated by reference, in determining what is counted as a resource with the following exceptions, as mandated by federal Medicaid policies, or additional exclusions, as adopted by the department under section 42 U.S.C. § 1396a(r)(2) (2006), incorporated by reference. SSI policy requires resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual's care. A blocked account is one in which state law protects an individual's funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

(a) through (d) No change.

(e) ~~All vehicles are excluded. One automobile is excluded, regardless of value.~~

(f) and (g) No change.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c) (2006), incorporated by reference, if an individual, the spouse, or their legal representative, disposes of

resources or income for less than fair market value on or after the look back date, the department must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for nursing facility care services, institutional hospice or HCBS waiver services. The department will mail a notice to individuals who report a transfer for less than fair market value (Form CF-ES 2264, Feb 2007, Notice of Determination of Assets (Or Income) Transfer, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. If the department determines the individual is eligible for Medicaid on all other factors of eligibility except the transfer, the individual will be approved for general Medicaid services (not long-term care services) and advised of their penalty period (Form 2358, Feb 2007, Medicaid Transfer Disposition Notice, incorporated herein by reference.) The look back period is 36 months prior to the date of application, except in the case of a trust treated as a transfer in which case the look back period is 60 months prior to the date of application.

(a) The department follows the policy for transfer of assets mandated by 42 U.S.C. §§ 1396p and 1396r-5 (2006), incorporated by reference. Transfer policies apply to the transfer of income and resources.

(b) No change.

(c) No penalty or period of ineligibility shall be imposed against an individual for transfers described in 42 U.S.C. § 1396p(c)(2) (2006), incorporated by reference.

1. through 5. No change.

(d) No change.

1. through 3. No change.

4. A life estate interest purchased in another individual's home after November 1, 2007 is considered a transfer of assets for less than fair market value. If the individual has not lived in the home for at least one year, the full amount of the purchase price paid for the life estate will be considered an uncompensated transfer without considering the value of the life estate. If the individual has resided in the home for at least one continuous year, the value of the life estate will be considered compensation and will be calculated by multiplying the current market value of the property at the time of the purchase by the life estate factor that corresponds to the individual's age at the time of the purchase. The life estate tables are incorporated by reference from the Social Security Administration's online Program Operations Manual System (SI 01140.120) (04/99), incorporated by reference, as found in Appendix A-17 of the Department's online manual located at www.dcf.state.fl.us/ess/. Brief absences from the life estate property such as stays in a rehabilitation facility or vacations may not disrupt the client's residency in the home. The facts of each absence will be evaluated to determine if the home

continued to be the individual's principal place of residence such as whether the person's mail was delivered and received there or whether they paid the property taxes.

- (e) through (g) No change.
- (4) No change.
- (5) Other Resource Policies.
- (a) No change.

(b) An individual's entrance fee in a continuing care retirement community or life care community shall be considered a resource, as set forth in 1917(g) of the Social Security Act (2007), which is incorporated herein by reference.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.919~~ FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06 (1)(a), (f), 8-10-06 (1)(f), 8-10-06 (3)(g)1., 11-1-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.004	Policy
66B-1.005	Funds Allocation
66B-1.008	Project Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Ensure consistency with the rule and F.S. 374, consolidate rule references to the necessary permitting requirements prior to project funding; clarify the rule provisions for land acquisition and shoreline stabilization eligibility; add waterfront parks to the eligibility list; and correct the rule language to be consistent with the small-scale derelict vessel program.

SUMMARY: The effect of the rule modifications is to implement changes in the administration of the District's Assistance Program that will support the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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:

DATE AND TIME: January 27, 2009, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program.

(1) Financial Assistance Eligibility: Eligible federal, state and regional agencies may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education and boating safety projects directly related to the waterways. Eligible projects shall include the acquisition and development of public boat ramps, and launching facilities, ~~land acquisition for additional trailer parking at an existing boat ramp,~~ and public boat docking and mooring facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-1.003, F.A.C.

(2) through (10) No change.

(11) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must demonstrate that the facility will utilize 50% or greater of the collected funds for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, _____.

66B-1.005 Funds Allocation.

(1) through (4) No change.

(5) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must provide public navigation channel access to public launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled,

or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project;

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. All other public navigation projects or project elements will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension or improvement, ~~operation or maintenance~~ of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;

12. Public waterfront parks and boardwalks and associated improvements;

13. Waterways boating safety programs and equipment;

14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

15. Other waterway related projects.

(b) through (c) No change.

(d) Phasing of Projects: Applications for eligible waterway projects ~~may will~~ be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. ~~Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.~~

(2) No change.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can

demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. Program funds to public marina projects shall not be utilized for ~~replacement~~ maintenance of the facilities if revenues generated by the facility are not ~~exclusively~~ allocated to the operation, maintenance and improvement of the public marina facility in accordance with subsection 66B-2.004(10), F.A.C. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Roach, Executive Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Roach, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2008 (Vol. 34/38) & December 12, 2008 (34/50)

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.008	Project Eligibility

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Ensure consistency with the rule and Chapter 374, F.S., consolidate rule references to the necessary permitting requirements prior to project funding; clarify the rule provisions for land acquisition and shoreline stabilization eligibility; add waterfront parks to the eligibility list; and correct the rule language to be consistent with the small-scale derelict vessel program.

SUMMARY: The effect of the rule modifications is to implement changes in the administration of the District's Assistance Program that will support the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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:

DATE AND TIME: January 27, 2009, 11:00 a.m.

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone number: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULE IS:

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. ~~Member counties may also be provided financial assistance, support, and cooperation in planning and carrying out beach renourishment and inlet management projects.~~

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. ~~Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out beach renourishment and inlet management projects.~~

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must

meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps, and launching facilities, land acquisition for additional trailer parking at an existing boat ramp, and public boat docking and mooring facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) through (9) No change.

(10) Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must demonstrate that the facility will utilize 50% or greater of the collected funds for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05,_____.

66B-2.005 Funds Allocation.

(1) through (6) No change.

(7) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must provide public navigation channel access to public launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

All other public navigation projects or project elements will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-5-07, 3-25-08,_____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, ~~operation or maintenance~~ of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Waterways boating safety programs and equipment;
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

15. Other waterway related projects.

(b) through (c) No change.

(d) Phasing of Projects: Applications for eligible waterway projects ~~may will~~ be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. ~~Applicants for construction projects that include elements that require state or federal environmental permits will demonstrate that all required environmental permitting and proprietary authorizations will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency(s) stating that a permit is not required. Should the environmental permitting element of an application for a construction project that includes elements that require state or federal permits or exemptions not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.~~

(2) No change.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas.

Program funds to public marina projects shall not be utilized for ~~replacement maintenance~~ of the facilities if revenues generated by the facility are not ~~exclusively~~ allocated to the operation, maintenance and improvement of the public marina facility in accordance with subsection 66B-2.004(10), F.A.C. Certification that revenues generated by a marina facility are exclusively allocated to the operation, maintenance and improvement of the public marine facility will be required to be submitted with the application and, if approved, thereafter on an annual basis using form No. FIND 03-01 (effective date 3-3-04), hereby incorporated by reference and available from the District office.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Roach, Executive Director, FIND
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Roach, Executive Director, FIND
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2008 (Vol. 34/38) & December 12, 2008 (Vol. 34/50)

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-5.001	Issuance of Statutory Licenses, Stamps and Permits; Issuance of Duplicates

PURPOSE AND EFFECT: The proposed rule change would repeal this rule and delete an outdated process for issuing a duplicate license. The effect of the proposed rule change would enable the agency to better manage the licensing process.

SUMMARY: The proposed change would repeal this rule, which references an outdated process for issuing a duplicate license.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-5.001 Issuance of Statutory Licenses, Stamps and Permits; Issuance of Duplicates.

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 6-4-81, 6-21-82, Formerly 39-5.01, Amended 6-1-86, 10-30-89, 12-25-95, Formerly 39-5.001, Repealed.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:
68A-5.005

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

PURPOSE AND EFFECT: The purpose of the proposed change would be to repeal this rule. Rule language will be incorporated into Rule 68A-15.005, F.A.C., Quota Permit; Antlerless Deer Permits; Special-Opportunity Permits. The effect of the proposed rule change would enable the agency to better manage the quota hunt permitting process.

SUMMARY: The proposed change would repeal a rule, which references an outdated process for application, selection, and issuance of quota hunt permits and special-opportunity permits.

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; 379.354(4)(f) FS.

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

DATES AND TIME: During the regular meeting of the Commission, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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

PROPOSED EFFECTIVE DATE: May 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354(4)(f) FS. History–New 7-1-85, Formerly 39-5.05, Amended 6-1-86, 5-10-87, 4-13-88, 7-1-89, 4-11-90, 4-14-92, 6-1-97, 4-12-98, 6-23-99, Formerly 39-5.005, Amended 5-13-02, 7-28-02, 5-1-03, 7-1-04, 3-15-05, 3-30-06, Repealed 5-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise the Recreational User Permit (RUP) fee as requested by the landowner of a privately owned Wildlife Management Area (WMA). The effect of the proposed rule change will enable the private landowner to increase the revenue generated from public use of their property.

SUMMARY: The proposed rule change as requested by the landowner would adjust the Recreational User Permit (RUP) fee as follows:

Nassau WMA – increase the annual Recreational Use Permit fee from \$197 to \$385.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day.

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32500

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-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 379.354(8)(g)1., F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 379.354(8)(g)1., F.S., shall be:

1. Nassau WMA – ~~\$385~~ \$197
2. through 9. No change.

(c) through (f) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: April 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-13.007	Hunting Regulations on Public Small-Game Hunting Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the regulation for Public Small-Game Hunting Areas (PSGHAs) which prohibits motorcycles. The effect of the proposed rule changes will allow licensed and registered motorcycles on PSGHAs while prohibiting unlicensed and unregistered motorcycles.

SUMMARY: The proposed rule would allow licensed and registered motorcycles on Public Small-Game Hunting Areas.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-13.007 Hunting Regulations on Public Small-Game Hunting Areas.

- (1) No change.
- (2) The general regulations for public small-game hunting areas shall be as follows:
 - (a) through (f) No change.
 - (g) Airboats, outboard motors larger than 10 horsepower, tracked vehicles, unregistered and unlicensed motorcycles, and all-terrain vehicles are prohibited unless otherwise provided by specific area regulation.
 - (h) through (n) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-4-82, Formerly 39-13.07, Amended 7-1-89, 7-1-96, Formerly 39-13.007, Amended 4-30-00, 7-1-06, 7-1-08, 7-1-09.

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 F.A.W.

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 3, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.004
 RULE TITLE: General Regulations Relating to Wildlife Management Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow the use of licensed and registered motorcycles on Wildlife Management Areas (WMAs) unless specifically prohibited by specific area regulation.

SUMMARY: The proposed rule would allow licensed and registered motorcycles on Wildlife Management Areas.

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, February 4-5, 2009, 8:30 a.m.– 5:00 p.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-15.004 General Regulations Relating to Wildlife Management Areas.

(1) through (8) No change.

(9) Vehicles.

(a) through (b) No change.

(c) Notwithstanding specific area regulations, motorcycles and mopeds that are licensed and registered to operate on public roads of the State may be operated on any road or trail open for licensed and registered vehicular traffic.

(10) through (15) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 379.354 FS. History–New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09.

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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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.005
 RULE TITLE: Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise and clarify the methods for issuance and use of quota permits, antlerless deer permits and special-opportunity permits. The effect will be to enable the agency to more fairly distribute hunting opportunities and better manage hunting and public use on lands owned, leased or managed by the Commission.

SUMMARY: The proposed rule change would revise or clarify the rule as follows: Provide that the number of quota and special-opportunity permits shall be established by order of the Executive Director, after approval of the Commission; change all quota hunt permits from transferable to nontransferable; establish a guest permit for archery, muzzleloading gun, general gun, wild hog, mobility-impaired and spring turkey hunt types; allow one guest permit per quota hunt permit; allow an individual to be the guest of only one quota permit holder per hunt; require the guest and host hunters to enter and exit the

area together, share the same vehicle and share the bag limit; provide that the guest may only hunt when the host is present on the area; provide that the guest may bring no additional hunters; provide that the quota permit holder may bring only one additional hunter (one guest, one youth, one mentor supervisor or one mentor license holder); require the guest to hunt in the same zone as the host (on those areas with zone tags); and provide that these changes would not apply to the Blackwater WMA dog hunts or Holton Creek WMA; expand quota hunt types from archery/muzzleloading gun and general gun to archery, muzzleloading gun, general gun and wild hog; allow up to 5 permits per hunt type (only one of which may be issued during the Phase I or Phase II drawings for each hunt type) and one permit per hunt number; allow preference points to accumulate for each year an applicant is not selected during Phase I; base the issuance of group permits on the group member with the lowest number of preference points; allow all quota permits to be returned postmarked prior to the hunt; allow returned permits drawn by preference to have preference points restored and an additional point awarded and those returned permits drawn during Phase I to have a preference point awarded; provide that returned quota permits be re-issued; and eliminate preference points if an applicant fails to apply for 2 consecutive years; change quotas or bag limits on the following areas: Croom – muzzleloading gun and general gun from 400 to 300; Hickory Hammock – general gun hog from 10 to 5; KICCO – spring turkey from 15 to 10; Upper Hillsborough River – archery and muzzleloading gun from 150 to 75; Andrews – archery from 60 to 45, muzzleloading gun, and general gun from 40 to 30 and spring turkey from 30 to 25; Twin Rivers increase the number of permits issued for archery, muzzleloading gun and general gun seasons from 30 to 45 per hunt and eliminate the 30 first-come first-served permits issued at the check station; increase the number of quota permits for spring turkey from 12 to 20 and eliminate the 12 first-come first-served permits issued at the check station; Joe Budd – archery and archery/muzzleloading gun from 50 to 35; Dexter/Mary Farms – archery, muzzleloading gun and general gun from 40 to 30.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32500

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

(1) At times specified in subsection (1)(a), a quota permit or special-opportunity permit, in addition to other required licenses and permits and stamp requirements, shall be required for any person while hunting on land owned, leased or managed by the Commission, wildlife management areas, wildlife and environmental areas, and fish management areas or specified units thereof, identified in this rule. Those persons exempt from license requirements by Section 379.354(1), F.S., or stamp requirements by Section 379.354(4), F.S., or persons age 65 or over who have obtained a Florida lifetime hunting or lifetime sportsman's license are also exempt from quota permit requirements on all areas except those specified by “(no exemptions)” in this rule. On those areas specified by “(no exemptions),” one person younger than 16 years of age may accompany a person older than 18 years of age who holds a valid quota permit and participate in the hunt provided that both hunters must share a single bag limit of game. On those areas specified by “(no exemptions),” one person, acting as a supervisor required by Section 379.3581, F.S., may accompany a Mentor License holder who holds a valid quota permit and participate in the hunt provided that both hunters must share a single daily bag limit of game. On those areas where a quota permit is required to access the area, one youth hunter or mentor license holder may accompany the quota permit holder and participate in the hunt provided that both hunters must share a single bag limit of game. On those areas where a quota permit is required to access the area, one assistant may accompany a mobility impaired hunter and participate in the hunt, provided the assistant may not take wildlife with a gun; an area specific rule may provide for additional supervisors or assistants unless otherwise provided by area specific

~~regulation. Quota, antlerless deer and special opportunity permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee. Quota, antlerless deer, and special opportunity permits shall be transferable, except that special opportunity permits issued to exempt persons shall be transferable only to another exempt person. Quota and antlerless deer permits issued to an underage applicant may only be transferred to another underage hunter. Quota hunt and antlerless deer permits issued to a disabled applicant may only be transferred to another disabled hunter. Quota hunt and antlerless deer permits issued to a senior citizen may only be transferred to another senior citizen or underage hunter.~~

~~(a)(2) The maximum number of quota and special opportunity permits shall be established by order of the Executive Director, after approval of the Commission. Estimated game density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of quota permits to be issued, to be issued for each wildlife management area or wildlife and environmental area, shall be maintained on a list titled "Quota and special opportunity permits," dated May 1, 2008, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.~~

~~(b) Permits shall be in the hunter's possession and shall be displayed upon request by any Commission employee.~~

~~(c) A positive form of identification is required when using a nontransferable permit, except for youth less than 16 years of age.~~

~~(3) Antlerless deer permits will be issued on specified wildlife management areas or wildlife and environmental areas during such hunting seasons or portions thereof as may be ordered by the Executive Director. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued. Antlerless deer permits shall be transferable. No person shall take any antlerless deer on a management area unless authorized by permit or by area regulations.~~

~~(d)(4) No person shall sell, purchase or offer to purchase any quota permit, guest permit or any antlerless deer permit.~~

~~(5) Family Hunts: During a family hunt, one or two persons per quota permit, under 16 years of age but not younger than 8 years of age, may hunt as provided in Section 790.22, F.S. under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one person under 16 years of age but not younger than 8 years of age.~~

~~(2) Quota Permits – Quota permits shall be issued for the following hunt types as described below and as designated by order of the Executive Director. A quota permit holder may take the bag limit of wildlife during the hunt designated on the quota permit as established by Commission rule.~~

(a) Quota Hunt Types

1. General Gun

2. Archery

3. Muzzleloading Gun

4. Wild Hog

5. Youth

6. Family

7. Spring Turkey

8. Track

9. Airboat

10. Mobility-impaired

(b) Quota Permit Exemptions.

1. Those persons exempt from license or permit requirements by Section 379.353 (1) and (2)(a), (c) or (o), F.S., are also exempt from obtaining a quota permit for all hunts except those designated as "no exemptions" in the Executive Order as specified in subsection (1).

2. When a youth under 16 years of age participates in a hunt that allows exempt hunters to hunt without a permit, the supervisor, required by Section 790.22, F.S., may be a non-hunting supervisor without a quota permit.

3. One person 18 years of age or older acting as a non-hunting supervisor, who does not have a quota permit may accompany a youth under 16 who holds a valid quota permit.

4. On those hunts specified as "no exemptions," one youth under 16 years of age who does not have a quota permit may accompany a person 18 years of age or older who holds a valid quota permit and participate in the hunt but must share the bag limit of a single person with the accompaning hunter.

5. One person 21 years of age or older acting as a supervisor as required by Section 379.3581(2)(b), F.S., who does not have a quota permit may accompany a mentor license holder who holds a valid quota permit and may take wildlife but must share the bag limit of a single person with the accompaning hunter.

6. One mentor license holder who does not have a quota permit may accompany a quota permit holder 21 years of age or older and may participate in the hunt but must share the bag limit of a single person with the accompaning hunter.

7. On all mobility-impaired hunts, one non-hunting unlicensed assistant may accompany a mobility-impaired hunter with a valid quota permit and participate in the hunt, provided the assistant may not take wildlife with a gun, unless otherwise provided by area specific regulation. The non-hunting assistant is in addition to one guest permit holder as specified in Rule 68A-15.005, F.A.C.

8. On those hunts specified as family hunts, one or two youth per quota permit, under 16 years of age but not younger than 8 years of age, may hunt as provided in Section 790.22, F.S. under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one youth under 16 years of age but not

younger than 8 years of age. Each hunter may take a daily bag limit, unless otherwise provided by area-specific regulation, but no additional hunters are allowed.

(c) Quota Permit Transferability.

1. Quota permits shall be nontransferable, except that permits issued for Holton Creek WMA and the general gun permits issued for Blackwater Dog Hunt Area may be transferred, subject to the following restrictions:

a. Transferable quota permits issued to a disabled hunter may only be transferred to another disabled hunter.

b. Transferable quota permits issued to a youth under 16 years of age may only be transferred to another youth under 16 years of age.

c. Transferable quota permits issued to a person 65 years of age or older may only be transferred to another person 65 years of age or older or to a youth under 16 years of age.

2. Quota permits issued to track vehicles and airboats are nontransferable and only valid for the vehicle or vessel designated on the permit except as provided by specific area regulations.

(d) Guest Permits.

1. Guest permits may be issued for nontransferable archery, muzzleloading gun, general gun, wild hog, mobility-impaired or spring turkey quota hunts. Only one guest permit may be issued for each quota permit.

2. Guest permits shall be nontransferable.

3. A guest permit holder must enter and exit the area with the quota permit holder, share the same vehicle, and cannot hunt on the area unless the quota permit holder is present on the area.

4. On areas where zone tags are required, the guest must hunt in the same zone as the quota permit holder.

5. The guest permit holder may not bring additional hunters on the area.

6. An individual may not apply for more than one guest permit per hunt number.

7. Daily permits issued at a check station shall not be eligible for a guest permit.

8. Quota permit holders may only bring one additional person on the hunt, either one youth under 16 years of age, one mentor license holder, one mentor license supervisor or one guest permit holder, except mobility-impaired hunters may bring one non-hunting assistant or as provided by area specific regulation.

9. Youth under 16 years of age, mentor license holders or their supervisors and mobility-impaired non-hunting assistants are not required to obtain a guest permit.

10. The guest permit holder and quota permit holder must share the bag limit of a single person, as specified under area specific rules. The quota permit holder shall be responsible for both parties complying with the bag limit.

11. All applicants, unless exempt from license or permit requirements by Section 379.353(1) and (2)(a), (c), or (o), F.S., must have a valid Management Area Permit, or a license or permit that includes a Management Area Permit, in order to apply for a guest permit.

(e) Application, Selection, and Issuance of Quota Permits.
1. Applicant Requirements.

a. All applicants, unless exempt from license or permit requirements by Section 379.353 (1) and (2)(a), (c), or (o), F.S., must have a valid Management Area Permit, or a license or permit that includes a Management Area Permit, in order to apply for a quota permit.

b. Applicants for Track and Airboat Quota permits must also provide proof of a current track vehicle registration or airboat vessel registration.

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

d. Applicants for the Mobility-impaired Quota Hunts must be certified mobility-impaired as established by Rule 68A-9.008, F.A.C. and must have their Mobility-impaired Certification Card in their possession when hunting.

e. Applicants for the Family Quota Hunts must be at least eighteen years old by the first day of the earliest hunt date for which they apply.

2. Phase I – Application; Selection; Issuance.

a. Selection Process – Quota permits for each hunt type shall be selected by random drawing from the applications submitted during the Phase I application period based on the highest number of accumulated preference points.

b. All applicants not issued a quota permit in Phase I, shall receive one preference point annually for that specific quota hunt type. Preference points shall accumulate by quota hunt type.

c. The ranking of a group application shall be based on the member of the group with the lowest number of preference points.

d. Applicants with preference points that were awarded a nontransferable quota permit and are unable to use the permit, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance and to have preference points re-instated. In order to have the original preference points re-instated and a preference point awarded for the current year, the returned permit must be postmarked prior to the first hunt date listed on the permit.

e. Applicants with no preference points that were awarded a nontransferable quota permit and are unable to use the permit, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance. In order to have a preference point awarded for the current year, the returned permit must be postmarked prior to the first hunt date listed on the permit.

f. Applicants who fail to apply during the Phase I application period for two consecutive years will forfeit all preference points for that quota hunt type.

g. Only one application may be submitted per applicant for each quota hunt type during Phase I, except that airboat and track applicants may submit an application for each track or airboat registered to the applicant.

h. Only one quota permit may be issued per applicant during Phase I for each quota hunt type.

i. An applicant that receives a track quota permit during Phase I is not eligible to receive an airboat quota permit during Phase I.

3. Phase II – Application; Selection; Issuance.

a. Selection Process – Quota permits remaining un-issued after the Phase I random drawing will be issued by random drawing during Phase II.

b. An applicant that is issued a quota permit in Phase I cannot apply for the same quota hunt type in Phase II, except mobility-impaired.

c. Only one application per applicant may be submitted and only one quota permit per applicant may be issued for each quota hunt type during Phase II.

d. An applicant that is issued a track quota permit in Phase I or II is not eligible to receive an airboat quota permit during Phase II.

e. An applicant that is issued a nontransferable quota permit in Phase II and is unable to use the permit, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance.

4. Phase III – Application; Selection; Issuance.

a. Quota permits, remaining un-issued after Phase II will be issued on a first-come, first-served basis during Phase III.

b. No applicant shall be eligible to receive more than one quota permit per hunt number, including permits that were issued during Phase I and II.

c. Applicants shall be limited to five (5) quota permits per quota hunt type, including permits issued in Phase I and Phase II.

d. Applicants that are issued a nontransferable quota permit in Phase III and are unable to use the permit, may return the permit to the Commission's Office of Licensing and Permitting for re-issuance.

5. Re-issuance of Quota permits – quota permits returned to the Commission may be re-issued on a first-come, first-serve basis.

(3) Special-Opportunity Permits: Special-opportunity permits shall be issued for the following hunt types as described below and as designated by order of the Executive Director. A special-opportunity permit holder may participate in the designated hunt and take the bag limit of wildlife as established by Commission rule.

(a) Special-Opportunity Hunt Types.

1. Fall

2. Hog

3. Spring Turkey

4. Quail

5. Dove Club

6. Daily Dove

(b) Exemptions.

1. No person is exempt from paying the non-refundable, special-opportunity application fees.

2. Persons with a lifetime hunting or lifetime sportsmen's license issued prior to July 1, 1998 are exempt from paying the special-opportunity permit fees.

(c) Transferability.

Special-opportunity permits shall be transferable, except that dove club permits are nontransferable. Special-opportunity permits issued to persons exempt from paying the special opportunity permit fees, as specified in subparagraph (3)(b)2., shall be transferable only to another person that is exempt from paying special-opportunity permit fees.

(d) Application for, selection of, and issuance of special-opportunity Permits.

1. Special-Opportunity permits for fall hunts, hog hunts, quail hunts and spring turkey hunts shall be issued by a random drawing from applications submitted during the application period.

2. Special-Opportunity permit fees for applicants chosen in the random drawing must be paid by the deadline indicated on the invoice. Selected applicants who fail to pay the fees by the deadline forfeit their permit to the next applicant selected for that specific hunt.

3. Applicants may submit more than one application for each special-opportunity hunt.

4. Permits will be limited to one special-opportunity permit per person, per hunt.

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

6. Special-opportunity Dove Club and Daily Dove permits shall be issued on a first-come, first-served basis.

(4) Antlerless deer permits.

(a) Antlerless deer permits may be issued for specified hunts by order of the Executive Director. Estimated deer density, estimated carrying capacity of available habitat and management objectives will be considered in determining the number of antlerless deer permits to be issued.

(b) An antlerless deer permit allows the harvest of one (1) antlerless deer in accordance with the rules and regulations of the Commission.

(c) Antlerless deer permits are only valid for the dates and hunt specified on the permit.

(d) Antlerless deer permits shall be transferable.

(e) Application, selection, and issuance of antlerless deer permits.

1. Antlerless deer permits for quota hunts will be issued by random drawing from applications submitted during the Phase I application period from those applicants that indicated they wanted to be included in the antlerless deer drawing and were, unless exempt, awarded a quota permit for a hunt approved for antlerless deer permits.

2. Antlerless deer permits for special-opportunity and recreational use areas will be issued by random drawing from applicants who purchased a special-opportunity permit or recreational use permit for a hunt approved for antlerless deer permits.

(5) Replacement Permits.

(a) A replacement permit may be issued to the holder of a nontransferable permit following loss, destruction or non-receipt of mail.

(b) A replacement permit may be issued to the holder of a transferable permit following loss, destruction or non-receipt of mail upon submission of a written statement to the Office of Licensing and Permitting, attesting to the circumstances leading to the loss or destruction of the original permit. No person shall be eligible for more than one replacement transferable permit per season, per hunt type.

(c) Antlerless deer permits may not be replaced.

PROPOSED EFFECTIVE DATE: May 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03, 7-1-03, 9-29-03, 7-1-04, 7-2-04, 8-1-04, 5-1-05, 5-1-06, 6-1-06, 5-1-07, 7-1-08, 5-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.061
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Southwest Region

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

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes on Wildlife Management Areas (WMAs) in the Southwest Region.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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

(1) Green Swamp Wildlife Management Area.

(a) Open season:

1. General gun – November 14 8 through January 10 4.
2. Archery – September 26 20 through October 25 19, Fridays, Saturdays and Sundays only.
3. Small game – January 16 10 through February 14 8, Saturdays and Sundays only.

4. Spring turkey – March 20 21 through April 25 26.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May 1 2 to June 13 14. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (d) No change.

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

(a) Open season:

1. Special-opportunity turkey – March 20-23 21-24, March 29 30 through April 1 2, April 3-6 4-7, 12-15 April 13-16 and 17-20 18-21.

2. Special-opportunity archery – November 7-10 1-4 and 19-22 13-16.

3. Special-opportunity general gun – December 17-20 11-14, January 11-14 5-8 and 21-24 15-18.

4. Special-opportunity hog-still – February 5-7 January 30 through February 1.

5. Special-opportunity hog-dog – February 17-19 11-13.

6. Small game – February 26-28 20-22 and March 5-7 February 27 through March 1.

7. through 8. No change.

(b) through (d) No change.

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

(a) Open season:

1. Archery – September 12-13 6-7.

2. Bird dog training – Bird dogs may be trained in the recreation area September 19 13 through February 14 8 and bird dogs may be trained in zones A, B, C and D during the small game season on those days when daily quail permits are not issued, which shall include the day that the season quota for daily quail permits is attained.

3. General gun – October 31 25 through November 8 2.

4. No change.

5. Field trial quail – January 30-31 24-25.

6. No change.

(b) through (d) No change.

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

(a) Open season:

1. Muzzleloading gun – October 16-18 10-12.

2. General gun – October 31 25 through November 8 2.

3. through 4. No change.

(b) through (d) No change.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:

1. Archery – December 12-20 6-14 and January 9-17 3-11, Saturdays and Sundays only.

2. Muzzleloading gun – November 14 8 through December 6 November 30, Saturdays and Sundays only.

3. Small game – January 23 17 through February 7 1, Saturdays and Sundays only.

4. Spring turkey – March 24-25 25-26, March 31 through April 1 1-2, April 7-8 8-9, 14-15 15-16 and 21-22 22-23.

5. No change.

(b) through (d) No change.

(6) Arbuckle Wildlife Management Area.

(a) Open season:

1. Archery – October 17 through November 6 11-31.

2. Muzzleloading gun – December 19-27 13-21.

3. Small game – January 9-10 3-4 and 30-31 24-25.

4. Spring turkey – March 23-25 24-26 and April 6-8 7-9.

5. No change.

(b) through (d) No change.

(7) KICCO Wildlife Management Area.

(a) Open season:

1. Archery – September 26 20 through October 25 19, Saturdays and Sundays only.

2. Muzzleloading gun – October 31 25 through November 8 2, Saturdays and Sundays only.

3. General gun hog – November 14 8 through December 13 7, Saturdays and Sundays only.

4. Small game – December 19 13 through January 10 4.

5. Spring turkey – March 20 21 through April 18 19, Saturdays and Sundays only.

6. No change.

(b) through (d) No change.

(8) Hickory Hammock Wildlife Management Area.

(a) Open season:

1. General gun hog – September 18-20 12-14, 25-27 19-21 and January 15-17 9-11.

2. Archery – October 23-25 17-19.

3. Muzzleloading gun – November 2-4 and 6-8 October 27-29 and October 31 through November 2.

4. General gun – November 13-15 7-9.

5. Small game – November 16-29 10-23 and January 25 19 through March 7 1.

6. No change.

7. Spring turkey – March 25-27 26-28 and April 15-17 16-18.

8. No change.

(b) through (d) No change.

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

(a) Open season:

1. Archery – ~~October 3-4, 5-8, 9-11, 12-15 and 16-18~~
~~September 27-28, September 29 through October 2, October~~
~~3-5, 6-9 and 10-12.~~

2. Muzzleloading gun – December ~~12-15 6-9~~ and ~~16-20~~
~~10-14.~~

3. General gun hog – January ~~16-19 10-13~~ and ~~20-24~~
~~14-18.~~

4. Small game – ~~February 6-14 January 31 through~~
~~February 8 and February 27 21 through March 7 1.~~

5. No change.

(b) through (d) No change.

(10) Hilochee Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~26-28 27-29~~ and April ~~9-11~~
~~10-12.~~

2. Muzzleloading gun – ~~November 6-8 October 31~~
~~through November 2.~~

3. General gun hog – ~~December 4-6 November 28-30,~~
January ~~15-17 9-11~~ and ~~22-24 16-18.~~

4. Small game – January ~~29 23~~ through February ~~7 1.~~

5. Archery – October ~~23-25 17-19.~~

6. No change.

(b) through (d) No change.

(11) Lake Marion Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-28 20-22~~ and ~~October 2-4~~
~~September 26-28.~~

2. Muzzleloading gun – October ~~31 through November 2~~
~~25-27.~~

3. General gun – November ~~14-16 8-10~~ and ~~20-22 14-16.~~

4. Small game – ~~January 1-3 and 8-10 December 26-28~~
~~and January 2-4.~~

5. General gun hog – December ~~11-13 5-7~~ and ~~25-27~~
~~19-21.~~

6. Spring turkey – March ~~20-22 21-23,~~ April ~~2-4 3-5~~ and
~~16-18 17-19.~~

7. No change.

(b) through (d) No change.

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

(a) Open season:

1. Archery – September ~~26 20~~ through October ~~25 19~~ in
areas and during days specified by the Installation Commander.

2. Muzzleloading gun – October ~~31 25~~ through November
~~8 2~~ in areas and during days specified by the Installation
Commander.

3. General gun – November ~~14 8~~ through January ~~24 18~~ in
areas and during days specified by the Installation Commander.

4. Small game – ~~January 4 December 29~~ through March ~~7~~
~~1~~ in areas and during days specified by the Installation
Commander.

5. Spring turkey – March ~~20 21~~ through April ~~25 26~~ in
areas and during days specified by the Installation Commander.

6. Antlerless deer – November ~~21-27 15-21~~ in areas and
during days specified by the Installation Commander.

7. through 8. No change.

(b) through (d) No change.

(13) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October ~~30 through November 1~~
~~24-26.~~

2. General gun – November ~~14 through December 6 8-30.~~

3. Small game – December ~~7 1~~ through March ~~7 1.~~

4. Spring turkey – March ~~23-25 24-26,~~ April ~~6-8 7-9~~ and
~~20-22 21-23.~~

5. Fox, raccoon and bobcat – December ~~17 11~~ through
March ~~14 8.~~ Hunting is permitted from 5 p.m. Thursday to
sunrise Sunday with dogs only. Taking wildlife with guns is
prohibited during this season.

6. through 7. No change.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited November ~~14 through~~
~~December 6 8-30.~~ Hunting with dogs other than bird dogs is
prohibited December ~~7-16 1-10,~~ except that dogs may be used
for hunting fox, raccoon or bobcat during the fox, raccoon and
bobcat season, and dogs with a shoulder height of 15 inches or
less may be used to hunt small game during the small game
season in the portion of the area south of Croom road, bounded
on the east by Croom-Rital Road to its juncture with the
boundary fence of the Croom Motorcycle area located in
Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8
lying south of the old railroad right-of-way, Township 22
South, Range 21 East, and thence bounded by said boundary
fence. Trailing dogs on a leash are permitted.

2. through 8. No change.

(14) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 20~~ through October ~~25 19.~~

2. Muzzleloading gun – October ~~30 through November 1~~
~~24-26.~~

3. General gun – November ~~14 8~~ through January ~~10 4.~~

4. General gun hog-dog – January ~~15-17 9-11~~ and ~~22-24~~
~~16-18.~~

5. through 6. No change.

7. Spring turkey – March ~~26-28 27-29,~~ April ~~9-11 10-12~~
and ~~23-25 24-26.~~

(b) through (d) No change.

(15) Hilochee Wildlife Management Area – Osprey Unit.

(a) Open season:

1. Archery – October ~~10-11 4-5~~ and ~~17-18 11-12~~.
 2. Family hunt – November ~~14-15 8-9~~.
 3. General gun hog-still – November ~~28-29 22-23~~.
 4. General gun hog-dog – January ~~9-10 3-4~~ and ~~30-31 24-25~~.
 5. Spring turkey – April ~~16-17 17-18~~ and ~~23-24 24-25~~.
 6. through 7. No change.
- (b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS, Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99, Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, ~~7-1-09~~.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

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

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

Andrews WMA – Remove references to the number of zone tags to be issued per zone; reduce the archery quota from 60 to 45, muzzleloading gun and general gun quotas from 40 to 30 for each hunt and spring turkey quota from 30 to 25.

Twin Rivers WMA – Remove references to the number of zone tags to be issued per zone; increase the number of permits issued for archery, muzzleloading gun and general gun seasons from 30 per hunt to 45 and eliminate the 30 first-come first-served permits issued at the check station; increase the number of quota permits for spring turkey from 12 to 20 and eliminate the 12 first-come first-served permits issued at the check station; increase the number of archery hunts from one 16-day hunt to one 7-day and one 9-day hunt; and increase the number of general gun hunts from one 11-day hunt to one 4-day hunt and one 7-day hunt.

Ralph E. Simmons WMA – Clarify that during the mobility-impaired hunt only mobility-impaired hunters may take antlerless deer and clarify that guest permit holders may be on the WMA during hunting periods.

Hatchet Creek WMA – Clarify that guest permit holders may be on the WMA during hunting periods.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. through 3. No change.

4. Archery – September 29 through October 1 ~~23-25 and October 6-8~~ ~~September 30 through October 2~~, only in the still hunt areas; and the Saturday before Thanksgiving and continuing for 57 days thereafter in the archery only area, which is within the area described by a line beginning at the intersection of County Road 225 and Woodbury Road, then southeast on County Road 225 to State Road 16, then south on State Road 16 and County Road 230 to the Camp Blanding boundary on the east side of County Road 230, then east along the Camp Blanding boundary to Duval Road, then south on Duval Road to Yerkes Road, then west on Yerkes Road to Treat Road, then north on Treat Road to Lightning Strike Road, then west and north on Lightning Strike Road to State Road 230, then west on State Road 230 to the Camp Blanding boundary, then north along the Camp Blanding boundary to State Road 16, then east on the south side of State Road 16 to Lightning Strike Road, then north on Lightning Strike Road to Bessent Road, then north on Bessent Road to the starting point. A disjunct portion of the archery only area is south of County Road 215, east of Rifle Range Road, north of State Road 16 and west of the Camp Blanding boundary.

5. No change.

6. Muzzleloading gun – October 13-15 ~~7-9~~ and 20-22 ~~14-16~~, only in the still hunt areas.

7. No change.

8. Trapping – December 1 through January 10 ~~4~~, only in the still hunt areas.

(b) through (d) No change.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March 20-28 ~~21-29~~.

2. Archery – September 26 ~~20~~ through October 11 ~~5~~.

3. Muzzleloading gun – October 30 through November 1 ~~24-26~~.

4. through 5. No change.

(b) through (d) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November 14 ~~8~~ through January 24 ~~18~~.

2. Spring turkey – March 20 ~~21~~ through April 25 ~~26~~.

3. Archery – September 26 ~~20~~ through October 25 ~~19~~.

4. Muzzleloading gun – October 31 ~~25~~ through November 8 ~~2~~.

5. No change.

(b) through (d) No change.

(4) Lochloosa Wildlife Management Area.

(a) Open season:

1. General gun – November 14-27 ~~8-21~~, November 28 ~~22~~ through December 13 ~~7~~ and December 14 ~~8~~ through January 10 ~~4~~.

2. Spring turkey – March 20 ~~21~~ through April 25 ~~26~~.

3. Archery – September 26 ~~20~~ through October 25 ~~19~~.

4. Muzzleloading gun – October 30 through November 1 ~~24-26~~.

5. No change.

6. Small game – January 11 ~~5~~ through March 7 ~~1~~.

7. No change.

(b) through (d) No change.

(5) Osceola Wildlife Management Area.

(a) Open season:

1. General gun – November 14 ~~8~~ through January 10 ~~4~~.

2. Small game – January 11 ~~5~~ through March 7 ~~1~~.

3. Spring turkey – March 20 ~~21~~ through April 25 ~~26~~.

4. Archery – September 26 ~~20~~ through October 18 ~~12~~.

5. Muzzleloading gun – October 23-30 ~~17-24~~ in the still hunt area and Big Gum Swamp Wilderness only.

6. Fox, raccoon, opossum and bobcat – August 8 ~~2~~ through September 29 ~~23~~ in the dog hunt portion of the area only from sunset to sunrise.

7. through 8. No change.

9. Trapping – January 11 ~~5~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. No change.

2. Deer dogs may be trained from October 31 ~~25~~ through November 9 ~~3~~, except in the still hunt area.

3. through 8. No change.

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

(a) Open season:

1. General gun – November 14-22 ~~and November 23~~ ~~8~~ through January 10 ~~4~~.

2. Archery – September 26 ~~20~~ through October 25 ~~19~~.

3. Muzzleloading gun – October 30 through November 1 ~~24-26~~.

4. Small game – January 11 ~~5~~ through March 7 ~~1~~.

5. through 6. No change.

7. Spring turkey – March 20 ~~21~~ through April 25 ~~26~~.

8. Trapping – January 11 ~~5~~ through March 1.

(b) through (d) No change.

(7) Big Bend Wildlife Management Area – Spring Creek Unit.

(a) Open season:

1. General gun – November ~~14~~ 8 through January ~~10~~ 4.
2. Archery – September ~~26~~ 20 through October ~~25~~ 19.
3. Muzzleloading gun – October ~~30 through November 1~~ 24-26.
4. Small game – January ~~11~~ 5 through March ~~7~~ 1.
5. Spring turkey – March ~~20~~ 24 through April ~~25~~ 26.
6. Trapping – January ~~11~~ 5 through March 1.
7. through 8. No change.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November ~~14-22, 23-29 and November 30~~ 8 through January ~~10~~ 4.
2. Small game – January ~~11~~ 5 through March ~~7~~ 1.
3. Spring turkey – March ~~20~~ 24 through April ~~25~~ 26.
4. Archery – September ~~26~~ 20 through October ~~25~~ 19.
5. through 7. No change.
8. Trapping – January ~~11~~ 5 through March 1.

(b) through (d) No change.

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

(a) Open season:

1. General gun – November ~~14-22 and November 23~~ 8 through January ~~10~~ 4.
2. Spring turkey – March ~~20~~ 24 through April ~~25~~ 26.
3. Small game – January ~~11~~ 5 through March ~~7~~ 1.
4. through 5. No change.
6. Trapping – January ~~11~~ 5 through March 1.

(b) through (d) No change.

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

(a) Open season:

1. Archery – September ~~26~~ 20 through October ~~25~~ 19.
2. Muzzleloading gun – October ~~30 through November 1~~ 24-26.
3. General gun – November ~~14 through December 6~~ 8-30.
4. Small game – January ~~9~~ 3 through February ~~7~~ 1.
5. Spring turkey – March ~~20-28~~ 24-29, March ~~29~~ 30 through April ~~4~~ 5 and April ~~5-11~~ 6-12.
6. Trapping – January ~~9~~ 3 through March 1.
7. No change.

(b) through (d) No change.

(11) No change.

(12) Raiford Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26~~ 20 through October ~~11~~ 5.

2. Muzzleloading gun – October ~~30 through November 1~~ 24-26.

3. Archery and muzzleloading gun – November ~~14-22~~ 8-16.

4. Spring turkey – March ~~20-28~~ 24-29.

5. No change.

(b) through (d) No change.

(13) Cedar Key Scrub Wildlife Management Area.

(a) Open season:

1. General gun – November ~~14-22~~ 8-16.
2. Archery – September ~~26~~ 20 through October ~~11~~ 5.
3. Muzzleloading gun – October ~~30 through November 1~~ 24-26.

(b) through (d) No change.

(14) Andrews Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 2-4~~ September 26-28 and ~~9-11~~ October 3-5.
2. Muzzleloading gun – October ~~30 through November 1~~ 24-26 and ~~November 6-8~~ October 31 through November 2.
3. General gun – November ~~20-22~~ 14-16.
4. Small game – January ~~8-10, 15-17 and 22-24~~ 2-4, 9-11 and 16-18.

5. Family hunt – ~~February 6-7 and 13-14~~ January 31 through February 1 and February 7-8.

6. Spring turkey – March ~~26-28~~ 27-29 and April ~~16-18~~ 17-19.

7. Supervised deer/-hog youth hunt – October ~~17-18~~ 11-12 and ~~24-25~~ 18-19.

8. No change.

(b) through (c) No change.

(d) General regulations:

~~1. A quota permit shall be required for each hunter entering the area. The hunter quota has been divided proportionately between zones as follows:~~

~~a. Archery – A 4, B 10, C 12, D 12, E 6, F 16.~~

~~b. Muzzleloading gun and general gun, small game, and supervised youth hunts – A 3, B 7, C 7, D 9, E 4, F 10.~~

~~c. Family hunt – A 2, B 4, C 4, D 4, E 2, F 4.~~

~~d. Spring turkey – A 2, B 5, C 5, D 7, E 3, F 8.~~

(2) through (10) renumbered (1) through (9) No change.

(15) Big Shoals Wildlife Management Area.

(a) Open season:

1. Archery – September ~~28 through October 3, October 5-10 and 12-17~~ 22-27, September ~~29 through October 4 and October 6-11~~.

2. Muzzleloading gun – October ~~30 through November 1~~ and November 6-8 ~~24-26 and October 31 through November 2~~.

3. Small game – December ~~21-26~~ 15-20 and ~~December 28 through January 2~~ 22-27.

4. Spring turkey – March ~~25-27~~ ~~26-28~~ and April ~~15-17~~ ~~16-18~~.

5. No change.

(b) through (d) No change.

(16) Twin Rivers Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 through October 2 and 20~~ ~~through October 3-11~~ ~~5~~.

2. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

3. General gun – November ~~14-17 and 18-24~~ ~~8-18~~.

4. Small game – ~~December 5-27~~ ~~November 29 through~~ ~~December 21~~.

5. Spring turkey – March ~~26-28~~ ~~27-29~~ and April ~~16-18~~ ~~17-19~~.

6. No change.

(b) through (c) No change.

(d) General regulations:

1. ~~The quota has been divided proportionately between zones as follows: Archery, Muzzleloading Gun and General Gun, A-5, B-35, C-20; Spring Turkey, A-4, B-15, C-5.~~

2. through 11. renumbered 1. through 10. No change.

(17) No change.

(18) Jennings Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-29~~ ~~20-23~~, ~~September 30~~ ~~through October 3~~ ~~24-27~~, ~~October 4-7~~ and ~~8-11~~ ~~September 28~~ ~~through October 1~~ and ~~October 2-5~~.

2. Supervised small game – October ~~17-25~~ ~~11-19~~, east of Yellow Water Creek, and east of the North Fork Black Creek but only south of its convergence with Yellow Water Creek.

3. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

4. No change.

5. General gun – November ~~14-18~~ ~~8-12~~, ~~19-23~~ ~~13-17~~ and ~~24-29~~ ~~18-23~~.

6. Small game – January ~~15~~ ~~9~~ through February ~~14~~ ~~8~~, Fridays, Saturdays and Sundays only.

7. Spring turkey – March ~~20-23~~ ~~21-24~~ and ~~24-28~~ ~~25-29~~.

8. No change.

(b) through (d) No change.

(19) Holton Creek Wildlife Management Area.

(a) Open season:

1. Mobility-impaired general gun – October ~~16-18~~ ~~10-12~~, ~~October 30 through November 1~~ ~~24-26~~, ~~November 6-8~~ ~~October 31~~ ~~through November 2~~ and December ~~18-20~~ ~~12-14~~.

2. Mobility-impaired spring turkey – March ~~26-28~~ ~~27-29~~ and April ~~16-18~~ ~~17-19~~.

3. No change.

(b) through (d) No change.

(20) Goethe Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26~~ ~~20~~ through October ~~18~~ ~~12~~.

2. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

3. General gun (still hunt) – November ~~14-16~~ ~~8-10~~ and ~~17-19~~ ~~11-13~~.

4. General gun (dog hunt) – November ~~20-22~~ ~~14-16~~ and ~~23-26~~ ~~17-20~~.

5. Small game – January ~~16~~ ~~10~~ through February ~~7~~ ~~1~~.

6. Spring turkey – March ~~20-26~~ ~~21-27~~ and March ~~27~~ ~~28~~ through April ~~4~~ ~~5~~.

7. No change.

(b) through (d) No change.

(21) San Pedro Bay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~14~~ ~~8~~ through January ~~10~~ ~~4~~.

2. Small game – January ~~11~~ ~~5~~ through March ~~7~~ ~~1~~.

3. Spring turkey – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~.

4. Archery – September ~~26~~ ~~20~~ through October ~~25~~ ~~19~~.

5. Muzzleloading gun – October ~~31~~ ~~25~~ through November ~~8~~ ~~2~~.

6. through 7. No change.

8. Trapping – January ~~11~~ ~~5~~ through March 1.

(b) through (d) No change.

(22) Citrus Wildlife Management Area.

(a) Open season:

1. General gun – December ~~19-20~~ ~~13-14~~ and January ~~9-10~~ ~~3-4~~.

2. Small game – January ~~11~~ ~~5~~ through March ~~7~~ ~~1~~.

3. Muzzleloading gun – December ~~12-13~~ ~~6-7~~ and ~~January 2-3~~ ~~December 27-28~~.

4. Archery – November ~~14 through December 6~~ ~~8-30~~.

5. Spring turkey – March ~~23-25~~ ~~24-26~~, April ~~6-8~~ ~~7-9~~ and ~~20-22~~ ~~21-23~~.

6. No change.

(b) through (d) No change.

(23) Flying Eagle Wildlife Management Area.

(a) Open season:

1. Archery – ~~October 3-6 and 9-13~~ ~~September 27-30 and~~ ~~October 3-7~~.

2. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

3. General gun – November ~~14-17~~ ~~8-11~~ and ~~20-24~~ ~~14-18~~.

4. Small game – November ~~27-29~~ ~~21-23~~ and December ~~18-20~~ ~~12-14~~.

5. Spring turkey – March ~~20-23~~ ~~21-24~~ and ~~26-30~~ ~~27-31~~.

6. through 7. No change.

(b) through (d) No change.

(24) Potts Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~20-23~~ 21-24 and ~~26-30~~ 27-31.
2. Archery – October ~~10-13~~ 4-7 and ~~16-20~~ 10-14.
3. Muzzleloading gun – ~~November 6-8~~ October 31 through ~~November 2~~ 8.
4. General gun hog-dog – November ~~20-22~~ 14-16.
5. Small game – December ~~11-13~~ 5-7, January ~~8-10~~ 2-4, and ~~February 5-7~~ January 30 through ~~February 1~~ 7.
6. through 7. No change.
(b) through (d) No change.
(25) Homosassa Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26-28~~ 20-22, October ~~9-11~~ 3-5 and ~~23-25~~ 17-19.
 2. Small game – November ~~14~~ through ~~December 6~~ 8-30 and December ~~26~~ 20 through January ~~10~~ 4.
 3. General gun hog – February ~~11-14~~ 5-8 and ~~25-28~~ 19-22.
 4. Special-opportunity spring turkey – March ~~20-26~~ 21-27 and April ~~3-9~~ 4-10.
 5. No change.
(b) through (d) No change.
(26) Devil's Hammock Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26-29~~ 20-23, September 30 through October 4 ~~24-28~~ and October 5-11 ~~September 29~~ through ~~October 5~~ 11.
 2. Family hunt – October ~~17-18~~ 11-12 and ~~24-25~~ 18-19.
 3. Muzzleloading gun – October ~~30~~ through ~~November 1~~ 24-26.
 4. General gun – November ~~14-17~~ 8-11 and ~~18-22~~ 12-16.
 5. Small game – November ~~28~~ 22 through December ~~27~~ 21.
 6. Spring turkey – March ~~20-23~~ 21-24 and ~~24-28~~ 25-29.
 7. through 8. No change.
(b) through (d) No change.
(27) Mallory Swamp Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 2. Muzzleloading gun – October ~~31~~ through ~~November 8~~ 25 through ~~November 2~~ 8 (still hunt area only).
 3. General gun – November ~~14~~ 8 through January ~~10~~ 4.
 4. Small game – January ~~11~~ 5 through February ~~7~~ 1.
 5. Spring turkey – March ~~20~~ 21 through April ~~4~~ 5.
 6. No change.
 7. Trapping – January ~~11~~ 5 through March 1.
 8. No change.
(b) through (d) No change.
(28) Middle Aucilla Wildlife Management Area.
(a) Open season:
 1. General gun – November ~~14~~ through ~~December 10~~ 8 and December ~~11~~ through January ~~10~~ 4.
 2. Muzzleloading gun – October ~~31~~ 25 through November ~~8~~ 2.
 3. Small game – January ~~11~~ 5 through March ~~7~~ 4.
 4. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 5. Spring turkey – March ~~20~~ 21 through April ~~25~~ 26.
 6. through 7. No change.
(b) through (d) No change.
(29) Little River Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26-28~~ 20-22, October 3-5 ~~27-29~~ and ~~October 10-12~~ 4-6.
 2. Muzzleloading gun – October ~~30~~ through ~~November 1~~ 24-26.
 3. Small game – ~~December 5-9~~ November 29 through ~~December 3~~ and ~~December 26-30~~ 20-24.
 4. through 5. No change.
(b) through (d) No change.
(30) Troy Springs Wildlife Management Area.
(a) Open season:
 1. Small game – November ~~14~~ 8 through January ~~10~~ 4, except on Sundays, and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.
 2. No change.
(b) through (d) No change.
(31) Bayard Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26~~ 20 through October ~~11~~ 5 and November ~~21-29~~ 15-23.
 2. Muzzleloading gun – October ~~31~~ through ~~November 8~~ 25 through ~~November 2~~ 8.
 3. through 5. No change.
(b) through (d) No change.
(32) Grove Park Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 2. Muzzleloading gun – October ~~31~~ 25 through November ~~8~~ 2.
 3. General gun – November ~~14~~ 8 through January ~~10~~ 4.
 4. No change.
 5. Trapping – December 1 through January ~~10~~ 4.
 6. Spring turkey – March ~~20~~ 21 through April ~~25~~ 26.
 7. No change.
(b) through (d) No change.
(33) Steinhatchee Springs Wildlife Management Area.
(a) Open season:
 1. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 2. Muzzleloading gun – October ~~30~~ through ~~November 1~~ 24-26.
 3. General gun – November ~~14-22~~ and ~~November 23~~ through ~~December 6~~ 8-30.

- 4. Small game – January ~~23~~ ¹⁷ through February ~~21~~ ¹⁵.
- 5. Spring turkey – March ~~20-23, 24-28~~ and March ~~29~~ ²¹ through April ~~11~~ ¹².
- 6. through 7. No change.
- (b) through (d) No change.
- (34) Nassau Wildlife Management Area.
 - (a) Open season:
 - 1. General gun – November ~~14~~ ⁸ through January ~~10~~ ⁴.
 - 2. Small game – January ~~11~~ ⁵ through March ~~7~~ ¹.
 - 3. Spring turkey – March ~~20~~ ²¹ through April ~~25~~ ²⁶.
 - 4. Archery – September ~~26~~ ²⁰ through October ~~25~~ ¹⁹.
 - 5. Muzzleloading gun – October ~~31~~ ²⁵ through November ~~8~~ ².
 - 6. No change.
 - 7. Trapping – January ~~11~~ ⁵ through March 1.
 - (b) through (d) No change.
- (35) Cary Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~26-28~~ ²⁰⁻²² and ~~October 2-4~~ ²⁶⁻²⁸.
 - 2. Muzzleloading gun – October ~~16-18~~ ¹⁰⁻¹² and ~~October 30 through November 1~~ ²⁴⁻²⁶.
 - 3. Family hunt – November ~~14-15~~ ⁸⁻⁹.
 - 4. General gun – November ~~20-22~~ ¹⁴⁻¹⁶ and ~~27-29~~ ²¹⁻²³.
 - 5. Small game – ~~December 4~~ ^{November 28} through January ~~10~~ ⁴ (Fridays, Saturdays and Sundays only).
 - 6. Spring turkey – March ~~20-22~~ ²¹⁻²³, ~~26-28~~ ²⁷⁻²⁹ and April ~~2-4~~ ³⁻⁵.
 - (b) through (d) No change.
- (36) Ralph E. Simmons Memorial Wildlife Management Area.
 - (a) Open season:
 - 1. General gun – November ~~21-29~~ ¹⁵⁻²³.
 - 2. Archery – September ~~26~~ ^{through} ~~October 4~~ ²⁰⁻²⁸.
 - 3. Muzzleloading gun – October ~~31~~ ²⁵ through November ~~8~~ ².
 - 4. General gun for mobility-impaired – October ~~17-20~~ ¹¹⁻¹⁴.
 - 5. Small game – December ~~21~~ ^{through} ~~January 3~~ ¹⁵⁻²⁸ and ~~February 6-14~~ ^{January 31 through February 8}.
 - 6. through 8. No change.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. The bag limit for deer shall be one antlered and one antlerless deer per quota permit. Antlerless deer (except spotted fawn) may be taken only during the archery and general gun for mobility-impaired seasons. During the mobility-impaired hunt only certified mobility-impaired hunters may take an antlerless deer. Only one quota permit may be utilized per individual, per season.
 - (c) No change.
 - (d) General regulations:

- 1. through 4. No change.
- 5. During periods open to hunting, other than small game season, public access is restricted to ~~those~~ individuals with valid quota hunt permits: and those persons identified in 68A-15.005, F.A.C. Two (2) hunter assistants may accompany a mobility-impaired quota hunt permit holder provided that the non-permitted individuals shall not occupy a vehicle separate from the permittee nor take wildlife with a gun.
- 6. through 9. No change.
- (37) Lower Econfina River Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~26~~ ²⁰ ~~through~~ – October ~~11~~ ⁵.
 - 2. Muzzleloading gun – October ~~30~~ ^{through} ~~November 1~~ ²⁴⁻²⁶.
 - 3. Small game – January ~~25~~ ¹⁹ ~~through~~ – March ~~7~~ ¹.
 - 4. Spring turkey – March ~~20-28~~ ²¹⁻²⁹.
 - 5. No change.
 - (b) through (d) No change.
 - (38) Belmore Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~26-28~~ ²⁰⁻²², ~~October 2-4~~ ²⁶⁻²⁸ and ~~October 9-11~~ ³⁻⁵.
 - 2. Muzzleloading gun – October ~~30~~ ^{through} ~~November 1~~ ²⁴⁻²⁶.
 - 3. Family hunt – November ~~14-15~~ ⁸⁻⁹.
 - 4. General gun – November ~~19-22~~ ¹³⁻¹⁶ and ~~25-29~~ ¹⁹⁻²³.
 - 5. Small game – ~~December 4~~ ^{November 28} through January ~~10~~ ⁴ (Fridays, Saturdays and Sundays only).
 - 6. No change.
 - 7. Spring turkey – March ~~20-22~~ ²¹⁻²³, ~~26-28~~ ²⁷⁻²⁹ and April ~~2-4~~ ³⁻⁵.
 - 8. No change.
 - (b) through (d) No change.
 - (39) Four Creeks Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~26-28~~ ²⁰⁻²², ~~October 2-4~~ ²⁶⁻²⁸ and ~~October 9-11~~ ³⁻⁵.
 - 2. Muzzleloading gun – October ~~30~~ ^{through} ~~November 1~~ ²⁴⁻²⁶.
 - 3. Family hunt – November ~~14-15~~ ⁸⁻⁹.
 - 4. General gun – November ~~19-22~~ ¹³⁻¹⁶ and ~~25-29~~ ¹⁹⁻²³.
 - 5. Small game – ~~December 4~~ ^{November 28} through January ~~10~~ ⁴ (Fridays, Saturdays and Sundays only).
 - 6. No change.
 - 7. Spring turkey – March ~~20-22~~ ²¹⁻²³, ~~26-28~~ ²⁷⁻²⁹ and April ~~2-4~~ ³⁻⁵.
 - 8. through 9. No change.
 - (b) through (d) No change.
 - (40) Hatchet Creek Wildlife Management Area.
 - (a) Open season:

1. Archery – September ~~26-28~~ ~~20-22~~, October 2-4 and ~~9-11~~ ~~26-28~~ and ~~October 3-5~~.
2. Muzzleloading gun – October 30 through November 1 24-26.
3. Family hunt – November 14-15 ~~8-9~~.
4. General gun – November ~~20-22~~ ~~14-16~~ and 27-29 ~~21-23~~.
5. No change.
6. Spring turkey – March ~~20-22~~ ~~21-23~~, ~~26-28~~ ~~27-29~~ and April ~~2-4~~ ~~3-5~~.
7. No change.
- (b) through (c) No change.
- (d) General regulations:
 1. through 8. No change.
9. During periods open to hunting, public access is restricted to individuals with valid quota permits: and those persons identified in Rule 68A-15.005, F.A.C.
 - (41) Log Landing Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~26~~ ~~20~~ through October 11 ~~5~~ and November 14-22 ~~8-16~~.
 2. Muzzleloading gun – October 30 through November 1 24-26.
 3. Small game – ~~December 4~~ ~~November 28~~ through January 10 ~~4~~ (Fridays, Saturdays and Sundays only).
 4. No change.
 5. Spring turkey – March ~~20-28~~ ~~21-29~~.
 6. No change.
 - (b) through (d) No change.
 - (42) Thomas Creek Wildlife Management Area - Kings Road Unit.
 - (a) Open season:
 1. Archery – September ~~26-28~~ ~~20-22~~, October 5-7 ~~September 29 through October 1~~, and October 12-14 ~~6-8~~.
 2. Muzzleloading gun – October 30 through November 1 24-26.
 3. Family hunt – November 14-15 ~~8-9~~.
 4. General gun – November ~~20-22~~ ~~14-16~~ and 25-27 ~~19-21~~.
 5. Small game – ~~December 4-9~~ ~~November 28~~ through ~~December 3~~, 14-16 ~~8-10~~, 25-27 ~~19-21~~, January 1-3 ~~26-28~~ and 11-13 ~~January 5-7~~.
 6. No change.
 7. Spring turkey – March ~~20-22~~ ~~21-23~~, ~~29-31~~ ~~March 30~~ through ~~April 1~~ and April 5-7 ~~6-8~~.
 8. No change.
 - (b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region

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

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes on Wildlife Management Areas (WMAs) in the Northwest Region.

Yellow River WMA – establish the Burnt Grocery Creek area (the area west of Burnt Grocery Creek, north of Bernice Road and Old Fisher Mill Road) within Yellow River WMA with the following open seasons (no quota permit required): 88-day archery season, 3-day muzzleloading gun season, 9-day small game season, 11-day archery and muzzleloading gun season, four 3-day spring turkey hunts; allow fishing and frogging throughout the year; prohibit trapping; legal to take – all legal game, fish, frogs and furbearers; allow antlerless deer to be taken only during the first 30 days of the archery season and

change the spring turkey season in the Grassy Point area from three 2-day hunts to four 3-day hunts with a quota of 5 per hunt.

Blackwater WMA – allow vehicular access on named or numbered roads only except on that portion of the area south of State Road 4 and east of County Road 191 where vehicles may be operated on established roads only.

Blackwater WMA – Hutton Unit – clarify that only mobility-impaired permit holders and guest permit holders may hunt during mobility-impaired hunts and allow for one non-hunting assistant.

Tate’s Hell WMA – increase the spring turkey quota from 35 to 200.

Econfina Creek WMA – clarify that only mobility-impaired permit holders and guest permit holders may hunt during mobility-impaired hunts and allow for one non-hunting assistant

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(1) Apalachee Wildlife Management Area.

(a) Open season:

1. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12~~ ~~13~~ through February ~~14~~ ~~15~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B, except hunting is allowed the Friday after Thanksgiving).

2. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.

3. No change.

4. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

5. through 7. No change.

8. Quail (Zone A) – December ~~22~~ ~~23~~ through January 31 ~~February 1~~ (Mondays, Wednesdays and Fridays closed to hunting).

9. Spring turkey (Zones B and C) – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~ (Fridays, Saturdays, and Sundays only).

(b) through (d) No change.

(2) Apalachicola Wildlife Management Area.

(a) Open seasons:

1. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12~~ ~~13~~ through February ~~3~~ ~~4~~.

2. Small game – November ~~14-25~~ ~~8-26~~, November 30 ~~through December 11~~ ~~December 1-12~~ and February ~~4~~ ~~5~~ through March ~~7~~ ~~4~~.

3. No change.

4. Spring turkey – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~.

5. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.

6. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

7. Muzzleloading gun and archery – February ~~18-28~~ ~~19~~ ~~through March 1~~.

8. No change.

9. Fox, raccoon, opossum and bobcat – October 1 through March ~~7~~ ~~4~~ in that portion of the area in Liberty County lying west of State Road 65 (except in that portion of the area lying north and east of the Florida River and Larkins Slough) and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 349 and 357, on the west by Forest Roads 348 and F.H. 13, 309, 314, and 344.

10. Trapping – February ~~4~~ ~~5~~ through March 1.

11. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~26-29~~ ~~27-30~~ and from December ~~12-23~~ ~~13-24~~. Killing quail is prohibited on the quail enhancement area (that portion of the area lying north of Oak Ridge Road, east of State Road 61 and Highway 319, south of State Road 263, and west of State Road 363) except during the quail season. The bag limit for quail on the quail enhancement area is 12 per quota permit.

(c) No change.

(d) General regulations:

1. No change.

2. Bird dogs may be trained from June 1 through March 7 ~~4~~, except on the quail enhancement area where bird dogs may be trained November 1 through December 31. Deer dogs may be trained from October 31 ~~25~~ through November 19 ~~13~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. through 11. No change.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) Open season:

1. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12-16~~ ~~13-17~~.

2. Archery – October ~~17-23~~ ~~18-24~~ and October ~~24~~ ~~25~~ through November ~~1~~ ~~2~~.

3. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

4. Small game – November ~~14-15~~ ~~8-9~~ and December ~~19~~ ~~20~~ through January ~~3~~ ~~4~~.

5. Spring turkey – March ~~20-21~~ ~~21-22~~ and April ~~2-4~~ ~~3-5~~.

6. through 7. No change.

(b) through (d) No change.

(4) Blackwater Wildlife Management Area.

(a) Open seasons in the still hunt area (which includes that portion of the area south of Highway 4 except for the field trial area and that portion of the area north of State Road 4 except for the dog hunt area):

1. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12~~ ~~13~~ through February ~~3~~ ~~4~~.

2. Family still hunt (only in that portion of the still hunt area north of Highway 4 and east of Highway 191) – December ~~5-6~~ ~~6-7~~.

3. Small game – November ~~14-25~~ ~~8-26~~, ~~November 30~~ ~~through December 11~~ ~~December 1-12~~ and February ~~4~~ ~~5~~ through March ~~7~~ ~~4~~.

4. Spring turkey – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~.5. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.6. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

7. Muzzleloading gun and archery – February ~~18-28~~ ~~19~~ ~~through March 1~~.

8. through 10. No change.

(b) Open seasons in the dog hunt area (which includes that portion of the area north of State Road 4 and west of Three Notch Road, east of Mason West Road, and north of Camp Henderson Road; and that portion of the area north of State Road 4, west of Beaver Creek Highway and Hurricane Lake Road, and east of Belandville Road; and that portion of the area north of Break Fork Fire Line, north of Eadie Cotton Road and Peaden Bridge Road, west of Sherman Kennedy Road, south of Mattie Kennedy Road and Kennedy Bridge Road, west of Bullard Church Road, and east of Beaver Creek Highway and Hurricane Lake Road):

1. General gun dog – November ~~26-29~~ ~~27-30~~, December ~~12-27~~ ~~13-28~~, and January ~~11~~ ~~12~~ through February ~~3~~ ~~4~~.

2. General gun still – December ~~28~~ ~~29~~ through January ~~10~~ ~~11~~.

3. Family still hunt (only in that portion of the dog hunt area north of Highway 4 and east of Highway 191) – December ~~5-6~~ ~~6-7~~.

4. Small game – November ~~14-25~~ ~~8-26~~, ~~November 30~~ ~~through December 11~~ ~~December 1-12~~ and February ~~4~~ ~~5~~ through March ~~7~~ ~~4~~.

5. Spring turkey – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~.6. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.7. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

8. Muzzleloading gun and archery – ~~February 18-28~~ ~~19~~ ~~through March 1~~.

9. Fox, raccoon, opossum and bobcat – May 1 through March ~~14~~ ~~15~~, in that portion of the dog hunt area east of Belandville Road.

10. through 12. No change.

(c) Open seasons in the field trial area (which includes that portion of the area bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area:

1. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.2. Muzzleloading gun and archery – January ~~15-17~~ ~~16-18~~.

3. through 4. No change.

5. Quail – February ~~1-4~~ ~~2-5~~ and February ~~15-18~~ ~~16-19~~.

6. No change.

(d) Legal to take: All legal game, fish, frogs and furbearers. During the ~~muzzleloading gun and archery~~ ~~January 16-18~~ ~~archery/muzzleloading gun~~ season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. During the family still hunt, any deer (bag limit of three per quota permit) may be taken except spotted fawns. Taking quail is prohibited on the field trial area except during the quail season. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for the purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3 p.m. Central Time is prohibited during the quail season on the field trial area.

(e) No change.

(f) General regulations:

1. No change.

2. Vehicles may be operated only on named or numbered roads, except on that portion of the area lying south of State Road 4 and east of County Road 191 ~~and those lands north of~~

~~State Road 4 and east of Forest Road 31 (Hurricane Lake Road cutoff and Beaver Creek Road) where vehicles may be operated only on established roads.~~

3. through 9. No change.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October ~~17-20 18-21~~ and ~~21-25 22-26~~.

2. Muzzleloading gun – November ~~20-22 21-23~~.

3. Quail – November ~~14-15 8-9, 25-26 19-20, December 5-6 29-30, 14-15 December 8-9, 19-20 13-14, 28-29 22-23~~ and ~~January 2-3 27-28~~.

4. General gun – January ~~16-19 17-20~~ and ~~20-24 21-25~~.

5. Mobility-impaired general gun – January ~~29-31 30~~ through ~~February 1~~ and February ~~5-7 6-8~~.

6. Spring turkey – March ~~20-22 21-23~~, April ~~2-4 3-5~~ and April ~~16-18 17-19~~.

7. Hog management hunts – July ~~17-19 18-20~~, August ~~21-23 22-24~~ and September ~~18-20, 2009 19-21, 2008~~, and May ~~21-23 22-24~~ and June ~~18-20, 2010 19-21, 2009~~.

8. through 9. No change.

(b) through (c) No change.

(d) No change.

1. through 7. No change.

8. On mobility-impaired hunts, only one non-hunting assistant and a guest permit holder are allowed to accompany each mobility-impaired quota permit holder as provided in Rule 68A-15.005, F.A.C. During the mobility-impaired general gun hunts, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota permit may be utilized per individual per hunt.

9. through 10. No change.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season: Quail: November ~~14-20 8-14, 21-27 15-21~~, November ~~28~~ through ~~December 4 22-28~~, ~~December 5-11~~, ~~November 29~~ through ~~December 5~~, ~~December 12-18 6-12~~, ~~19-25 13-19~~, ~~December 26~~ through ~~January 1 20-26~~, ~~January 2-8~~ ~~December 27~~ through ~~January 2, 9-15~~ ~~January 3-9~~, ~~16-22 10-16~~, ~~23-29 17-23~~, ~~January 30~~ through ~~February 5 24-30~~, ~~February 6-12~~ ~~January 31~~ through ~~February 6~~, ~~13-19~~ ~~February 7-13~~, ~~20-26 14-20~~, and ~~February 27~~ through ~~March 5 21-27~~.

(b) through (d) No change.

(7) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December ~~11 12~~ through January ~~10 11~~ (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January ~~15-31 16~~ through ~~February 1~~ (Fridays, Saturdays and Sundays only).

3. Small game – October ~~3 4~~ through December ~~6 7~~ (Saturdays and Sundays only).

4. Spring turkey – March ~~20 21~~ through April ~~25 26~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(8) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~3 4~~.

2. Small game – November ~~14-25 8-26~~, ~~November 30~~ through ~~December 11~~ ~~December 1-12~~ and February ~~4 5~~ through March ~~7 4~~.

3. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

4. Archery – October ~~17 18~~ through November ~~15 16~~.

5. Muzzleloading gun – November ~~20-22 21-23~~.

6. Archery and muzzleloading gun – February ~~18-28 19~~ through ~~March 1~~.

7. through 9. No change.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~26-29 27-30~~ and from December ~~12-23 13-24~~. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The take of wild hog is prohibited during small game season. Wild hog: daily bag, 1; possession limit, 2.

(c) through (d) No change.

(9) Point Washington Wildlife Management Area.

(a) Open season:

1. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~3 4~~.

2. Small game – November ~~14-25 8-26~~, ~~November 30~~ through ~~December 11~~ ~~December 1-12~~ and February ~~4 5~~ through March ~~7 4~~.

3. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

4. Archery – October ~~17 18~~ through November ~~15 16~~.

5. Muzzleloading gun – November ~~20-22 21-23~~.

6. Archery and muzzleloading gun – ~~February 18-28 19~~ through ~~March 1~~.

7. through 8. No change.

(b) through (d) No change.

(10) Talquin Wildlife Management Area.

(a) Open season:

1. General gun – November ~~27-29 28-30~~ and December ~~12 13~~ through January ~~3 4~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~8 9~~ through March ~~7 4~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~17 18~~ through November ~~15 16~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~20 21~~ through April ~~25 26~~ (Saturdays and Sundays only).

5. through 6. No change.

(b) through (d) No change.

(11) Ochlockonee River Wildlife Management Area.

(a) Open season:

1. Archery and muzzleloading gun – November ~~27-29~~ ~~28-30~~ and December ~~12~~ ~~13~~ through January ~~3~~ ~~4~~ (Fridays, Saturdays and Sundays only).

2. Small game – January ~~8~~ ~~9~~ through March ~~7~~ ~~4~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~20~~ ~~24~~ through April ~~25~~ ~~26~~ (Saturdays and Sundays only).

5. No change.

(b) through (d) No change.

(12) Tate's Hell Wildlife Management Area.

(a) Open season:

1. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12~~ ~~13~~ through February ~~3~~ ~~4~~.

2. Small game – November ~~14-25~~ ~~8-26~~, November 30 through December 11 ~~December 1-12~~ and February ~~4~~ ~~5~~ through March ~~7~~ ~~4~~.

3. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.

4. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

5. Muzzleloading gun and archery – February ~~18-28~~ ~~19 through March 1~~.

6. through 8. No change.

9. Spring turkey – March ~~20~~ ~~24~~ through April ~~25~~ ~~26~~.

10. through 11. No change.

(b) through (c) No change.

(d) General regulations:

1. Deer dogs may be trained from October ~~31~~ ~~25~~ through November ~~19~~ ~~13~~.

2. through 7. No change.

(13) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(a) Open season:

1. Archery – October ~~17-25~~ ~~18-26~~.

2. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

3. Small game – November ~~14-25~~ ~~8-26~~, November 30 through December 11 ~~December 1-12~~, December ~~21-23~~ ~~22-23~~ and January 6 through February ~~3~~ ~~4~~.

4. General gun still – November ~~26-29~~ ~~27-30~~ and December ~~12-20~~ ~~13-21~~.

5. through 6. No change.

7. Spring turkey – March ~~20-23~~ ~~21-24~~, April ~~1-4~~ ~~2-5~~ and ~~8-11~~ ~~9-12~~.

8. through 9. No change.

(b) through (d) No change.

(14) Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~14~~ ~~8~~ through January ~~10~~ ~~4~~.

2. Small game – January ~~11~~ ~~5~~ through March ~~7~~ ~~4~~.

3. Spring turkey – March ~~20~~ ~~24~~ through April ~~25~~ ~~26~~.

4. Archery – September ~~26~~ ~~20~~ through October ~~25~~ ~~19~~.

5. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

6. through 8. No change.

9. Trapping – January ~~11~~ ~~5~~ through March 1.

(b) through (d) No change.

(15) Flint Rock Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October ~~31~~ ~~25~~ through November ~~8~~ ~~2~~.

2. General gun – November ~~14~~ ~~8~~ through January ~~24~~ ~~18~~.

3. Small game – January ~~25~~ ~~19~~ through March ~~7~~ ~~4~~.

4. Spring turkey – March ~~20~~ ~~24~~ through April ~~25~~ ~~26~~.

5. Archery – September ~~26~~ ~~20~~ through October ~~25~~ ~~19~~.

6. – 8. No change.

9. Trapping – January ~~25~~ ~~19~~ through March 1.

(b) through (d) No change.

(16) Pine Log Wildlife Management Area.

(a) Open season:

1. Archery – October ~~17~~ ~~18~~ through November ~~1~~ ~~2~~.

2. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

3. General gun – November ~~26-29~~ ~~27-30~~, January ~~23-26~~ ~~24-27~~ and ~~27-31~~ ~~January 28 through February 1~~.

4. Small game – December ~~5-31~~ ~~6-31~~.

5. Spring turkey – March ~~20~~ ~~24~~ through April ~~4~~ ~~5~~.

6. No change.

(b) through (d) No change.

(17) Eglin AFB Wildlife Management Area.

(a) Open season:

1. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~ in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~20-22~~ ~~21-23~~ in areas specified by the Installation Commander.

3. General gun – November ~~26-29~~ ~~27-30~~, December ~~12~~ ~~13~~ through February ~~17~~ ~~18~~ in areas and during days specified by the Installation Commander.

4. Archery and muzzleloading gun – February ~~18-28~~ ~~19 through March 1~~ in areas and during days specified by the Installation Commander.

5. Small game – November ~~14~~ ~~8~~ through March ~~7~~ ~~4~~ in areas and during days specified by the Installation Commander.

6. No change.

7. Spring turkey – March ~~20~~ ~~24~~ through April ~~25~~ ~~26~~ in areas and during days specified by the Installation Commander.

8. through 10. No change.

(b) through (c) No change.

(d) General regulations:

1. through 5. No change.

6. During small game season ~~November 10 through March 2~~, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is allowed ~~permitted~~.

7. through 10. No change.

(18) Escambia River Wildlife Management Area.

(a) Open season:

1. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~3 4~~.

2. Archery – October ~~17 18~~ through November ~~15 16~~.

3. Muzzleloading gun – November ~~20-22 21-23~~.

4. Archery and muzzleloading gun – February ~~18-28 19~~ through ~~March 1~~.

5. Small game – November ~~14-25 8-26, November 30~~ through ~~December 11 December 1-12~~ and February ~~4 5~~ through March ~~7 1~~.

6. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

7. through 9. No change.

(b) No change.

(c) Camping: Allowed ~~Permitted~~ throughout the area (except where posted as no camping) and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(19) Tyndall AFB Wildlife Management Area.(d) No change.

(a) Open season:

1. Archery – October ~~17 18~~ through November ~~15 16~~ during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~20-22 21-23~~.

3. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~17 18~~ during days specified by the Installation Commander.

4. Supervised youth – November ~~21-22 22-23~~, December ~~5-6 6-7~~ and ~~19-20 20-21~~ (only in areas designated by the Installation Commander).

5. Spring turkey – March ~~20 21~~ through April ~~25 26~~ during days specified by the Installation Commander.

6. Small game – November ~~14 8~~ through March ~~7 1~~ during days specified by the Installation Commander.

7. through 8. No change.

(b) through (d) No change.

(20) Choctawhatchee River Wildlife Management Area.

(a) Open season:

1. Archery – October ~~17 18~~ through November ~~15 16~~.

2. Muzzleloading gun – November ~~20-22 21-23~~.

3. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~3 4~~ except Holmes Creek Unit and East River Island.

4. Small game – November ~~14-25 8-26, November 30~~ through ~~December 11 December 1-12~~ and February ~~4 5~~ through March ~~7 1~~.

5. Archery and muzzleloading gun – February ~~18-28 19~~ through ~~March 1~~. Holmes Creek Unit and East River Island November ~~26-29 27-30~~, December ~~12 13~~ through February ~~3 4~~ and February ~~18-28 19~~ through ~~March 1~~.

6. Spring turkey – March ~~20 21~~ through April ~~25 26~~ only in that portion of the area south of the pipeline right-of-way located up river (north) of Cedar Log Landing (Walton County) and Billy Lee Landing (Washington County). March ~~20-22 21-23~~ and April ~~2-4 3-5~~ in that portion of the area north of the pipeline right-of-way.

7. through 8. No change.

9. Trapping – December 1 through March 1 in still hunt areas and ~~February 4 January 31~~ through March 1 in dog hunt areas.

(b) through (d) No change.

(21) Upper Chipola River Wildlife Management Area.

(a) Open season:

1. Archery – October ~~17 18~~ through November ~~15 16~~.

2. Muzzleloading gun – November ~~20-22 21-23~~.

3. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through January 1.

4. Small game – November ~~14-25 8-26, November 30~~ through ~~December 11 December 1-12~~ and January 2 through March ~~7 1~~.

5. Archery and muzzleloading gun – February ~~20-21 21-22~~ and ~~27-28 February 28~~ through ~~March 1~~.

6. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

7. through 9. No change.

(b) through (d) No change.

(22) Yellow River Wildlife Management Area.

(a) Open seasons except in the Grassy Point and Burnt Grocery Creek areas:

1. Archery – October ~~17 18~~ through November ~~15 16~~.

2. Muzzleloading gun – November ~~20-22 21-23~~.

3. General gun – November ~~26-29 27-30~~ and December ~~12 13~~ through February ~~3 4~~.

4. Small game – November ~~14-25 8-26, November 30~~ through ~~December 11 1-12~~ and February ~~4 5~~ through March ~~7 1~~.

5. Archery and muzzleloading gun – February ~~18-28 19~~ through ~~March 1~~.

6. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

7. through 9. No change.

(b) Open seasons in the Grassy Point area (the area south of Weaver River):

1. General gun – November ~~26-29 27-30~~, January ~~23-26 24-27~~ and January ~~27-31 28~~ through ~~February 1~~.

2. Archery – October ~~17-23~~ ~~18-24~~ and October ~~24~~ ~~25~~ through November ~~1~~ ~~2~~.

3. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

4. Spring turkey – March ~~20-22~~ ~~21-22~~, April ~~2-4~~ ~~4-5~~, ~~9-11~~ and ~~23-25~~ ~~18-19~~.

5. Small game – November ~~14-22~~ ~~8-16~~.

6. No change.

(c) Open seasons in the Burnt Grocery Creek area (the area west of Burnt Grocery Creek and north of Bernice Road and Old Fisher Mill Road):

1. Archery – October 17 through November 15, November 26-29, and December 12 through February 3.

2. Muzzleloading gun – November 20-22.

3. Small game – November 14-22.

4. Archery and muzzleloading gun – February 18-28

5. Spring turkey – March 20-22, April 2-4, 9-11 and 23-25.

6. Fishing and frogging – Throughout the year.

7. Trapping – Prohibited.

(d)(e) Legal to Take: All legal game, fish, frogs and furbearers. Antlerless deer may only be taken during the first 30 days of archery season in the Burnt Grocery Creek area.

(e)(4) Camping: Prohibited south of Weaver Road, except at designated campsites or by permit from the Northwest Florida Water Management District. Permitted throughout the area north of Weaver Road and limited to tents, trailers, or self-propelled camping vehicles only. Kitchen stoves, refrigerators, and freezers are prohibited, unless contained in mobile campers. Lumber, sheet metal or other building materials are prohibited.

(f)(e) General regulations:

1. through 4. No change.

(23) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek, and Fitzhugh Carter areas.

1. Archery – October ~~17~~ ~~18~~ through November ~~15~~ ~~16~~.

2. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

3. General gun – November ~~26-29~~ ~~27-30~~ and December ~~12~~ ~~13~~ through February ~~3~~ ~~4~~.

4. Small game – November ~~14-25~~ ~~8-26~~, ~~November 30 through December 11~~ ~~December 1-12~~ and February ~~4~~ ~~5~~ through March ~~7~~ ~~4~~.

5. Archery and muzzleloading gun – February ~~18-28~~ ~~19~~ through March ~~1~~.

6. Spring turkey – March ~~20~~ ~~21~~ through April ~~25~~ ~~26~~.

7. Raccoon – November ~~14~~ ~~8~~ through March ~~19~~ ~~20~~ and April ~~26~~ ~~27~~ through July 31.

8. through 9. No change.

(b) Open seasons in the mobility-impaired hunt area (area south of County Road 388):

1. General gun – November ~~27-29~~ ~~28-30~~, January ~~15-17~~ ~~16-18~~, ~~22-24~~ ~~23-25~~, January ~~29-31~~ ~~30~~ through February ~~1~~ and February ~~3-5~~ ~~4-6~~.

2. Spring turkey – March ~~20-21~~ ~~21-22~~, ~~26-28~~ ~~27-29~~, April ~~2-4~~ ~~3-5~~, ~~9-11~~ ~~10-12~~, ~~16-18~~ ~~17-19~~ and ~~23-25~~ ~~24-26~~.

3. No change.

(c) Open seasons in the Cat Creek (area south of State Road 20 and north of County Road 388) and Fitzhugh Carter (area west of State Road 77) areas:

1. Archery – October ~~17-23~~ ~~18-24~~ and October ~~24~~ ~~25~~ through November ~~1~~ ~~2~~.

2. Muzzleloading gun – November ~~20-22~~ ~~21-23~~.

3. General gun – November ~~26-29~~ ~~27-30~~, January ~~23-26~~ ~~24-27~~ and January ~~27-31~~ ~~28~~ through February ~~1~~.

4. Small game – December ~~5-20~~ ~~6-21~~.

5. Spring turkey – March ~~20-22~~ ~~21-23~~, April ~~2-4~~ ~~3-5~~ and ~~16-18~~ ~~17-19~~.

6. No change.

7. Fishing and frogging – Allowed ~~Permitted~~ throughout the year (except as provided below).

(d) No change.

(e) Camping: Allowed ~~Permitted~~ only at designated sites or by permit from Northwest Florida Water Management District.

(f) General regulations:

1. During periods open to hunting, vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area. During period open to hunting in the mobility-impaired hunt area, vehicles may be operated only by persons possessing a mobility-impaired quota permit or their guest. During periods closed to hunting, vehicular access is prohibited on Dog roads 1-8, 10, 13-17, 19, 20-28 and 33-37, ~~Hobbs Pasture Road, Einfinger Road, Cedar Creek Loop~~ and in the mobility-impaired area.

2. through 4. No change.

5. On mobility-impaired hunts, only one non-hunting assistant and a guest permit holder are allowed to accompany each mobility-impaired quota permit holder as provided in Rule 68A-15.005, F.A.C. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit. One additional person per permit holder may participate in the hunt. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

6. through 10. No change.

(24) Box-R Wildlife Management Area.

(a) Open season:

1. Archery – October ~~17-23~~ ~~18-24~~ and October ~~24~~ ~~25~~ through November ~~1~~ ~~2~~.

2. Small game – November ~~14-19~~ ~~8-20~~.

- 3. Muzzleloading gun – November ~~20-22~~ 21-23.
- 4. General gun – November ~~26-29~~ 27-30, January ~~7-10~~ 8-11, ~~14-17~~ 15-18 and ~~21-24~~ 22-25.
- 5. Hog – December ~~5-11~~ 6-12.
- 6. Spring turkey – March ~~20-23~~ 21-24, April ~~1-4~~ 2-5 and ~~15-18~~ 16-19.
- 7. No change.
- 8. Fishing and frogging – ~~Allowed~~ Permitted throughout the year.
 - (b) through (d) No change.
 - (25) Lafayette Creek Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – October ~~17-23~~ 18-24 and October ~~24~~ 25 through November ~~1~~ 2.
 - 2. Muzzleloading gun – November ~~20-22~~ 21-23.
 - 3. Family hunt – November ~~26-29~~ 27-30.
 - 4. General gun – January ~~23-26~~ 24-27 and January ~~27-31~~ 28 through February ~~1~~ 2.
 - 5. Small game – December ~~4~~ 5 through January ~~17~~ 18 (Fridays, Saturdays and Sundays only).
 - 6. Spring turkey – March ~~20~~ 21 through April ~~25~~ 26 (Saturdays and Sundays only).
 - 7. through 8. No change.
 - (b) through (d) No change.
 - (26) Wakulla Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – October ~~17~~ 18 through November ~~15~~ 16 (Fridays, Saturdays and Sundays only).
 - 2. Archery and muzzleloading gun – November ~~27-29~~ 28-30, December ~~12-13~~ 13-14, ~~25-27~~ 26-28, January ~~8-10~~ 9-11 and ~~22-24~~ 23-25.
 - 3. Small game – January ~~25~~ 26 through February ~~21~~ 22.
 - 4. Spring turkey – March ~~20~~ 21 through April ~~25~~ 26 (Saturdays and Sundays only).
 - 5. No change.
 - (b)through (d) No change.
 - (27) Perdido River Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – October ~~17~~ 18 through November ~~15~~ 16.
 - 2. Muzzleloading gun – November ~~20-22~~ 21-23.
 - 3. Family hunt – November ~~26-29~~ 27-30 and January ~~8-10~~ 9-11.
 - 4. General gun – January ~~16-22~~ 17-23 and January ~~23-31~~ 24 through February ~~1~~ 2.
 - 5. Archery and muzzleloading gun – February ~~18-28~~ 19 through March ~~1~~ 2.
 - 6. No change.
 - 7. Spring turkey – March ~~20-28~~ 21-29 and March ~~29~~ 30 through April ~~11~~ 12.
 - 8. through 10. No change.
 - (b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History–New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.064

Specific Regulations for Wildlife

Management Areas – South Region

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

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

Allapattah Flats WMA – expand the migratory bird hunting season to match the statewide season.

Picayune Strand WMA – expand the small game season from 16 to 44 days.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) No change.

(2) Holey Land Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 24 through November 1 ~~18-26~~.

2. General gun – Vehicle, November 7-22 ~~1-16~~ (tracked vehicles). Deer hunting by quota permit only during the general gun-vehicle season.

3. Archery – August 29 ~~23~~ through September 20 ~~14~~.

4. Muzzleloading gun – October 3-18 ~~September 27 through October 12~~.

5. Small game – November 23 ~~17~~ through March 7 ~~1~~.

6. through 7. No change.

(b) through (e) No change.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 24 through November 1 ~~18-26~~ Conservation Areas 3A North and 2 only. December 5 ~~November 29~~ through January 3 ~~December 28~~ in that portion of the area between the Old Miami Canal (Mud Canal) and the New Miami Canal in Conservation Area 3A North only.

2. General gun – Vehicle (airboats and tracked vehicles only), November 7-22 ~~1-16~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August 29 ~~23~~ through September 20 ~~14~~, Conservation Area 3A North only.

4. Muzzleloading gun – October 3-18 ~~September 27 through October 12~~, in Conservation Area 3A North only.

5. Small game – November 23 ~~17~~ through March 7 ~~1~~.

6. – 7. No change.

(b) through (e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 24 through November 1 ~~18-26~~.

2. General gun – Vehicle (tracked vehicles only), November 7-22 ~~1-16~~ by quota permit only.

3. Archery – August 29 ~~23~~ through September 20 ~~14~~.

4. Muzzleloading gun – October 3-18 ~~September 27 through October 12~~.

5. Small game – November 23 ~~17~~ through March 7 ~~1~~.

6. through 7. No change.

(b) through (d) No change.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. through 2. No change.

3. Archery – September 5 ~~August 30~~ through October 4 ~~September 28~~ in all units and twelve days prior to Thanksgiving day through January 1, except during those years when January 1 falls on a Thursday, Friday or Saturday, in which case the season would close on the following Sunday in the Deep Lake Unit only.

4. Muzzleloading gun – October 10-25 ~~4-19~~, except in the Deep Lake Unit.

5. Spring turkey – March 6 ~~7~~ through April 11 ~~12~~.

6. through 7. No change.

(b) through (d) No change.

(6) No change.

(7) Okaloocoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September 12-18 ~~6-12~~ and 19-27 ~~13-21~~.

2. Muzzleloading gun – October 17-19 ~~11-13~~.

3. Family Hunt – October 24-25 ~~18-19~~.

4. General gun – October 31 through November 3 ~~25-28~~ and November 4-8 ~~October 29 through November 2~~.

- 5. Small game – November ~~28~~ ~~22~~ through December ~~20~~ ~~14~~.
- 6. Spring turkey – March ~~6-9~~ ~~7-10~~ and ~~10-14~~ ~~11-15~~.
- 7. No change.
 - (b) through (d) No change.
- (8) Fisheating Creek Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~18-20~~ ~~12-14~~ and ~~25-27~~ ~~19-21~~ west of U.S. Highway 27 only.
 - 2. Muzzleloading gun – October ~~16-18~~ ~~10-12~~ and ~~23-25~~ ~~17-19~~ west of U.S. Highway 27 only.
 - 3. General gun – ~~November 6-8~~ ~~October 31 through November 2~~ and ~~27-29~~ ~~21-23~~ west of U.S. Highway 27 only.
 - 4. Spring turkey – March ~~6-9~~ ~~7-10~~, ~~12-15~~ ~~13-16~~, ~~19-22~~ ~~20-23~~ and ~~26-29~~ ~~27-30~~ and April ~~2-5~~ ~~3-6~~ west of U.S. Highway 27 only.
 - 5. Special-opportunity spring turkey – March ~~6-12~~ ~~7-13~~ and ~~20-26~~ ~~21-27~~ east of U.S. Highway 27 only.
 - 6. General gun hog – December ~~12-13~~ ~~6-7~~ west of U.S. Highway 27 only.
 - 7. through 8. No change.
 - (b) through (d) No change.
 - (9) Picayune Strand Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~12-27~~ ~~6-24~~.
 - 2. Muzzleloading gun – October ~~17-19~~ ~~11-13~~.
 - 3. General gun – October ~~31 through November 3~~ ~~25-28~~ and ~~November 4-8~~ ~~October 29 through November 2~~.
 - 4. Small game – ~~November 14 through December 27~~ ~~November 8-23~~.
 - 5. Spring turkey – March ~~6-9~~ ~~7-10~~ and ~~10-14~~ ~~11-15~~.
 - 6. through 7. No change.
 - (b) through (d) No change.
 - (10) Dinner Island Ranch Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~12-18~~ ~~6-12~~ and ~~19-27~~ ~~13-21~~.
 - 2. Muzzleloading gun – October ~~17-19~~ ~~11-13~~.
 - 3. General gun – October ~~31 through November 3~~ ~~25-28~~ and ~~November 4-8~~ ~~October 29 through November 2~~.
 - 4. Small game – November ~~16-20~~ ~~10-14~~ and November ~~23~~ ~~17~~ through March ~~7~~ ~~1~~.
 - 5. Family hunt – November ~~14-15~~ ~~8-9~~ and ~~21-22~~ ~~15-16~~.
 - 6. Spring turkey – March ~~6-9~~ ~~7-10~~ and ~~10-14~~ ~~11-15~~.
 - 7. through 8. No change.
 - (b) through (d) No change.
 - (11) Spirit-of-the-Wild Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~12-18~~ ~~6-12~~ and ~~19-27~~ ~~13-21~~.
 - 2. Muzzleloading gun – October ~~17-19~~ ~~11-13~~.

- 3. General gun – October ~~31 through November 3~~ ~~25-28~~ and ~~November 4-8~~ ~~October 29 through November 2~~.
- 4. Small game – November ~~14~~ ~~8~~ through March ~~7~~ ~~1~~.
- 5. Spring turkey – March ~~6-9~~ ~~7-10~~ and ~~10-14~~ ~~11-15~~.
- 6. through 7. No change.
 - (b) through (d) No change.
- (12) Allapattah Flats Wildlife Management Area.
 - (a) Open season:
 - 1. Archery – September ~~12-18~~ ~~6-12~~ and ~~19-27~~ ~~13-21~~.
 - 2. Muzzleloading gun – October ~~17-19~~ ~~11-13~~.
 - 3. Family hunt – October ~~31 through November 3~~ ~~25-28~~.
 - 4. General gun – ~~November 4-8~~ ~~October 29 through November 2~~.
 - 5. Small game – November ~~14~~ ~~8~~ through the first Sunday in January.
 - 6. Spring turkey – March ~~6-9~~ ~~7-10~~ and ~~10-14~~ ~~11-15~~.
- 7. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8.7. No change.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History– New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, ~~7-1-09~~.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.065
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northeast Region

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

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

Dexter / Mary Farms WMA – decrease the quota from 40 to 30 during archery, muzzleloading gun, and general gun seasons.

Guana River WMA – change the bag limit for turkey from one per person to one per quota permit.

Lake Monroe WMA (NEW) – establish a new wildlife management area with the following open seasons: 30-day archery season, 9-day muzzleloading gun season, 58-day general gun season, 56-day small game season, 37-day spring turkey season, statewide migratory bird season (except crow may be taken during the first phase of crow season only); allow fishing and frogging year-round; legal to take shall be all legal game, fish, wild hog, frogs and furbearers; prohibit camping; allow motorized vehicles only in designated parking areas; prohibit use or possession of swamp buggies, track vehicles and all-terrain vehicles; allow hunting with dogs only during the small game and migratory bird seasons and only with bird dogs or retrievers; and prohibit fires.

Richloam WMA / Baird Unit – prohibit hunting with dogs, except bird dogs and retrievers.

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; 379.2223, 375.313 FS.

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

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

DATES AND TIME: During the regular meeting of the Commission, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) Bull Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 14-15, 16-18, 19-22 and November 23 ~~8~~ through January 10 ~~4~~.

2. Small game – January 11 ~~5~~ through March 7 ~~+~~.

3. Spring turkey – March 20 ~~24~~ through April 25 ~~26~~.

4. Archery – September 26-27 and September 28 ~~20~~ through October 25 ~~19~~. An archery/muzzleloading gun quota permit will be required for the September 26-27 ~~20-24~~ hunt.

5. Muzzleloading gun – October 30 through November 1 ~~24-26~~.

6. No change.

(b) through (d) No change.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November 14 ~~8~~ through January 10 ~~4~~.

2. Small game – January 11-31 ~~5-25~~.

3. Archery – September 26 ~~20~~ through October 25 ~~19~~.

4. Muzzleloading gun – October 31 ~~25~~ through November 8 ~~2~~.

5. Spring turkey – March 20 ~~24~~ through April 25 ~~26~~.

6. No change.

(b) through (d) No change.

(3) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November 14 ~~8~~ through January 10 ~~4~~ (Church Lake Unit – first 9 days only).

2. General gun still – November 28 through December 6 ~~22-30~~ (Church Lake Unit only).

3. Small game – January 11 ~~5~~ through March 7 ~~+~~.

4. Archery – September 26 ~~20~~ through October 25 ~~19~~.

5. Muzzleloading gun – October ~~30 through November 1 24-26~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

6. Fox, bobcat and raccoon – November ~~14 8~~ through April ~~18 12~~.

7. No change.

8. Spring turkey – March ~~25-28 26-29~~, April ~~1-4 2-5~~, ~~8-11 9-12~~ and ~~15-18 16-19~~.

9. through 10. No change.

(b) Legal to take:

1. No change.

2. Furbearing animals – During the November ~~14 8~~ through March 1 period, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only in the Pipeline and Church Lake Management Units. Raccoons may also be hunted, with dogs only, from March ~~8 2~~ through April ~~18 12~~ only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV and west of S.R. 19. The hunting of fox and bobcat by the use of dogs only shall be permitted from January ~~11 5~~ through April ~~18 12~~, only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

(c) No change.

(d) General regulations:

1. through 7. No change.

8. Dogs may be used to pursue rabbits from January ~~11 5~~ through April ~~18 12~~ in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

9. No change.

(e) No change.

(4) Richloam Wildlife Management Area.

(a) Open season:

1. General gun – ~~November 14-22 and November 23 8~~ through January ~~10 4~~.

2. Spring turkey – ~~March 20-28 and March 29 21~~ through April ~~25 26~~.

3. Archery – September ~~26 20~~ through October ~~25 19~~.

4. Fishing and frogging – Throughout the year except on the fish hatchery.

5. Trapping – January ~~11 5~~ through March 1.

6. General gun hog-dog – January ~~12-14 6-8~~.

(b) through (d) No change.

(5) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – ~~September 26-29, September 30 through October 4 and October 5-11 September 20 through October 5~~.

2. Muzzleloading gun – October ~~30 through November 1 24-26~~.

3. General gun – November ~~14-17 8-11~~ and ~~18-22 12-16~~.

4. General gun hog – January ~~12-14 6-8~~.

5. Spring turkey – March ~~20-22 21-23, 26-28 27-29~~ and April ~~2-4 3-5~~.

6. Small game – January ~~16 10~~ through February ~~21 15~~.

7. No change.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited, except that waterfowl retrievers ~~and~~, bird dogs, ~~and dogs with a shoulder height of 15 inches or less~~, may be used during small game season.

2. through 9. No change.

(6) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – ~~November 14-15, 16-18, 19-22 and November 23 8~~ through January ~~10 4~~.

2. Small game – January ~~11 5~~ through March ~~7 1~~.

3. Spring turkey – March ~~20 21~~ through April ~~25 26~~.

4. Archery – ~~September 26-27 and September 28 20~~ through October ~~25 19~~.

5. No change.

6. Muzzleloading gun – October ~~30 through November 1 24-26~~.

7. General gun for mobility impaired – ~~November 6-8 October 31 through November 2~~.

8. General gun-dog – December ~~10-13 4-7~~ and ~~December 31 through January 3 25-28~~ in that area between the Florida Turnpike and U.S. 441 only.

9. No change.

(b) through (e) No change.

(7) Three Lakes Wildlife Management Area – Prairie Lakes Unit.

(a) Open season:

1. Archery – ~~October 2-4 September 26-28 and October 9-11 3-5~~.

2. Muzzleloading gun – October ~~30 through November 1 24-26~~.

3. General gun – November ~~20-22 14-16~~ and ~~27-29 21-23~~.

4. Small game – December ~~12 through January 3 6-28~~.

5. Spring turkey – March ~~20-22 21-23~~, April ~~2-4 3-5~~ and ~~16-18 17-19~~.

6. No change.

7. General gun hog – ~~December 4-6 November 28-30~~ and January ~~8-10 2-4~~.

(b) through (d) No change.

(8) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – ~~November 14-22 and November 23 8~~ through January ~~10 4~~.

2. Archery – September ~~26 20~~ through October ~~25 19~~.

3. Muzzleloading gun – October ~~30 through November 1 24-26~~.

4. Small game – January ~~11 5~~ through March ~~7 1~~.

5. Spring turkey – March ~~20-22~~ 21-23, April ~~2-4~~ 3-5 and ~~16-18~~ 17-19.
6. No change.
- (b) through (d) No change.
- (9) Tiger Bay Wildlife Management Area – Rima Ridge Unit.
 - (a) Open season:
 1. General gun – November ~~14-22~~ 8-16.
 2. Archery – September ~~26~~ 20 through October ~~11~~ 5.
 3. Muzzleloading gun – October ~~30 through November 1~~ 24-26.
 4. Small game – November ~~26~~ 20 through ~~January 3~~ December 28.
 5. Spring turkey – March ~~20-22~~ 21-23, April ~~2-4~~ 3-5 and ~~16-18~~ 17-19.
 6. through 7. No change.
 - (b) through (d) No change.
 - (10) Relay Wildlife Management Area.
 - (a) Open season:
 1. General gun – November ~~14~~ 8 through January ~~10~~ 4.
 2. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 3. Muzzleloading gun – October ~~31~~ 25 through November ~~8~~ 2.
 4. Small game – January ~~11~~ 5 through March ~~7~~ 1.
 5. Spring turkey – March ~~20~~ 24 through April ~~25~~ 26.
 6. No change.
 - (b) through (d) No change.
 - (11) Tosohatchee Wildlife Management Area.
 - (a) Open season:
 1. Archery – ~~October 1-4~~ September 25-28 and ~~October 8-11~~ 2-5.
 2. Muzzleloading gun – October ~~15-18~~ 9-12 and ~~22-25~~ 16-19.
 3. General gun – November ~~19-22~~ 13-16 and ~~27-29~~ 21-23.
 4. Spring turkey – March ~~20-22~~ 21-23, April ~~2-4~~ 3-5 and ~~16-18~~ 17-19.
 5. General gun hog – January ~~15-21~~ 9-15 and February ~~12-18~~ 6-12.
 6. No change.
 - (b) through (d) No change.
 - (12) Seminole Ranch Wildlife Management Area.
 - (a) Open season:
 1. Archery – October ~~9-11~~ 3-5 and ~~16-18~~ 10-12.
 2. Muzzleloading gun – October ~~31 through November 1~~ 25-26 and November ~~7-8~~ 1-2.
 3. General gun – November ~~20-22~~ 14-16.
 4. Small game – November ~~28-29~~ 22-23, 29-30, December ~~5-6, 12-13~~ 6-7 and January ~~9-10~~ 3-4.
 5. Spring turkey – March ~~20-22~~ 21-23, ~~26-28~~ 27-29 and April ~~2-4~~ 3-5.

6. General gun hog – ~~January 30-31~~ and ~~February 1-5~~ January 24-30.
7. No change.
- (b) through (d) No change.
- (13) Jumper Creek Wildlife Management Area.
 - (a) Open season:
 1. Archery – September ~~26~~ 20 through October ~~25~~ 19.
 2. Muzzleloading gun – October ~~30 through November 1~~ 24-26.
 3. General gun – ~~November 18-26~~ and November ~~27~~ 8 through January ~~10~~ 4.
 4. Small game – January ~~11-31~~ 5-25.
 5. Spring turkey – March ~~20~~ 24 through April ~~25~~ 26.
 6. through 7. No change.
 - (b) through (d) No change.
 - (14) Rock Springs Run Wildlife Management Area.
 - (a) Open season:
 1. Archery – ~~October 2-4~~ September 26-28 and ~~9-11~~ October 3-5.
 2. Muzzleloading gun – October ~~16-18~~ 10-12 and ~~23-25~~ 17-19.
 3. General gun – November ~~13-15~~ 7-9 and ~~20-22~~ 14-16.
 4. Small game – ~~December 5-6, November 29-30,~~ December 12-13 ~~6-7~~ and January ~~9-10~~ 3-4.
 5. No change.
 - (b) through (d) No change.
 - (15) Guana River Wildlife Management Area.
 - (a) Open season:
 1. No change.
 2. General gun – November ~~20-22~~ 14-16 and ~~27-29~~ 21-23.
 3. Muzzleloading gun – October ~~30 through November 1~~ 24-26 and ~~November 6-8~~ October 31 through November 2.
 4. Archery – October ~~16-18~~ 10-12 and ~~23-25~~ 17-19.
 5. Small game – ~~December 4-6~~ November 28-30, 11-13; ~~December 5-7;~~ January ~~8-10~~ 2-4, 15-17 ~~9-11, 22-24~~ 16-18 and ~~29-31~~ 23-25.
 6. Spring turkey – March ~~26-28~~ 27-29 and April ~~2-4~~ 3-5.
 7. through 8. No change.
 - (b) Legal to take: All legal game, fish, frogs and furbearers. One antlered and one antlerless deer may be taken per quota permit during the archery season. One antlered deer may be taken per permit during the muzzleloading gun and general gun seasons. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. Only one archery/muzzleloading gun or general gun quota permit may be utilized per person, per hunt. Taking of wild hog during the last two weekends of the small game season is prohibited. Legal shooting hours for ducks and coots: From the beginning of legal shooting hours established

pursuant to Rule 68A-13.003, F.A.C., until noon. Turkey may only be taken during the spring turkey season. Only one turkey may be taken per quota permit.

(c) through (e) No change.

(16) Half Moon Wildlife Management Area.

(a) Open season:

1. Archery – October ~~9-11 3-5~~ and ~~16-18 4-12~~.

2. Muzzleloading gun – October 30 through November 1 24-26.

3. General gun – November ~~14-16 8-10~~ and ~~20-22 14-16~~.

4. Small game – ~~December 4-6 November 28-30, 11-13 December 5-7 and 18-20 12-14.~~

5. General gun hog – January ~~16-17 4-11~~ and ~~23-24 17-18.~~

6. Spring turkey – March ~~26-28 27-29~~, April ~~2-4 3-5~~ and ~~9-11 4-12.~~

7. No change.

(b) through (d) No change.

(17) Caravelle Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 through October 4 20-28.~~

2. Supervised small game – October ~~10-18 4-12.~~

3. Muzzleloading gun – October 30 through November 1 24-26.

4. General gun – November ~~14-17 and 18-22 8-16.~~

5. No change.

6. Small game – November ~~26 20~~ through January ~~10 4~~ (Thursdays, Fridays, Saturdays and Sundays only).

7. Spring turkey – March ~~20-23 21-24~~ and ~~24-28 25-29.~~

8. through 9. No change.

(b) through (d) No change.

(18) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 20~~ through October ~~25 19.~~

2. Muzzleloading gun – October 30 through November 1 24-26.

3. General gun – ~~November 14-17, 18-22 and 23-29 8-23.~~

4. Small game – November ~~30 24~~ through March ~~7 4.~~

5. Spring turkey – March ~~20-22 21-23~~, April ~~2-4 3-5~~ and ~~16-18 17-19.~~

6. No change.

(b) through (d) No change.

(19) Lake George Wildlife Management Area – Dexter/Mary Farms Unit.

(a) Open season:

1. Small game – November ~~28 22~~ through December ~~13 7~~ and December ~~26 20~~ through January ~~10 4.~~

2. Special-opportunity turkey – March ~~20-26 21-27~~, April ~~3-9 4-10~~ and ~~17-23 18-24.~~

3. No change.

4. Archery – September ~~26 20~~ through October ~~11 5.~~

5. Muzzleloading gun – October 30 through November 1 24-26.

6. General gun – November ~~14-22 8-16.~~

(b) through (e) No change.

(20) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-29 20-23~~ and September 30 through October 4 24-28.

2. Muzzleloading gun – October 30 through November 1 24-26.

3. General gun – ~~December 5-8 and 9-13 November 29 through December 2 and December 3-7.~~

4. Small game – January ~~16-31 4-25~~ (Saturdays and Sundays only).

5. Spring turkey – March ~~20-23 21-24~~ and ~~24-28 25-29.~~

6. General gun for mobility-impaired – October ~~23-25 17-19.~~

7. No change.

(b) through (d) No change.

(21) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January ~~29-31 23-25, January 30 through February 5-7, 1- and February 12-14 6-8~~ and ~~19-21 13-15.~~

2. Special-opportunity deer – October 31 through November 6 25-31 and November ~~14-20 8-14.~~

3. Small game – November ~~28 22~~ through January ~~24 18.~~

4. Special-opportunity turkey – March ~~20-26 21-27~~, April ~~3-9 4-10~~ and ~~17-23 18-24.~~

5. through 6. No change.

(b) through (d) No change.

(22) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 20~~ through October ~~11 5.~~

2. Muzzleloading gun – October 30 through November 1 24-26.

3. General gun – November ~~14-17 and 18-22 8-16.~~

4. No change.

5. Spring turkey – March ~~20-22 21-23, 26-28 27-29~~ and April ~~2-4 3-5.~~

6. No change.

(b) through (d) No change.

(23) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October ~~9-11 3-5~~ and ~~16-18 4-12.~~

2. Muzzleloading gun – November 6-8 ~~October 31 through November 2.~~

3. General gun – November ~~20-22 14-16.~~

4. Small game – December ~~12-27 6-21~~ (Saturdays and Sundays only).

5. General gun hog – January ~~15-17 9-11~~ and ~~29-31 23-25~~.
6. No change.
- (b) through (c) No change.
- (24) Lake Panasoffkee Wildlife Management Area.
- (a) Open season:
1. Special-opportunity turkey – March ~~25-28 26-29~~, April ~~6-9 7-10~~ and ~~22-25 23-26~~.
 2. Special-opportunity archery – ~~October 1-4 September 25-28, October 8-11 2-5, 20-23 44-47, November 5-8 October 30 through November 2, November 17-20 41-44, December 3-6 27-30, December 15-18 9-12~~ and January ~~7-10 1-4~~.
 3. General gun hog-still – January ~~15-17 9-11~~.
 4. General gun hog-dog – January ~~27-29 21-23~~.
 5. Small game – ~~February 5-7 January 30 through February 1 and February 12-14 6-8~~.
 6. through 7. No change.
- (b) through (d) No change.
- (25) Ross Prairie Wildlife Management Area.
- (a) Open season: Supervised small game – October ~~17-23 41-47, November 21-27 45-24, December 19-25 43-49~~ and January ~~16-22 40-46~~.
- (b) through (d) No change.
- (26) Buck Lake Wildlife Management Area.
- (a) Open season:
1. Archery – September ~~26 through October 4 22-28~~ and October ~~10-16 4-10~~.
 2. Muzzleloading gun – October ~~30 through November 1 24-26~~.
 3. General gun – November ~~14-17 8-11~~ and ~~18-22 42-46~~.
 4. Small game – ~~December 5-20 November 29 through December 14~~.
 5. Spring turkey – March ~~20-23 21-24~~ and ~~24-28 25-29~~.
 6. General gun hog – January ~~7-10 1-4~~ and ~~21-24 15-18~~.
 7. No change.
- (b) through (d) No change.
- (27) Fort Drum Wildlife Management Area.
- (a) Open season:
1. Special-opportunity deer – November ~~14-20 8-14~~.
 2. Small game – December ~~12-27 6-24~~.
 3. Special-opportunity turkey – March ~~20-26 21-27~~, April ~~3-9 4-10~~ and ~~17-23 48-24~~.
 4. Special-opportunity wild hog – October ~~9-11 3-5, 16-18 40-42~~ and ~~23-25 47-49~~.
 5. No change.
- (b) through (d) No change.
- (28) Ocklawaha River Wildlife Management Area – Gores Landing Unit.
- (a) Open season:
1. Archery – September ~~26 20~~ through October ~~11 5~~.
 2. Muzzleloading gun – October ~~30 through November 1 24-26~~.
3. General gun – November ~~14-22 8-16~~.
4. Small game – ~~December 5-20 November 29 through December 14~~.
5. Spring turkey – March ~~20-23 21-24~~ and ~~24-28 25-29~~.
6. No change.
- (b) through (d) No change.
- (29) Seminole Forest Wildlife Management Area – Lake Tracy Unit.
- (a) Open season:
1. Archery – September ~~26-28 20-22~~.
 2. Muzzleloading gun – October ~~30 through November 1 24-26~~.
 3. General gun – November ~~14-16 8-10~~.
 4. Spring turkey – March ~~20-22 21-23~~ and ~~26-28 27-29~~.
 5. No change.
- (b) through (d) No change.
- (30) Twelve Mile Swamp Wildlife Management Area.
- (a) Open season:
1. Archery – September ~~26 20~~ through October ~~25 19~~.
 2. Muzzleloading gun – October ~~31 25~~ through November ~~8 2~~.
 3. General gun – November ~~14 8~~ through January ~~10 4~~.
 4. Small game – January ~~11 5~~ through March ~~7 1~~.
 5. Spring turkey – March ~~20 24~~ through April ~~25 26~~.
 6. No change.
 7. Trapping – January ~~11 5~~ through March 1.
- (b) through (d) No change.
- (31) Upper St. Johns River Marsh Wildlife Management Area.
- (a) Open season:
1. Archery – September ~~26 20~~ through October ~~25 19~~.
 2. Muzzleloading gun – October ~~31 25~~ through November ~~8 2~~.
 3. General gun – November ~~14 8~~ through January ~~24 18~~.
 4. Small game – January ~~25 19~~ through March ~~7 1~~.
 5. Spring turkey – March ~~20 24~~ through April ~~25 26~~.
 6. through 8. No change.
- (b) Legal to take: All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November ~~21-22 15-16~~. Turkey of either sex may be taken during the muzzleloading gun season. The period of November ~~14 8~~ through January ~~10 4~~ is open for bearded turkey only.
- (c) No change.
- (d) General regulations:
1. through 5. No change.
 6. Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for wild hog hunting during the period January ~~27-31 24-25~~.
 7. through 10. No change.
- (32) Dunns Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-29~~ through October ~~11-15~~ and November ~~21-29~~ ~~15-23~~.
2. Muzzleloading gun – October ~~31-25~~ through November ~~8-2~~.
3. Wild hog – January ~~23-31~~ ~~17-25~~.
4. Spring turkey – March ~~20-22~~ ~~21-23~~, April ~~2-4~~ ~~3-5~~ and ~~16-18~~ ~~17-19~~.

5. through 6. No change.

(b) through (d) No change.

(33) Salt Lake Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 through October 4~~ ~~20-28~~ and ~~October 5-11~~ ~~September 29 through October 5~~.

2. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

3. General gun – November ~~14-17~~ ~~8-11~~ and ~~18-22~~ ~~12-16~~.

4. Small game – ~~December 5-20~~ ~~November 29 through December 14~~.

5. General gun hog – January ~~21-24~~ ~~15-18~~.

6. Spring turkey – March ~~20-23~~ ~~21-24~~ and ~~24-28~~ ~~25-29~~.

7. No change.

(b) through (d) No change.

(34) Matanzas Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26 through October 4~~ ~~20-28~~ and ~~October 5-11~~ ~~September 29 through October 5~~.

2. Muzzleloading gun – October ~~30 through November 1~~ ~~24-26~~.

3. Family hunt – November ~~14-15~~ ~~8-9~~.

4. General gun – November ~~16-22~~ ~~10-16~~.

5. General gun hog – ~~December 5-13~~ ~~November 29 through December 7~~.

6. Small game – January ~~11-26~~ ~~5-20~~.

7. Spring turkey – March ~~20-23~~ ~~21-24~~ and ~~24-28~~ ~~25-29~~.

8. No change.

(b) through (d) No change.

(35) Lake Monroe.

(a) Open season:

1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit shall be during the zonal squirrel season only, antlered deer season will open the second Saturday in November and close 57 days thereafter and there shall be no crossbow season.

2. Migratory game birds – Statewide regulations established under Rules 68A-13.003 and 68A-13.008, F.A.C., except that open season for crow shall be during the first phase of crow season only.

3. Furbearers – During the zonal antlered deer season only except that bobcat and otter may be taken only after November 30.

4. Fishing and frogging – Allowed year-round.

(b) Legal to take: All legal game, furbearers, fish and frogs. Antlerless deer may only be taken during the archery season.

(c) Camping: Prohibited.

(d) General regulations:

1. The use or possession of swamp buggies, tracked vehicles or all-terrain vehicles is prohibited. Motorized vehicles are allowed only in designated parking areas.

2. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game and migratory game bird seasons.

3. Fires are prohibited.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History– New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 1-4-06, 7-1-06, 8-22-06, 7-1-07, 7-1-08, ~~7-1-09~~.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.004

RULE TITLE:

General Regulations Relating to Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow the use of licensed and registered motorcycles on Wildlife and Environmental Areas (WEAs) unless specifically prohibited by specific area regulation.

SUMMARY: The proposed rule would allow licensed and registered motorcycles on Wildlife and Environmental Areas.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m. each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32550

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-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) through (8) No change.

(9) Vehicles.

(a) through (b) No change.

(c) Notwithstanding specific area regulations, motorcycles and mopeds that are licensed and registered to operate on public roads of the State may be operated on any road or trail open for licensed and registered vehicular traffic.

(10) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354 FS. History–New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05, 7-1-06, 7-29-07, 7-1-08, 7-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

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 changes is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) and conform to calendar year date changes. The effect of the proposed rule changes will be to enable the agency to better manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise area specific regulations on Wildlife and Environmental Areas (WEAs) as follows:

Suwannee Ridge WEA – Clarify that guest permit holders may be on the WEA during hunting periods and clarify that guest permit holders must attend the mobility-impaired pre-hunt meeting.

Dupuis WEA – Clarify that guest permit holders may be on the WEA during hunting periods.

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.

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

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) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open season:

a. Archery – October ~~16-18 40-42~~ and ~~23-25 47-49~~.

b. General gun – November ~~20-22 44-46~~.

c. Small game – December ~~11-13, 5-7 and 25-27 49-24~~, January ~~22-24 46-48~~ and ~~29-31 23-25~~.

d. General gun hog – January ~~9-10 3-4~~ and ~~16-17 40-41~~.

e. Spring turkey – March ~~19-21 20-22~~ and April ~~2-4 3-5~~.

f. No change.

2. through 3. No change.

(g) through (h) No change.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season (hunting prohibited at other times):

a. Archery – September ~~26 20~~ through October ~~25 49~~.

b. Muzzleloading gun – October ~~30 through November 1 24-26~~.

c. Archery and muzzleloading gun – November ~~14 8~~ through January ~~10 4~~.

d. Spring turkey – March ~~20 24~~ through April ~~25 26~~.

e. No change.

2. through 3. No change.

(b) No change.

(c) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October ~~16-18 40-42~~, ~~October 30 through November 1 24-26~~, ~~November 6-8 October 31 through November 2~~ and December ~~18-20 42-44~~.

b. Mobility-impaired spring turkey – March ~~26-28 27-29~~ and April ~~16-18 47-49~~.

2. Legal to take: Any deer (except spotted fawn), wild hog, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only certified mobility-impaired hunters may take an antlerless deer.

3. General regulations:

a. No change.

b. During periods open to hunting public access is restricted to individuals with valid quota hunt permits and those persons identified in Rule 68A-15.005, F.A.C. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

c. No change.

d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.

e. No change.

f. All mobility-impaired hunters and guests hunt participants are required to attend a pre-hunt orientation meeting.

g. through h. No change.

(d) No change.

(3) No change.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – September ~~12 6~~ through October ~~11 5~~.

b. Muzzleloading gun – October ~~16-18 40-42~~.

c. General gun – October ~~31 25~~ through December 6 November 30.

d. Small game – November ~~14 8~~ through March ~~7 4~~.

e. through g. No change.

2. through 3. No change.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach and Martin counties.

1. Open season:

a. Archery – September ~~11-13 5-7, 18-20 42-44~~ and ~~25-27 49-24~~.

b. Muzzleloading gun – October ~~9-11 3-5, 16-18 40-42~~ and ~~23-25 47-49~~.

c. General gun for mobility-impaired – October ~~31 through November 1 25-26~~.

d. General gun – November 6-8 October 31 through November 2 and ~~13-15 7-9~~.

e. General gun hog – November ~~17-19 11-13, 24-26 18-20,~~
~~December 1-3 25-27 and 8-10 December 2-4.~~ Wild hog only.
No bag or size limit.

f. Spring turkey – March ~~9-11 10-12, 19-21 20-22 and~~
~~26-28 27-29.~~

g. Small game – December ~~12 6~~ through January ~~31 25.~~

h. through j. No change.

2. through 3. No change.

4. General regulations:

a. through j. No change.

k. During the archery, muzzleloading gun, general gun,
general gun for mobility-impaired, spring turkey, and general
gun hog seasons, no person shall enter or exit the area except
through Gate 3 and all such persons shall possess a valid quota
hunt permit for the area or be a guest of a valid quota permit
holder as provided in Rule 68A-15.005, F.A.C.

l. through p. No change.

(c) CREW – Collier and Lee Counties.

1. Open season:

a. Archery – September ~~12-20 6-14.~~

b. Muzzleloading gun – October ~~17-19 11-13.~~

c. General gun – October ~~31 25~~ through November ~~8 2.~~

d. Small game – December 5 ~~November 29~~ through
January 1 ~~December 26.~~

e. Spring turkey – March ~~6-9 7-10 and 10-14 11-15.~~

f. through g. No change.

2. through 4. No change.

(d) No change.

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

1. Open season:

a. Archery – September ~~12-15 6-9, 19-22 13-16, 26-29~~
~~20-23 and October 3-6 September 27-30.~~

b. Muzzleloading gun – October ~~17-19 11-13.~~

c. General gun – October ~~31~~ through November ~~2, 25-27~~
~~and November 7-9 1-3 and 14-16 8-10.~~

d. Small game – November ~~21 15~~ through December ~~20~~
~~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. No change.

2. through 4. No change.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const., 375.313 FS. Law
Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS.
History– New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly
39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90,
7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95,
8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly
39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05,
7-1-06, 7-1-07, 7-1-08, 7-1-09.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 5, 2008

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE NO.:
68A-25.031

RULE TITLE:
Regulations Governing Alligator Egg
and Hatchling Collections on Lands
Not Included in Alligator
Management Programs

PURPOSE AND EFFECT: The purpose of the proposed rule is
to provide for hatchling collections in a manner similar to how
public waters eggs are collected. The effect will be to more
fully utilize the established hatchling collection quota and
provide more latitude for participants to collect/receive
hatchlings at desired levels.

SUMMARY: The proposed rule would provide for hatchling
collections in a manner similar to how public waters eggs are
collected. This would involve a single hatchling-collection
coordinator that permitted farmers choose to oversee collection
of the established hatchling quota, rather than issuing
collection permits to individual permitted farmers.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32500

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-25.031 Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs.

(1) Conditions governing alligator hatchling collections:

(a) Establishment of hatchling collection areas, quotas, and a coordinator:

1. Alligator hatchling collection areas shall be established by the executive director, or his designee, that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics and expected numbers of hatchlings.

2. Alligator hatchling collection quotas will be established by the executive director, or his designee, for individual counties or other specified management units. Such quotas will be based on the quantity of alligator habitat in each individual county and the best biological information that indicates the number of hatchlings that can be removed from the system without long-term adverse impacts on population levels.

3. Farmers permitted as eligible to receive hatchlings from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in Section 379.3751, F.S., who wish to participate in hatchling collections shall apply in writing. Farmers also permitted as eligible to collect hatchlings from

the wild as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the hatchling collection coordinator (herein referred to as hatchling coordinator). Applications must be received by the Commission by July 1 of each year. For purposes of this rule, receipt shall mean actual receipt on or before the deadline by the Commission by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications received after July 1 will not be accepted irrespective of the postmark date. The executive director, or his designee, shall issue a permit to direct and conduct hatchling collections on behalf of eligible participants to the individual receiving the majority of the votes from eligible voting members. The hatchling coordinator shall be licensed as an alligator farmer as specified in Section 379.3751, F.S., prior to being issued a permit.

(b) Procedures and requirements for alligator hatchling collections:

1. The hatchling coordinator shall solicit the participation of eligible farmers as follows:

a. Farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the first opportunity to contribute fee payment for hatchlings in the established collection quota.

b. In the event that farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., do not contribute fee payments for all hatchlings in the established quota, other eligible farmers not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the opportunity to contribute fee payments for the remaining hatchling quota.

2. Within five working days of receiving notice from the Commission of the established hatchling quota, the hatchling coordinator shall purchase hatchling tags at a cost of \$5 each for each hatchling in the quota for which he intends to collect and shall indicate the percentage of the fees that was paid by farmers not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C.

3. The hatchling coordinators shall be issued a permit specifying the areas, quotas, and requirements for hatchling collections.

4. Alligator hatchling collections may be conducted only according to provisions of the hatchling collection permit and only from locations and during periods specified in the permit.

5. The hatchling coordinator shall be solely responsible for making fee payments, informing participants in the collection of permit requirements, ensuring that permit requirements are met, meeting reporting requirements, conducting hatchling collections, and equitably distributing hatchlings to group participants.

6. Farmers submitting applications consistent with (1)(a)3., above, and who are permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given equal opportunity to participate in the hatchling collection and distribution; farmers who are not permitted pursuant to paragraph 68A-25.004(2)(f),

F.A.C., shall be entitled to receive a share of the hatchlings collected in proportion to the percentage of the fees that they paid.

7. Hatchlings may only be taken under this rule by alligator farmers in the collection group, the hatchling coordinator, and their agents licensed as specified in Section 379.3751, F.S.

8. Alligator hatchlings shall not be collected pursuant to this subsection from egg collection areas established under subsection (2), from lands included in alligator management programs established under Rule 68A-25.032, F.A.C., or from areas designated by the executive director, or its designee, as closed to such collections in order to provide for scientific studies or as necessary to protect alligator populations.

9. Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC Form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the hatchlings at all times until they are delivered to a participating permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission as specified in the collection permit. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.

10. Alligator hatchlings shall be transported and housed in suitable facilities as provided in Rule 68A-6.005, F.A.C., and transported to participating permitted alligator farms within fifteen (15) days following collection.

11. Alligator hatchling tags issued to the hatchling coordinator shall remain the sole property of the Commission until attached as provided herein. The hatchling coordinator's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator farmer and licensed agent(s) for that farmer while in the presence of that farmer who is authorized to do so by the hatchling coordinator may possess unused hatchling tags and take alligator hatchlings as specified in the permit and this section. Licensees taking hatchlings independent of the hatchling coordinator shall be in possession of a copy of the collection permit. The hatchling coordinator shall be strictly liable to ensure that all alligator hatchling tags remain in his possession, the possession of licensed alligator farmers he has authorized to take hatchlings, or the possession of his licensed agent(s).

12. All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission as specified in the collection permit.

Only alligator farmers permitted as eligible to receive hatchlings from the wild as specified in paragraph 68A 25.004(2)(f), F.A.C., and licensed as specified in Section 379.3751, F.S., (hereinafter referred to as farm permittees) and their agents licensed as specified in Section 379.3751, F.S.,

~~shall be authorized to take alligator hatchlings under this subsection. Alligator hatchlings may only be taken according to provisions of a hatchling collection permit and only from locales specifically designated in the permit.~~

~~(b) Alligator hatchling collection quota limits will be established by the executive director for individual counties or other specified management units. Such quotas will be based on the quantity of alligator habitat in each individual county and the best biological information that indicates the number of hatchlings that can be removed from the system without long term adverse impacts on population levels.~~

~~(c) Assignment of counties or specified management units will be based on the preference identified by applicants on application forms and a random drawing.~~

~~(d) Assignment of all alligator hatchling collection areas to farm permittees will be conducted at least once every three (3) years, and the assignment of relinquished collection areas will be conducted in intervening years. Farm permittees who wish to request the assignment of hatchling collection areas will identify their preferred collection areas and total number of alligator hatchlings requested for the year on application forms (FWC Form 1001AF, effective date April 1, 1996, incorporated herein by reference and available from the Commission) provided by the Commission. Completed applications must be received by the Commission by June 15 of each year. For purposes of this rule, receipt shall mean actual receipt by the Commission, on or before the deadline, by U.S. Mail, express delivery, hand delivery or by facsimile (fax) copy. Applications received after June 15 will not be accepted irrespective of the postmark date.~~

~~(e) Each farm permittee selected in the assignment process will be authorized to receive a hatchling collection permit and a number of hatchling tags up to the combined collection quotas for the hatchling collection areas assigned to him. Each farm permittee shall remit hatchling tag fees for the total collection quota of each hatchling collection area that is assigned to him and from which he would like to take hatchlings. Upon receipt of hatchling tag fees, the Commission will issue a hatchling collection permit and the total authorized number of hatchling tags to the farm permittee. The fee for alligator hatchling tags provided under this section shall be fixed, pursuant to Section 379.3752, F.S., at a cost of \$5 each and are non-refundable.~~

~~(f) Any assigned alligator hatchling collection area may be voluntarily surrendered or transferred to another eligible farm permittee prior to issuance of the hatchling collection permit for the area in a given year provided that a written request for such surrender or transfer and payment for transferred area quotas is received by the Commission by December 1 of each year.~~

~~(g) Alligator hatchling collection areas and their associated collection quotas for which hatchling tag fees are not received by December 1 of each year shall revert to a pool~~

~~of available collection areas and may be reassigned the following year. In years in which all collection areas are not assigned, any new farm permittee not previously assigned collection areas shall be given priority in the reassignment of areas from the pool of available collection areas until each new farm permittee is assigned the minimum quota established each year under paragraph (1)(b).~~

~~(h) Permittees shall obtain alligator hatchling tags from the Commission in a quantity not to exceed their assigned alligator hatchling collection quota for the time specified by their permit.~~

~~(i) Alligator hatchling collections may be conducted under the conditions set forth under this subsection from September 15 through December 1.~~

~~(j) Permittees or their agent(s) shall not collect wild alligator hatchlings until receipt of permittee's written report by the Commission identifying the total, calendar year, hatchling production and the number of remaining viable eggs on the permittee's alligator farm as of September 10 or later of each year. Notwithstanding provisions for inventories in Rule 68A-25.004, F.A.C., the Commission may inventory a permittee's total egg inventory and hatchling production.~~

~~(k) Alligator hatchlings shall not be collected pursuant to this subsection from egg collection areas established under subsections (2) and (4), from lands included in alligator management programs established under Rule 68A-25.032, F.A.C., or from areas designated by the executive director as closed to such collections in order to provide for scientific studies or as necessary to protect alligator populations.~~

~~(l) Alligator hatchlings shall be immediately tagged upon capture with alligator hatchling tags, except that hatchlings captured from a boat shall be tagged no later than immediately upon return to shore. A hatchling collection form (FWC Form 1002AF, effective date April 1, 1996, incorporated herein by reference) provided by the Commission must be completed prior to leaving the collection site and shall accompany the hatchlings at all times until they are delivered to the permittee's alligator farm. Hatchling collection forms shall be submitted to the Commission by December 16. No person shall possess any untagged alligator hatchlings acquired pursuant to this section.~~

~~(m) Alligator hatchlings shall be transported and housed in suitable facilities as provided in Rule 68A-6.005, F.A.C., and transported to the permitted alligator farm within fifteen (15) days following collection.~~

~~(n) Alligator hatchling tags issued to a permittee shall remain the sole property of the Commission until attached as provided herein. The permittee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator farmer and licensed agent(s) for that farmer while in the presence of that farmer who is authorized to do so by the permittee may possess unused hatchling tags and take alligator hatchlings as specified in the permit and this section. Licensees taking hatchlings independent of the permittee shall be in possession of a copy of~~

~~the harvest permit. The permittee shall be strictly liable to ensure that all alligator hatchling tags remain in his possession, the possession of licensed alligator farmers he has authorized to take hatchlings, or the possession of his licensed agent(s).~~

~~(o) All unused alligator hatchling tags issued pursuant to this section shall be returned to the Commission by December 16 each year.~~

~~(2) Conditions governing alligator egg collections:~~

~~(a) Establishment of Type A egg collection areas, groups, coordinators, and quotas:~~

~~1.(a) Type A Alligator egg collection areas shall be established by the executive director, or his designee, that are suitable for surveying, establishment of quotas, and collection based upon habitat characteristics, expected nest densities, and anticipated costs of surveys and collections.~~

~~2.(b) Egg collection permits shall be issued for no more than two groups of eligible alligator farmers.~~

~~3.(c) Farmers permitted as eligible to receive eggs from the wild as specified in paragraph 68A-25.004(2)(e), F.A.C., and licensed as specified in Section 379.3751, F.S., who wish to participate in egg collections shall apply and identify, in writing, the collection group in which they elect to participate. Farmers also permitted as eligible to participate in the collection and distribution of eggs as specified in paragraph 68A-25.004(2)(f), F.A.C., may identify the person for whom they vote to be permitted as the egg collection coordinator (herein referred to as egg coordinator). Applications must be received by the Commission by April 1 of each year. Eligible farmers meeting the April 1 application deadline may transfer to the other collection group upon written request received by the Commission. Such transfer requests must be received by April 15. For purposes of this rule, receipt shall mean actual receipt on or before the deadline by the Commission by U.S. Mail, express delivery, hand-delivery, or facsimile (fax) copy. Applications and transfer requests received after April 1 and April 15, respectively, will not be accepted irrespective of the postmark date. The executive director, or his designee, shall issue permits to direct and conduct egg collections on behalf of group participants to the individuals receiving the majority of the votes from eligible voting members in each group. Each egg coordinator shall be licensed as an alligator farmer as specified in Section 379.3751, F.S., prior to being issued a permit.~~

~~4.(d) Quotas for the number of nests that may be opened on each collection area shall be determined by Commission biologists conducting surveys and will be set to ensure no long term negative impacts on alligator populations.~~

~~5.(e) The proportion of the total nest quota to be assigned to a collection group will be calculated as the number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in that collection group on April 1, divided by the~~

total number of farms permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., participating in either collection group.

~~(b)(3)~~ Procedures and requirements for alligator egg collections ~~on Type A egg collection areas:~~

~~1.(a)~~ Egg coordinators shall solicit the participation of group members as follows:

~~a.1.~~ Farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the first opportunity to contribute fee payments for nests assigned to their group.

~~b.2.~~ In the event that farmers permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., do not contribute fee payments for all nests assigned to the group, farmers in the group not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be given the opportunity to contribute fee payments for the remaining nest quota.

~~2.(b)~~ Within five working days of receiving notice from the Commission of the group's total nest quota and collection area assignments, each egg coordinator shall purchase 25 egg fee permits at a cost of \$5 per egg for each nest in the quota from which he intends to collect eggs and shall indicate the percentage of the fees that was paid by farmers in the group not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C. If payment is not made for the full nest quota, the egg coordinator shall provide notice in writing with the fee payment of the areas from which he does not intend to collect eggs and, if a partial quota is to be collected from an area, shall specify the area and the number of nests to be collected from that area. Only one area may be specified from which a partial quota will be collected.

~~3.(e)~~ Any nest quota for which fee payment and notice are not received as specified in paragraph (3)(b), above, shall be assigned to the other collection group provided that the group's egg coordinator submits fee payment and notice for the quota to be transferred within five working days of notification as specified in paragraph (3)(b).

~~4.(d)~~ Egg coordinators shall be issued Alligator Egg Fee Assessment Records (FWC Form 1007AF, effective April 1, 1996, which is incorporated herein by reference) by the Commission that document the number of eggs for which payment was received and permits specifying the areas, quotas, and requirements for egg collections.

~~5.(e)~~ Permits shall expire August 7 of each year, except that the executive director, or his designee, may extend the expiration date upon request of a group egg coordinator if collections are delayed for reasons outside of the control of the egg coordinator and collectors and a concerted effort has been made to complete the collections before August 7. Any quota unused upon expiration of the permit shall be assigned to the other collection group upon purchase of the requisite number of egg permits by the other group's egg coordinator.

~~6.(f)~~ Alligator egg collections may be conducted only according to provisions of the egg collection permit and only from locations and during periods specified in the permit.

~~7.(g)~~ Each egg coordinator shall be solely responsible for making fee payments, informing participants in the collection of permit requirements, ensuring that permit requirements are met, meeting reporting requirements, conducting egg collections, and equitably distributing eggs to group participants.

~~8.(h)~~ Egg collections shall only be conducted under the supervision of Commission personnel.

~~9.(i)~~ Prior to egg collection, the egg coordinator shall request approval of collection dates, exit points, and egg inspection sites for each collection area from the executive director or his designee. Egg inspection sites at locations different from approved exit points shall be approved by the executive director or his designee only in extenuating circumstances or when shelter from inclement weather and utilities suitable for egg inspection are not available at the exit point. Commission personnel shall be provided the opportunity to inventory eggs at the exit point and to supervise the transport of eggs from the exit point to such approved egg inspection sites.

~~10.(j)~~ Farmers in each collection group shall be given equal opportunity to participate in the egg collection and distribution; farmers in each group who are not permitted pursuant to paragraph 68A-25.004(2)(f), F.A.C., shall be entitled to receive a share of the eggs collected from each area in proportion to the percentage of the group's fees that they paid.

~~11.(k)~~ Eggs may only be taken under this rule by alligator farmers in the collection group, the egg ~~collection~~ coordinator, and their agents licensed as specified in Section 379.3751, F.S.

~~12.(4)~~ The number of nests opened on each egg collection area shall not exceed the quota established pursuant to paragraph (2)(d). All eggs from each opened nest shall be collected.

~~13.(m)~~ The egg coordinator shall possess Alligator Egg Fee Assessment Records that indicate an available balance of no less than one egg collection permit for each egg collected.

~~14.(n)~~ All eggs collected each day shall be presented in a single layer for inspection to Commission personnel at the designated egg inspection site. The egg coordinator may select eggs to be retained and shall mark said eggs in a manner designated by the Commission. A fee of \$5 per egg shall be assessed for every egg retained as recorded on Alligator Egg Fee Assessment Records. All remaining eggs shall be surrendered to Commission personnel at the egg inspection site. Each egg ~~collection~~ coordinator shall be refunded fees assessed under this provision for eggs retained from egg collections areas for which he/she has paid for the survey costs

not to exceed the amount he/she paid for such surveys as documented by Commission flight records and helicopter flight time invoices.

15. (e) Each collection day at the egg inspection site, the egg coordinator shall record the number of eggs retained on one or more Alligator Egg Fee Assessment Records, sign the form(s) to verify the number of eggs retained and balance to be collected, obtain the signature on the form(s) of the Commission staff person supervising the collection, and submit a copy of the form(s) to such staff person.

16. (f) Each collection day at the egg inspection site the egg coordinator shall provide Commission personnel completed copies of FWC form 1005AF (effective June 26, 1994, incorporated herein by reference and available from the Commission) signed by the egg coordinator and indicating the number of eggs to be transferred to each participating farm or to a designated temporary storage facility. Eggs may be temporarily stored at the designated storage facility for up to 30 days following collection before transfer to the participating farms.

17. (g) Eggs may only be transferred to the designated temporary storage facility or to farms participating in the egg collection group. The egg coordinator shall be responsible for ensuring that a copy of FWC form 1005AF is completed for each transfer of eggs and that a copy of the completed form, signed by the egg coordinator, accompanies the eggs during any such transfer. Any physical transfer of eggs must be accomplished within two days of completion and signing of the form by the egg coordinator.

18. (h) Each participating farmer receiving eggs shall sign the accompanying copy of FWC form 1005AF and submit it to the Commission within ten days of the transferral date to document the addition of those eggs to their farm inventory.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751, 379.3752 FS. History—New 8-24-87, Amended 6-7-88, 2-14-89, 4-11-90, 4-15-92, 4-29-93, 6-26-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.031, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08,_____.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.042
 RULE TITLE: Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide greater flexibility with how statewide alligator harvest permits are issued. The effect will be to provide greater customer satisfaction regarding this process.

SUMMARY: The proposed rule would provide greater flexibility with how statewide alligator harvest permits are issued.

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, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, Florida 32500

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-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

(1) Establishment of alligator management units and harvest quotas:

(a) Management units comprised of specified wetlands, lakes, rivers or other water bodies that may be reasonably grouped for the purposes of study, analysis or management and that are suitable for harvest based on habitat characteristics, accessibility, and estimated alligator densities shall be established by the executive director or his designee.

(b) Annual harvest quotas for each management unit shall be established by the executive director, or his designee, and shall be based upon an evaluation of on-site habitat or population inventories for each management unit. The harvest quota for a management unit shall be based on the best estimate of the number of alligators that can be removed from the unit without long-term adverse impacts on population levels.

(2) Harvest permit issuance:

(a) Harvest permits may be reserved for specific harvest units and harvest periods ~~on a first come first served basis~~ through the Commission's Total Licensing System beginning at the designated time and date each year by:

1. Paying for an alligator trapping license as required by Section 379.3751, F.S., and \$10 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits; or

2. Providing evidence of possession of an alligator trapping license valid through the last day of the designated harvest season and paying \$30 for each CITES tag, pursuant to Section 379.3752, F.S., issued with harvest permits.

(b) Applicants for a harvest permit shall:

1. Be 18 years of age or older by August 15 in the current application year.

2. Not have been convicted of any violation of Section 379.409 or 379.3015, F.S., or rules of the Commission relating to the illegal taking of any crocodylian species:

a. For a period of five (5) years preceding the date of application; or

b. For a period of ten (10) years preceding the date of application if such conviction involved the taking of an endangered crocodylian species.

(c) Permits shall be issued upon determination that the applicant meets the requirements of this subsection.

(d) CITES tags shall be issued with each harvest permit, except that harvest tags bearing the letters "MER" shall also be issued with harvest permits for management units for which

the best available scientific data indicates the average mercury concentrations in alligators therein exceeds the Federal limit for legal sale of the meat.

(e) Harvest permits shall be valid only for the management unit and harvest period indicated thereon, and harvest permits and their associated harvest tags, if issued, and CITES tags are not transferable.

(f) The number of harvest permits issued per person shall be determined by the executive director or his designee.

(3) Alligator trapping requirements:

(a) Alligators may only be taken in accordance with the provisions of the alligator harvest permit.

(b) Alligators may be taken from 1 hour before sunset to 1 hour after sunrise each day during the harvest period specified in the harvest permit. Harvest periods shall be from 1 hour before sunset on September 12 through 1 hour after sunrise on November 1, and from either 1 hour before sunset on August 15 through 1 hour after sunrise on August 22, or 1 hour before sunset on August 22 through 1 hour after sunrise on August 29, or 1 hour before sunset on August 29 through 1 hour after sunrise on September 5, or 1 hour before sunset on September 5 through 1 hour after sunrise on September 12, except as otherwise provided in the harvest permit.

(c) Only non-hatchling alligators may be taken.

(d) Alligators may be taken only by the use of artificial lures or baited, wooden pegs less than two (2) inches in length attached to hand-held restraining lines or restraining lines attached to a vessel occupied by the permittee and hand-held snares, harpoons, gigs, snatch hooks, and manually operated spears, spearguns, crossbows and bows with projectiles attached to restraining lines. The use of baited hooks, gig-equipped bang sticks, or firearms for taking alligators is prohibited except that bang sticks are permitted for taking alligators attached to a restraining line. Notwithstanding Rule 68A-4.002, F.A.C., a light may be used in conjunction with these methods of take.

(e) Any persons actively participating in the taking of alligators as provided herein shall possess an alligator trapping license or alligator trapping agent's license. However, for the purposes of this provision, the taking of alligators does not include the activities of driving the vessel or the use of a light.

(f) Alligators may only be taken in the area specified in the alligator harvest permit.

(g) The permittee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in presence of that trapper may take alligators as provided in the harvest permit but only in the presence of the permittee.

(h) Alligators shall be killed immediately upon capture.

(i) Immediately upon killing, a CITES tag issued by the Commission and a harvest tag, if issued, shall be locked through the skin of the carcass within six (6) inches of the tip of the tail. The CITES tag shall remain attached to the alligator

hide until the hide is tanned, taxidermy mounted, or exported from the state. The harvest tag, if issued, shall remain attached to the alligator until processing. CITES tags may not be altered to compromise the locking mechanism in any way and shall be used only one time. The possession of any alligator hide not tagged as prescribed herein is prohibited, and such hide shall be subject to seizure and forfeiture to the Commission under the provisions of Section 379.338, F.S.

(j) An alligator harvest report form (FWC form 1001AT, effective April 30, 2000) provided by the Commission shall be completed by the permittee within 24 hours of taking each alligator and prior to the transfer of the carcass to another person. The permittee shall submit a legible copy of the alligator harvest report form to the Commission for receipt no later than 14 days after the expiration date of the harvest permit.

(k) Tags issued under this section shall remain the property of the Commission until affixed as provided herein. Tags issued pursuant to this section may be possessed only by the permittee or his licensed agents prior to use. The permittee shall be strictly liable in ensuring that possession of unused tags is limited to persons authorized under this rule.

(l) All unused CITES tags shall be returned by the permittee to the Commission no later than 14 days after the expiration date of the harvest permit. It shall be a violation of this section for any person to possess any unused CITES tag(s) issued pursuant to this section 14 days after the expiration date of the harvest permit. Permits may be denied, pursuant to Rule 68A-5.004, F.A.C., to applicants who have previously failed to return unused tags and complete forms as specified herein.

(4) Alligator processing and sale of parts.

(a) Alligator meat not discarded shall be processed or sold in accordance with Rule 68A-25.052, F.A.C.

(b) Commission personnel shall be granted access to collect biological data on and specimens from any alligators taken under the provisions of this rule, provided that specimens shall only be taken when necessary for the management of the species.

(5) Nothing herein shall prohibit the executive director from establishing special restrictions or exemptions from this rule for the purpose of conducting experimental alligator harvests on designated areas pursuant to Rule 68A-9.002, F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012, 379.3751 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08,_____.

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 F.A.W.

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 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-8.002	Definitions
68B-8.003	General Conditions and Restrictions
68B-8.006	Scientific Research Special Activity License
68B-8.007	Education/Exhibition Special Activity License
68B-8.008	Florida Marine Science Educators Association Certification
68B-8.009	Prohibited Species Collection Criteria
68B-8.010	Stock Collection and Release Special Activity License
68B-8.011	Aquaculture Broodstock Collection Special Activity License
68B-8.012	Snook Special Activity License
68B-8.013	Non-Conforming Gear Special Activity Licenses and Exemptions
68B-8.014	Marine Chemical Special Activity License

PURPOSE AND EFFECT: The purpose of the amendments to Rule 68B-8.002, F.A.C., is to define or re-define terms that are used throughout the rule, and the effect will be that applicants will have the ability to better understand what activities require a Special Activity License without the need for agency interpretation. The purpose of the amendments to Rule 68B-8.003, F.A.C., is to improve customer service by increasing application windows, incorporating other agencies within the application review process, reduction of documentation requirements, and clarification of activities that require licensing, and the effect will be that proposed activities

will be better reviewed by appropriate subject matter experts both within and outside of the agency and applicants will not be required to provide documentation that is not serving a management purpose. The purpose of the amendments to Rule 68B-8.006, F.A.C., is to expand the types of activities that can be conducted pursuant to a Scientific Research Special Activity License, and the effect will be to provide more flexibility to conduct necessary restoration activities with guidance from the agency through a licensed process. The purpose of the amendments to Rule 68B-8.007, F.A.C., is to modify display requirements for the benefit of marine animals collected for education or exhibition purposes, and the effect will be that the agency will be better able to ensure that such collections will not result in mortality to the specimens collected. The purpose of the amendments to Rule 68B-8.008, F.A.C., is to clarify that the Florida Marine Science Educators Certification is not limited to marine species, and the effect will be to lessen the need for agency staff to provide clarification to potential applicants. The purpose of the amendments to Rule 68B-8.009, F.A.C., is to provide applicants with more concise criteria regarding how requests to collect prohibited species are evaluated through the adoption by reference of standards currently established in agency policy, and the effect will be that the FWC will be better able to substantiate license denials that are based on standards currently contained in the policy. The purpose of the amendments to Rule 68B-8.010, F.A.C., is to provide clarification of activities that involve releases of marine organisms and require licensing, update genetic standards for release activities including incorporation by reference of a genetic risk assessment flow chart, and modify health certification requirements based on recommendations made by participants of a Marine Animal Health workshop held by the agency in January 2008. The effect of the amendments to Rule 68B-8.010, F.A.C., will be that the genetic and health standards by which release activities are evaluated will better protect the wild stocks of marine organisms from potential impacts from such activities. The purpose of the amendments to Rule 68B-8.011, F.A.C., is to provide for clarification on the eligibility requirements for receiving an aquaculture broodstock collection Special Activity License, and the effect will be that consistency will be provided between the activities that the FWC licenses and activities that are licensed by the Department of Agriculture and Consumer Services. The purpose of the amendments to Rule 68B-8.012, F.A.C., is to address the exchange of aquacultured snook, and the effect will be that activities which include the transfer of snook that are not sold will be required to meet the same standards as those snook that are sold. The purpose of the amendments to Rule 68B-8.013, F.A.C., is to allow for scientific researchers to apply for and receive a Gear Innovation Special Activity License which is currently only restricted to commercial fishers, and the effect will be that researchers will have the ability to participate in the development of new, more

conservation oriented fishing gear. The purpose and effect of the amendments to Rule 68B-8.014, F.A.C., is to provide consistency with recent changes to the agency's licensing requirements for the Marine Life fishery.

SUMMARY: The proposed rule amendments will define or re-define terms that are used throughout the rules, update incorporated application forms, clarify activities that require licensing, address new issues identified by stakeholders and FWC staff, and update or add agency policies and remove obsolete rule language. These proposed amendments will improve the ability of the FWC to manage activities that do not conform to established regulations, and reflect the Marine Special Activity License Program's progress and development within the agency.

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, 8:30 a.m. – 5:00 p.m., February 4-5, 2009, each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-8.002 Definitions.

(1) "Anadromous" means species of fish that live in ~~sea~~ sea waters and migrate to fresh or estuarine waters to spawn.

(2) "Atlantic Region" for purposes of a Snook SAL, means all or part of counties encompassed by the St. Johns Water Management District and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(3) "Bred in Captivity" or "Captive Bred" refers to eggs or organisms, born or otherwise produced in captivity from broodstock that mated or otherwise transferred gametes in captivity (if reproduction is sexual), or from broodstock that were in captivity when development of the progeny began (if development is asexual).

~~(4)(3)~~ "Broodstock" means sexually mature organisms of both genders capable of producing gametes or offspring now or in the future for artificial cultivation purposes. Broodstock includes organisms captured to conduct immediate source spawning or for long-term retention.

(5) "Captivity" means when eggs or live organisms are held in a controlled or selected aquatic environment that has boundaries designed to prevent such eggs or live organisms from entering or leaving the controlled environment.

(6) "Catadromous" means species of fish that live in fresh or estuarine waters and migrate to sea waters to spawn.

~~(7)(4)~~ "Certified aquaculture facility" means a facility that has a valid aquaculture certificate of registration issued by DOACS pursuant to Section 597.004, F.S., and is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C.

~~(8)(5)~~ "DOACS" means Department of Agriculture and Consumer Services.

~~(9)(6)~~ "Educational purpose" means an activity that uses marine organisms to identify or interpret some aspect of an organism's taxonomy, behavior, physiology, or ecology; to conduct laboratory activities; to provide instruction on field techniques; or to explain marine resource management issues to individuals formally enrolled in an instructional setting.

(10) "Estuarine" means the part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand.

~~(11)(7)~~ "Exhibitional purpose" means an activity that uses marine organisms for the primary purpose of display in a facility open to the general public on a scheduled basis, and whose operational activities have a marine related component.

~~(12)(8)~~ "FMSEA Certification" means documentation validating the completion of the Florida Marine Science Educators Association workshop.

~~(13)(9)~~ "Gulf Region" for purposes of a Snook SAL, means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County, and all or part of counties encompassed by the

Southwest Florida Water Management District, the Suwanee River Water Management District, and the Northwest Florida Water Management District.

~~(14)(10)~~ "Hard bottom" means any living natural or artificial reef (including coral reefs, oyster reefs, and worm reefs) or varying biological assemblages of marine organisms attached to hard substrate.

~~(15)(11)~~ "Harvest" means the catching, taking, or molesting of a marine organism by any means whatsoever, followed by a reduction of such organism or part thereof to possession. A marine organism that is caught and immediately returned to the water free, alive, and unharmed is not harvested.

~~(16)(12)~~ "Marine organism" means an organism a species of animal, including anadromous and catadromous organisms, fish and plants that has a natural portion of its life cycle that is dependent upon marine or estuarine waters that is indigenous to salt water, but excluding striped bass (*Morone saxatilis*), American eels (*Anguila rostrata*), non-living shells, marine reptiles, marine mammals, and birds.

~~(17)(13)~~ "Marine turtle permit" means a permit issued pursuant to Section 379.2431(1), F.S. and Chapter 68E-1, F.A.C.

~~(18)(14)~~ "Nonprofit corporation" means a corporation that is designated as non-profit pursuant to 26 U.S.C. 501(c)3 and has a current letter of determination of tax exempt status.

~~(19)(15)~~ "Person" means an individual, firm, entity, or corporation.

~~(20)(16)~~ "Prohibited species" means a marine organism for which harvest, possession, or sale is prohibited in Title 68B, F.A.C. or Chapter 379, F.S.

(21) "Release" means the intentional or unintentional introduction, reintroduction or relocation of eggs or organisms that have been held in captivity, into waters of the state, including municipal waters.

~~(22)(17)~~ "Scientific research" means an activity that uses marine organisms to conduct one or more of the following:

(a) Research activity that involves the application of rigorous, systematic, and objective procedures of observation, measurement, and experiment to obtain reliable and pertinent data using an experimental design, controls, and data analysis to test a stated hypothesis.

(b) Monitoring activity that involves making technical and scientific observations as a means of gathering data according to a predetermined study plan.

(c) ~~Restoration~~ Reparation activity that facilitates mitigation or recovery of damaged hard bottom marine organisms and includes subsequent monitoring to measure the success of the restoration ~~repair~~ effort.

~~(23)(18)~~ "Snook" means any fish of the genus *Centropomus*, or any part thereof.

~~(24)(19)~~ "Special Activity License" or "SAL" means a license issued pursuant to Chapter 68B-8, F.A.C.

~~(25)~~(20) “Stock enhancement” means the process of releasing many organisms into a self-sustaining, naturally reproducing population of the same native species, in order to increase the number of breeders in that population. Stock enhancement represents an attempt to offset harvesting pressure or to expand stock size based upon a presumed underutilized carrying capacity of the environment.

~~(26)~~(21) “Stock restoration” means the captive breeding and release of marine organisms to maintain or re-establish the demographic stability and biological diversity of a non self-sustaining (inviable) or locally extirpated natural population (stock) until such time that a naturally self-sustaining stock can be re-established.

~~(27)~~(22) “Third party contractor” is an entity that is paid for services rendered to collect or transport marine organisms on behalf of a SAL holder, or paid to provide expertise as an agent or consultant for the collection or transport of marine organisms on behalf of a SAL holder. Salaried staff or faculty, non-salaried volunteers, students, interns, or visiting principle investigators who do not receive monetary compensation for their collection assistance are not third party contractors.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

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

68B-8.003 General Conditions and Restrictions.

(1) ELIGIBILITY.

(a) A SAL or FMSEA Certification will not be issued to a person and no person ~~may~~ shall conduct activities under a SAL if, during the 36-month period prior to the application or activity, that person has been charged with a violation of a rule in ~~Title Titles 68A through E~~, F.A.C.; Chapter 370, 372 or 379, F.S.; or 50 CFR Parts 622, 635, 640, 648, 654, 660, or 679 unless that person has received a final disposition of acquittal or dismissal of such charged violation.

(b) A Stock Collection and Release SAL, an Aquaculture Broodstock Collection SAL, or a Snook SAL will not be issued to a person and no person shall ~~may~~ conduct activities under such SAL, if that person has been charged with a violation of a provision of Section 597.004, F.S., or ~~Chapter Rule 5L-3-004~~, F.A.C.

(c) A SAL will not be issued for an activity that is allowed under the marine recreational fishing regulations, with the exception of an Aquaculture Broodstock Collection SAL.

(d) A SAL will not be issued to a third party contractor.

(2) APPLICATION, ISSUANCE, AND LICENSE PERIODS.

(a) A person may apply for and be issued a SAL at any time and a SAL shall ~~may~~ be valid for 12 months from the date of issuance with the following exceptions:

1. The period of validity of a Scientific Research SAL will be based on the duration of the proposed activity, provided that the duration is no longer than is necessary to achieve its stated purpose and it does not exceed 36 months from the date of issuance. The period of validity for a Scientific Research SAL issued for prohibited species shall ~~may~~ not exceed 12 months from the date of issuance.

~~2. The period of validity of a~~ An Education/Exhibition SAL involving the collection of ~~issued for~~ prohibited species may only be applied for April 1 through April 30 or October 1 through October 31 ~~is January 1 through December 31 of the year applied for. An application must be postmarked or hand delivered to the Commission not later than November 1 before the year applied for and will be issued or denied by February 1 of that year.~~

3. An Aquaculture Broodstock Collection SAL is only valid so long as the SAL holder also holds a valid aquaculture certificate of registration issued pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C.

~~4.3.~~ The period of validity of a Governmental Purpose SAL will be based on the duration of the proposed activity, provided that it is no longer than is necessary to achieve its stated purpose.

~~5.4.~~ The period of validity of a Nonprofit SAL is 36 months.

(b) A person may apply for and shall be issued a FMSEA Certification upon completion of workshop training and a FMSEA Certification is valid for 36 months.

(3) No change.

(4) SCOPE OF AUTHORITY. A SAL or FMSEA Certification does not authorize any activity outside of state waters, within zoned areas of the Florida Keys National Marine Sanctuary, or within the boundaries of any ~~state or federal park, with the exception of areas under the jurisdiction of state parks that are designated as shellfish harvesting areas.~~ For purposes of this subsection, “zoned areas of the Florida Keys National Marine Sanctuary” means Sanctuary Preservation Areas, Special Use Areas, Research Only Areas, and Ecological Reserves.

(5) LAW ENFORCEMENT NOTIFICATION. The holder of a SAL or FMSEA Certification must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL or FMSEA Certification. Notification shall ~~may~~ consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL or FMSEA Certification unless rescinded by the SAL or FMSEA Certification holder.

(6) AUTHORIZED PERSONNEL.

(a) No more than 10 individuals ~~shall~~ ~~may~~ be authorized to conduct activities pursuant to a SAL unless justification for additional personnel is provided by the applicant and additional personnel are necessary to achieve the stated purpose of the SAL, ~~except that no more than three individuals in addition to the applicant may be authorized to conduct activities pursuant to a Marine Chemical SAL issued to a commercial harvester of marine life species.~~

(b) No change.

(7) ~~RELEASE OF MARINE ORGANISMS. No marine organism that has been maintained in captivity shall~~ ~~may~~ be released unless the release is authorized by a SAL or FMSEA Certification or the release is conducted in accordance with the "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms, February 2009". ~~The "Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms"~~ is hereby adopted as a rule of the Commission and is incorporated herein by reference ~~as of 7/1/04~~. However, the release restrictions of this subsection do not apply to:

(a) No change.

(b) The use of a marine organism for bait, provided that the bait is not an aquacultured product.

(c) No change.

(d) Releases associated with aquaculture activities or aquacultured products that have the potential to impact wild stocks (e.g. net pens, aquacultured bait), provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(8) TAGGING OF MARINE ORGANISMS. No marine organism shall be tagged unless such tagging activity has been authorized pursuant to a SAL or FMSEA Certification. The tagging restrictions of this subsection do not apply to directors of a fishing tournament or their designee, who may tag up to five (5) fish per tournament for purposes of awarding prizes to tournament participants. For purposes of this section, a "tag" means any internal or external device or other marking, placed in or on an organism for the purpose of identification.

~~(9)(8)~~ REPORTING REQUIREMENTS. Required reporting documentation must be submitted within 30 days after expiration of the SAL.

~~(10)(9)~~ TRANSFERABILITY OF MARINE ORGANISMS.

(a) through (b) No change.

~~(11)(10)~~ POSSESSION AFTER LICENSE OR CERTIFICATION SAL EXPIRATION. The Commission recognizes that a marine organism collected pursuant to a SAL or FMSEA Certification may need to be retained for a period of time that extends beyond the expiration date of the SAL or

FMSEA Certification issued for its harvest. For this purpose, the following conditions must be met for marine organisms collected pursuant to a SAL or FMSEA Certification to be legally possessed beyond the expiration of a SAL or FMSEA Certification:

(a) All documentation required for reporting must be submitted to the Commission within 30 days of expiration of the SAL.

~~(b) Within 60 days of expiration or within 30 days of receipt of the reporting documentation, the Commission will return to the SAL holder a Commission authenticated copy of the SAL holder's reporting documentation. The documentation will serve as the official list of what was legally harvested pursuant to the SAL and may be possessed after expiration.~~

(b)(c) During the 60 days immediately following the expiration date of a SAL or FMSEA Certification, the original SAL or FMSEA Certification or a Commission authenticated copy is sufficient documentation to authorize possession of a marine organism harvested pursuant to a SAL or FMSEA Certification. This allows sufficient time for the submission of the reporting documentation and return of an authenticated copy of the documentation to the SAL holder. After 60 days from the expiration date, the entity in possession of the marine organism harvested pursuant to an expired SAL must maintain the original SAL or a Commission authenticated copy, and a Commission authenticated copy of the reporting documentation. Such documentation must be promptly produced at the request of an authorized law enforcement officer.

~~(12)(11)~~ SALE OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall may not be sold or consumed unless it was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, Dredge SAL, or a Nonprofit Corporation SAL, and the sale was conducted in accordance with any condition of sale required by such SAL.

~~(13)(12)~~ CONSUMPTION OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall may not be consumed unless the marine organism was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, or Dredge SAL.

~~(14)(13)~~ ISSUANCE AND RENEWAL AND REISSUE. A SAL or FMSEA Certification issued pursuant to this chapter will not be issued or renewed or reissued unless all conditions of a prior SAL or FMSEA Certification held by the applicant were met, and the reporting requirements for the prior SAL were properly and timely submitted.

~~(15)(14)~~ SUSPENSION AND REVOCATION. The Commission will suspend or revoke a SAL or FMSEA Certification if it finds that the SAL or FMSEA Certification holder has violated any provision in Chapter 379, F.S., Commission rules or orders, or terms or conditions of the SAL or FMSEA Certification, or has submitted false or inaccurate

information in his or her application. Suspensions and revocations will be imposed in accordance with Chapters 120 and 379, F.S.

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 7-1-04, Amended.

68B-8.006 Scientific Research Special Activity License.

(1) **PURPOSE.** The purpose of a Scientific Research SAL is to accommodate the need for the scientific community to conduct research, monitoring, and hard bottom restoration or mitigation ~~reparation~~ activities that enhance the greater body of knowledge in support of fisheries management, resource conservation and enhancement, and public health. If conducting research, the proposed activity must ensure that study results will be presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on findings. If conducting monitoring, the proposed activity must ensure that collected data will be analyzed to detect physical or biological changes over time in marine organisms, their populations, or communities. If conducting restoration or mitigation ~~reparation~~, the proposed activity must ensure that species such as oysters, corals, sponges, sea fans, sea whips, and other hard bottom marine organisms are repaired in the event that they are damaged, and the effectiveness of the restoration or mitigation ~~reparation~~ activity is evaluated by subsequent monitoring.

(2) **ELIGIBILITY.** A Scientific Research SAL may be issued only to the following:

(a) through (b) No change.

(c) A member of the scientific or technical staff of a marine research institute, laboratory, corporation, or organization with demonstrated experience conducting successful hard bottom restoration or mitigation ~~reparation~~ activities.

(d) through (e) No change.

(3) **FEES AND APPLICATION.**

(a) No change.

(b) An applicant for a Scientific Research SAL must complete and submit a Scientific Research SAL application form provided by the Commission (Form DMF-SRSAL04 (2/09 ~~2/04~~)).

(4) **EVALUATION CRITERIA.** In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL will be evaluated based on the following criteria as applicable to the request:

(a) through (b) No change.

(c) Documented experience conducting successful hard bottom restoration or mitigation ~~reparation~~ activities.

(5) **REPORTING REQUIREMENTS.** A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested ~~any mortalities that may have occurred~~. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used ~~and the current disposition of the organism~~. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known ~~and the disposition of the prohibited species~~. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) through (c) 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 7-1-04, Amended.

68B-8.007 Education/Exhibition Special Activity License.

(1) through (2) No change.

(3) **INELIGIBLE APPLICANTS.** The Commission shall ~~may~~ deny an application for an Education/Exhibition SAL by an applicant who can reasonably be expected to qualify for a FMSEA Certification. Such person must pursue FMSEA Certification.

(4) **FEES AND APPLICATION.**

(a) No change.

(b) An applicant for an Education/Exhibition SAL must complete and submit an Education/Exhibition SAL application form provided by the Commission (Form DMF-ESAL02 (2/092/04)).

(5) **EVALUATION CRITERIA.** In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL will be evaluated based on the following criteria as applicable to the request:

(a) through (d) No change.

(e) The physical environment in which the species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.

(6) **REPORTING REQUIREMENTS.** A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any

publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (~~both targeted and incidental~~), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Education/Exhibition SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

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

68B-8.008 Florida Marine Science Educators Association Certification.

(1) PURPOSE. This section describes a Commission partnership with the Florida Marine Science Educators Association (FMSEA) that provides an alternative to the formal SAL application process to conduct educational activities with aquatic organisms. The FMSEA Certification is a more streamlined process designed to cater to the smaller collecting needs of the educational community as opposed to the larger and more complex collecting needs of SAL holders. A FMSEA Certification holder is exempt from a number of saltwater and freshwater resource regulations to allow him or her to collect and possess aquatic marine organisms for educational purposes.

(2) No change.

(3) WORKSHOP CURRICULUM. FMSEA Certification requires successful completion of a training workshop. The primary workshop objective is to promote best practices in the collection and maintenance of aquatic organisms for educational activities. A curriculum has been established to achieve the primary workshop objective and includes but is not limited to:

- (a) Rationale for collecting aquatic marine organisms.
- (b) Alternatives to the collection of live aquatic marine organisms.
- (c) through (d) No change.
- (e) Minimization of aquatic marine organism mortality.
- (f) through (i) No change.

(4) CERTIFICATION DOCUMENTATION. Upon successful completion of the training workshop, a participant receives a certification that is authorized by both FMSEA and Commission representatives. The certification:

- (a) through (b) No change.
- (c) Specifies the fresh and saltwater areas in which harvest of aquatic marine organisms is allowed.

(d) No change.

(5) GENERAL CONDITIONS AND RESTRICTIONS.

The holder of a FMSEA Certification is subject to the General Conditions and Restrictions in paragraphs 68B-8.003(1)(a), (2)(b), subsections (3), (4), (5), paragraph (6)(b), subsections (7), ~~(8)(9), (10), (11), and (12), (13), (14), and (15)~~, F.A.C.

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 7-1-04, Amended _____.

68B-8.009 Prohibited Species Collection Criteria.

(1) through (3) No change.

(4) EVALUATION CRITERIA.

(a) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL involving prohibited species will be evaluated based on the following criteria:

1. through 6. No change.

7. If any species requested on an SAL application form is listed by the FWC as Endangered, Threatened, or a Species of Special Concern, additional evaluation criteria for such species set forth in Chapter 68A-27, F.A.C. or Chapter 379, F.S. if applicable, will be applied.

(b) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL involving prohibited species will be evaluated based on the following criteria:

1. through 5. No change.

6. Whether or not acquisition of the prohibited species is in compliance with the facility's collecting plan or acquisition policy, including any facility disposition or deaccession policies that are may be relevant to the requested prohibited species in the future.

~~7. The physical environment in which the prohibited species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the prohibited species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.~~

~~7.8.~~ The current inventory of all prohibited species located at the facility.

~~8.9.~~ Whether or not non-prohibited species could be utilized in lieu of prohibited species to meet educational or exhibitional objectives.

~~9.10.~~ Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for acquiring the prohibited species, or if the prohibited species may be acquired from areas where the stock is not prohibited from harvest, from captive breeding programs, through loan from another aquarium, or from an aquaculture facility.

10. Whether or not the requested collection is consistent with the "Florida Fish and Wildlife Conservation Commission Marine Prohibited Species Policy, February 2009" which is hereby adopted as a rule of the Commission and is incorporated herein by reference.

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 7-1-04, Amended _____.

68B-8.010 Stock Collection and Release Special Activity License.

(1) PURPOSE. The purpose of a Stock Collection and Release SAL is to ensure that activities which involve the collection of broodstock or wild stock and the release of captive-bred offspring or captive-reared wild stock for scientific research, stock enhancement, ~~or~~ stock restoration, put-and-take fisheries, purposeful introductions or aquaculture purposes are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ. Scientific research, stock enhancement, ~~or~~ stock restoration, put-and-take fisheries, purposeful introductions or aquaculture activities that are conducted to fulfill mitigation requirements established by other state or federal agencies are not exempt from the provisions and requirements of this rule.

(2) EXEMPTIONS. Releases associated with aquaculture activities or aquacultured products that have the potential to impact wild stocks (e.g. net pens, aquacultured bait) will not require authorization pursuant to a Stock Collection and Release SAL provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(3)(2) ELIGIBILITY. A Stock Collection and Release SAL may be issued only to the following:

(a) No change.

(b) An owner, director, or manager of a certified aquaculture facility that holds a valid aquaculture certificate of registration issued pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C.

(4)(3) FEES AND APPLICATION.

(a) The processing fee for a Stock Collection and Release SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Stock Collection and Release SAL must complete and submit a Stock Collection and Release SAL application provided by the Commission (Form DMF-SCRSAL03 (2/09 2/04)).

(5)(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Stock Collection and Release SAL will be

evaluated via genetic risk assessment using the flowchart entitled, "Decision Process for the Genetic Risk Assessment of Release Activities Involving Marine Organisms, February 2009" (which is hereby adopted as a rule of the Commission and is incorporated herein by reference) and based on information contained in the applicant's Hatchery and Genetic Management Plan (HGMP) that must be submitted as part of the application process. The information requested in the HGMP is designed to address four primary genetic concerns: potential impacts from translocations of non-indigenous genes, potential impacts from propagation-related genetic changes in cultured fish, potential impacts from excessive genetic input into natural populations, and indirect genetic impacts based on the applicant's genetic management plan. The principal goal of the plan must be the preservation and maintenance of the genetic diversity of potentially impacted natural populations. This plan must include the following information as applicable to the proposed activity:

(a) ~~Geographical delineation of genetic management units for potentially impacted wild fish. A genetic management unit is defined as the total genetic information (gene pools) possessed by members of a natural population (stock). A natural population is a genetically distinct group of marine organisms whose members interbreed in the wild within their own group to produce subsequent generations of young.~~

(b) ~~Management practices that will be employed to ensure that genetic material is not artificially transferred between natural stocks.~~

(c) ~~Management practices that will be employed to minimize genetic impacts from propagation related genetic changes in cultured organisms intended for release, such as inbreeding, domestication, and artificial selection.~~

(d) ~~Management practices that ensure potential escapement rates and planned maximum numbers of organisms to be released per unit of time per location pose no short or long term threat to the genetic diversity of natural stocks via excessive genetic input.~~

(6)(5) RELEASE REQUIREMENTS.

(a) A Stock Collection and Release SAL holder must coordinate all release activities with the Commission and obtain written authorization prior to conducting any release. A release ~~shall may~~ not be conducted without written authorization from the Commission.

(b) No change.

(c) Captive-bred or captive-reared marine organisms ~~A cultured marine organism will not be authorized for release if natural populations of the same species exist and the organism has been genetically modified by non-native (exogenous) gene insertion.~~

(d) ~~Hatchery-reared finfish~~ authorized for release must be distinguishable from wild marine organisms ~~finfish~~ so that estimates of project success may be obtained through monitoring. The method used to identify captive-bred or

~~captive-reared marine organisms hatchery-reared finfish~~ is at the discretion of the SAL holder conducting the release. Potential distinguishing methods include but are not limited to internal or external mechanical tags, chemical marks, or genetic tags. All costs incurred in the fulfillment of this provision or any other provision of Rule 68B-8.010, F.A.C., will be the responsibility of the SAL holder.

~~(d)(e)~~ Prior to release, a representative sample of the marine organisms targeted for release must be submitted for a health examination. This examination must be conducted under the direction of a United States Department of Agriculture-certified veterinarian with fish health experience, or an American Fisheries Society-certified fish pathologist or fish health inspector. Exam results must be summarized in a USDA Health Certificate or a letter. The certificate or letter must state that the organisms are appear to be normal, healthy, and suitable for release into the wild. The health examination will not be required when organisms are released in a larval form or cannot be readily evaluated using standard diagnostic protocols due to their size at release.

~~(7)(6)~~ REPORTING AND MONITORING REQUIREMENTS. A Stock Collection and Release SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest, ~~sampling,~~ and release activities. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested and released (both targeted and incidental), numbers and sizes harvested and released, locations of harvest and release by county, and disposition of all marine organisms harvested. The activity report for a Stock Collection and Release SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known any mortalities that may have occurred.

(b) No change.

(c) A post-release genetic monitoring program ~~shall may~~ be required if ~~there was insufficient information to the genetic management plan submitted by the applicant does not provide the information necessary to~~ determine the genetic impact of activities under the SAL, or if evaluation of the proposed activity determines that the genetic risks have not been minimized.

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 7-1-04, Amended _____.

68B-8.011 Aquaculture Broodstock Collection Special Activity License.

(1) No change.

(2) ELIGIBILITY. An Aquaculture Broodstock Collection SAL may be issued only to the following:

(a) No change.

(b) An owner, director, or manager of a certified aquaculture facility that holds a valid aquaculture certificate of registration issued pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for an Aquaculture Broodstock Collection SAL must complete and submit an Aquaculture Broodstock Collection SAL application provided by the Commission (Form DMF-ABCSAL04 ~~(2/09 2/04)~~).

(4) No change.

(5) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Aquaculture Broodstock Collection SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption.

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

68B-8.012 Snook Special Activity License.

(1) PURPOSE. Unless authorized by the Commission pursuant to a Snook SAL, the harvest of snook as broodstock for commercial aquaculture production purposes, or the possession, transport, transfer, sale, receipt or purchase of snook broodstock progeny is prohibited. The purpose of a Snook SAL is to allow such activities to occur, and to ensure that they are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.

(2) ELIGIBILITY.

(a) A Snook SAL for the harvest of broodstock and production, possession, transport, transfer or sale of the broodstock progeny may be issued only to an owner, director, or manager of a certified aquaculture facility that does not directly discharge production unit water to surface waters of the state.

(b) A Snook SAL for the receipt, purchase and possession of broodstock progeny may be issued only to the following:

1. through 3. No change.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for a Snook SAL must complete and submit a Snook SAL application form provided by the Commission (Form DMF-SSAL05 (2/09 2/04)).

(4) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an applicant for a Snook SAL for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny will be evaluated based on the following criteria:

(a) The number and sex of snook requested for broodstock harvest.

(b) through (h) No change.

(5) TRANSFER OR SALE OF BROODSTOCK PROGENY.

(a) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny may transfer or sell broodstock progeny only to a holder of a valid Snook SAL for the receipt, purchase and possession of broodstock progeny.

(b) A holder of a Snook SAL issued for the harvest of broodstock, and production, possession, transport, transfer or sale of the broodstock progeny must provide transfer documentation, a bill of sale or other documentary evidence to each receiver or purchaser of broodstock progeny, and must maintain a record of each transaction sale. The transfer documentation, bill of sale or other documentary evidence must include the name, address, and aquaculture certificate number of the certified aquaculture facility conducting the transaction sale, the name and address of the entity receiving or purchasing the broodstock progeny, the transaction date of purchase, the quantity of progeny transferred or purchased, the receiver's purchaser's Snook SAL number, and the exact location where the progeny are being stocked or maintained.

(6) PAY-TO-FISH PONDS. A Snook SAL holder who is an owner of a private pond, operates it as a pay-to-fish facility, and whose pond is stocked with progeny obtained purchased from a certified aquaculture facility that is a Snook SAL holder may charge a fee to harvest snook in such ponds, provided:

(a) through (b) No change.

(7) REPORTING REQUIREMENTS. A Snook SAL holder for the harvest of broodstock and production, possession, transport, transfer or sale of broodstock progeny must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms snook. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes of

snook harvested, locations of harvest by county, and disposition of all marine organisms harvested any mortalities that may have occurred. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) Documentation of each transfer or sale of progeny sold, as specified in paragraph 68B-8.012(5)(b), F.A.C.

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 7-1-04, Amended _____.

68B-8.013 Non-Conforming Gear Special Activity Licenses and Exemptions.

(1) BACKGROUND. No person shall may use any gear or equipment to harvest a marine organism if the gear is not allowed by rule of the Commission, Chapter 379, F.S., or the Constitution of the State of Florida unless such person has first obtained authorization for such gear via a SAL or an exemption. The use of non-conforming gear shall may be authorized in a Scientific Research SAL or a Stock Collection and Release SAL for scientific research purposes if the use of non-conforming gear is specifically requested in an application for such SAL and the use is justified.

(2) OTHER AUTHORIZATIONS FOR USE OF NON-CONFORMING GEAR. The use of non-conforming gear may also be authorized under a SAL as follows:

(a) through (d) No change.

(3) GEAR MARKING/TENDING. If the proposed gear use includes an in-water set time, a SAL or exemption issued for non-conforming gear shall may contain special gear marking or tending requirements so that the Commission may responsibly monitor gear use and ensure that activities are restricted to the minimum amount necessary to achieve the stated purpose of the SAL or exemption.

(4) No change.

(5) GEAR INNOVATION SPECIAL ACTIVITY LICENSE.

(a) No change.

(b) ELIGIBILITY. A Gear Innovation SAL may be issued only to an individual meeting the criteria under subparagraph 1. or 2. below the following:

1. An individual who holds all of the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest pursuant to the SAL and.

~~(a)2. An individual who H~~has at least five years experience as a commercial harvester in Florida and has landings of the species targeted for harvest with the innovative gear and.

~~(b)3. An individual who H~~has working knowledge of the area where the gear will be tested.

2. An applicant eligible to receive a Scientific Research SAL pursuant to Rule 68B-8.006, F.A.C.

(c) FEES AND APPLICATION.

1. No change.

2. An applicant for a Gear Innovation SAL must complete and submit a Gear Innovation SAL application form provided by the Commission (Form DMF-GISAL06 (2/09 2/04)).

(d) No change.

(e) GENERAL CONDITIONS AND RESTRICTIONS.

1. The SAL holder shall may only operate in areas designated by the SAL. The gear shall may not be used in areas that would otherwise be closed to the commercial harvest of the targeted species.

2. through 4. No change.

(f) No change.

(6) No change.

(7) GOVERNMENTAL PURPOSE GEAR EXEMPTION.

(a) PURPOSE. The purpose of a Governmental Purpose Gear Exemption is to allow for the use of net gear that does not conform to Article X, Section 16 of the Florida Constitution to conduct activities permitted, provided, or required by a governmental agency. A Governmental Purpose Gear Exemption shall may only be issued in conjunction with a Marine Turtle Permit, an Education/Exhibition SAL, or a Stock Collection and Release SAL.

(b) through (c) No change.

(8) NONPROFIT CORPORATION SPECIAL ACTIVITY LICENSE.

(a) No change.

(b) ELIGIBILITY. To obtain a Nonprofit Corporation SAL a nonprofit corporation must meet the following criteria:

1. The bylaws of the nonprofit corporation must provide for, and its activities must include, the harvest of marine organisms for purposes of research, education, and exhibition that further the knowledge of marine biology, marine life, and the marine environment and.

2. The nonprofit corporation must hold the applicable wholesale and retail dealers licenses and hold the applicable commercial harvesting licenses, permits, or endorsements required for the fishery requested for harvest and sale pursuant to the SAL.

(c) FEES AND APPLICATION.

1. The processing fee for a Nonprofit Corporation SAL is \$25.00. A processing fee is non-refundable.

2. An applicant for a Nonprofit Corporation SAL must complete and submit a Nonprofit Corporation SAL application form provided by the Commission (Form DMF-NPSAL07 (2/09 2/04)).

(d) LICENSE CONDITIONS. A Nonprofit Corporation SAL holder will be subject to the following conditions for operation:

1. A marine organism harvested pursuant to a Nonprofit Corporation SAL shall may only be sold to an entity conducting activities for scientific research, educational, or exhibitional purposes, and cannot be sold for human consumption.

2. No change.

(e) 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 7-1-04, Amended.

68B-8.014 Marine Chemical Special Activity License.

(1) No change.

(2) ELIGIBILITY. A Marine Chemical SAL may be issued to:

(a) A person who holds any other type of SAL.

(b) A commercial harvester of marine life species, as those species are listed in Chapter 68B-42, F.A.C., who holds a Saltwater Products License with Restricted Species endorsement, and a Marine Life Transferable Dive or Non-Transferable Dive endorsements.

(3) No change.

(4) LICENSE CONDITIONS. A Marine Chemical SAL holder is subject to the following conditions and restrictions:

(a) The use of quinaldine must be consistent with Rule 68B-42.007, F.A.C.

(b) A chemical must be used in a prudent manner so as not to cause injury or damage to non-target species or nearby sensitive species or habitats.

(c) Species harvested pursuant to a Marine Chemical SAL shall may not be sold as food for human consumption.

(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 7-1-04, Amended.

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 F.A.W.

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)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 26, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-14.0038
RULE TITLE: Recreational Red Snapper Season
PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission's Reef Fish Rule to become consistent with federal reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980's. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons. The success of the red snapper rebuilding plan depends not only upon consistency with the bag limit, size limit, and the fishing season regulations in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters.

Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery accounts for a large proportion of the recreational red snapper catch, which is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. Not doing so will not only directly affect the rebuilding plan, but may affect Florida's recreational red snapper fishery to a greater extent if it results in further restrictions on harvest in federal waters in the future, as the majority of the state's recreational fishery occurs in federal waters. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public and aids enforceability.

SUMMARY: Rule 68B-14.0038 F.A.C., (Recreational Red Snapper Season) would amend the Commission's Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally-managed waters of the Gulf of Mexico as published in the Federal Register. The proposed rule would change the recreational red snapper fishing season from April 15 through October 31 to June 1 through September 30.

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, 8:30 a.m. – 5:00 p.m., February 4-5, 2009, each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 ~~April 15~~ through September 30 ~~October 31~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from October ~~November~~ 1 through May 31 ~~April 14~~, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

PROPOSED EFFECTIVE DATE: As soon as possible after adoption by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, _____.

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 F.A.W.

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)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-24.009 RULE TITLE: Trap Reduction Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the Commission’s Spiny Lobster Rule regarding the reduction in the number of lobster trap certificates. The lobster trap certificate reduction was initiated to reduce overcapitalization in the commercial spiny lobster fishery and to address concerns about excessive mortality of undersized lobsters, declining yield per trap, and public concerns over debris pollution from existing traps. The reduction process has been under moratorium since 2003. The effect of this rule amendment will be to end the moratorium and implement a trap certificate reduction schedule whereby upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent. Once the number of lobster trap certificates is reduced to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year through this mechanism. Reducing the number of traps will maintain fishing effort in the spiny lobster fishery at a level to maintain the fishery’s yield while maximizing economic efficiency, reducing ecological impacts, and preserving the general aesthetics of the coastal environment.

SUMMARY: Rule 68B-24.009, F.A.C., Trap Reduction Schedule, would be amended to end the current moratorium on the reduction of lobster trap certificates and implement a trap certificate reduction schedule whereby upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent.

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, 8:30 a.m. – 5:00 p.m., February 4-5, 2009, each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-24.009 Trap Reduction Schedule.

(1) Upon the sale or transfer of lobster trap certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 10 percent. Except as otherwise provided in this rule, beginning with the 2001-2002 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by 4 percent from the total issued for the immediately previous season. These reductions shall be achieved through passive reductions pursuant to subsection (2). If in any year such passive reduction does not amount to 4 percent of available certificates, an active reduction shall be applied pursuant to subsection (3) to all lobster trap certificate holders to achieve the 4 percent target. If in any year, passive reductions pursuant to subsection (2) exceed 4 percent of available certificates, the number of certificates in excess of 4 percent shall be applied to meet the 4 percent reduction target for the following year. Once the number of lobster trap certificates is reduced through this passive/active mechanism to 400,000, there shall be no further reduction in the number of lobster trap certificates issued each year except those forfeited pursuant to Section 379.3671(2)(c)3. or Section 379.3671(2)(c)7., Florida Statutes.

~~(2) Passive Reduction—Upon the sale or transfer of certificates outside the immediate family of the certificate holder, the number of certificates received by the purchaser shall be reduced by 25 percent. Additionally, certificates forfeited due to conviction for theft from a spiny lobster trap pursuant to Section 370.142(2)(c)3., Florida Statutes, or~~

reverting to the Commission for nonpayment of certificate fees pursuant to Section 370.142(2)(c)7., Florida Statutes, shall be included as trap certificates passively reduced in a license year.

~~(3) Active Reduction — If the total passive reduction in lobster trap certificates pursuant to subsection (2) in any license year does not total 4 percent of the certificates available during that season, an additional reduction in the number of available certificates shall be made at the end of the season in the appropriate percentage to achieve the 4 percent target reduction for that year. This reduction shall be applied on a pro rata basis to all lobster trap certificate accounts.~~

~~(4) Notwithstanding the provisions of subsections (1) (3) of this rule, no trap reductions shall take place in the license years beginning with the 2004-2005 license year and continuing through the 2006-2007 license year.~~

PROPOSED EFFECTIVE DATE: July 1, 2009

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended 6-29-00, 7-1-01, 4-1-04, 7-1-09.

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)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

<p>RULE NOS.:</p> <p>68B-42.001</p> <p>68B-42.002</p> <p>68B-42.004</p> <p>68B-42.005</p> <p>68B-42.006</p> <p>68B-42.0065</p> <p>68B-42.007</p> <p>68B-42.009</p>	<p>RULE TITLES:</p> <p>Purpose and Intent; Designation of Restricted Species; Definition of “Marine Life Species”</p> <p>Definitions</p> <p>Size Limits</p> <p>Recreational Bag Limit</p> <p>Commercial Season, Harvest Limits</p> <p>Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability</p> <p>Gear Specifications and Prohibited Gear</p> <p>Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception;</p>
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PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Marine Life Rule in order to ensure the long-term sustainability of this fishery. These rule amendments were discussed by a Marine Life Workgroup composed of industry representatives over a three year time-frame and taken to public workshops.

Language will be added to the rule chapter that will authorize the issuance of Special Activity Licenses for activities that are otherwise prohibited in this rule chapter. Additionally, new fish and invertebrate species would be added to the rule, which would require a marine life endorsement for commercial harvest. These additions are: porcupine fish, spotted burrfish, black brotula, key brotula, yellow stingray, blackbar soldierfish, red mithrax crab, emerald crab, red ridged clinging crab, the snail Lithopoma tectum, all hermit crabs (except land hermits), and nassarius snails. Misspellings in this section will also be corrected. A definition of fork length will be added for the measurement of tangs. The size limits of several fish species will be modified for commercial and recreational harvesters, including establishing maximum size limits for parrotfish and tangs, and widening the slot limit on butterflyfish. The recreational bag limit will be modified to allow no more than 5 of any one species within the 20 organism daily bag limit and create a 2-day possession limit for recreationally harvested organisms. The rule amendment would also establish a vessel maximum limit for dwarf seahorses and emerald crabs, and establish personal possession and vessel possession limits for zoanthid polyps, corallimorph polyps, and scarlet hermit crabs. The amendments will decrease the vessel maximum limit on condylactis anemones and add the snail Lithopoma tectum to the current star snail personal and vessel maximums. The rule would also establish a personal possession limit and vessel possession limit for butterflyfish instead of the current vessel maximum. Tools for the taking of corallimorph and zoanthid polyps will be specified for both recreational and commercial harvest in the amendments. Updates will also be made to existing commercial harvest restriction wording to make it more consistent with the endorsement program. The amendment would also allow the harvest of ornamental sponges north of Egmont Key in the Gulf of Mexico to be taken with a 1 inch amount of substrate beyond the holdfast and a 1 inch thick piece of substrate below the holdfast of the sponge. Taking ornamental sponges with substrate would not be allowed in waters south of Egmont Key. The amendment would modify the requalification criteria for the Marine Life Transferable Dive endorsement to allow live rock landings, because they were allowed for the initial qualification. The regulation regarding the use of quinaldine would be amended so it can only be used with the Marine Life Transferable Dive endorsement and the Marine Life Non-transferable Dive endorsement. Portions of the rule in Rules 68B-42.006 and 68B-42.009, F.A.C., are being removed because they are no

longer necessary and outdated references to Marine Patrol and the Department of Environmental Protection will also be amended.

The effect of these rule amendments is that more species will be given greater resource protection. Newly-added species will have their potential commercial exploitation reduced by limiting their harvest to only those that possess a marine life endorsement and limit their recreational harvest. The addition of size and bag limits will further reduce their harvest by collectors. Amending the language governing the issuance of Special Activity Licenses will allow holders so permitted under the License to conduct the activities within the Florida Keys National Marine Sanctuary (FKNMS). This is in conjunction with a Memorandum of Understanding that is already in place between the FKNMS and the FWC. The definition of fork length will clarify this measurement technique for fishermen and law enforcement. In addition, specifying the allowable tools for the harvest of corallimorphs and zoanths will reduce the amount of substrate removed in order to reduce impacts upon the surrounding habitat and aid the enforcement of this rule within the FKNMS. The specification of an allowable substrate amount for ornamental sponges North of Egmont Key will help protect the resource and clarify language for marine life harvesters and law enforcement. Changing the requalification criteria to include live rock sales will make it consistent with the original qualifying criteria. Restricting the use of quinaldine will ensure its use only by endorsement holders permitted to harvest by diving, which was the original intent of the rule. Removing outdated sections, correcting misspellings, and clarifying language regarding commercial harvest restrictions are intended to aid understanding and adherence to the rule chapter.

SUMMARY: Rule 68B-42.001 F.A.C., (Purpose and Intent: Designation of Restricted Species; Definition of "Marine Life Species") would be amended to add new species that would be regulated by this rule chapter and add language regarding the issuance of Special Activity Licenses. Rule 68B-42.002, F.A.C., (Definitions) would be amended to add a definition of fork length for fishes. Rule 68B-42.004, F.A.C., (Size Limits) would be amended to modify size limits for various marine life fish species. Rule 68B-42.005, F.A.C., (Bag Limit) would be amended to modify the recreational bag limit to allow only 5 of any one species within the 20 organism daily bag limit and create a 2-day possession limit for recreationally harvested organisms. In addition, it would also specify the allowable gears for taking zoanths and corallimorph polyps recreationally as well as the amount of substrate that can be legally attached to ornamental sponges harvested from certain parts of the State. Rule 68B-42.006, F.A.C., (Commercial Season, Harvest Limits) would be amended to establish commercial bag and vessel limits for some species and modify some of the existing limits as well as specify the amount of substrate that can be legally attached to ornamental sponges

harvested from certain areas of the State. In addition, it would also specify tools for the taking of certain species and modify vessel limits to make the wording more consistent with the endorsement program implemented in 2005. Rule 68B-42.0065, F.A.C., (Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability) would be amended to modify the requalification criteria for the Marine Life Transferable Dive Endorsement to allow live rock landings. Rule 68B-42.007 (Gear Specifications and Prohibited Gear) would be amended to limit the use of quinaldine to only the Marine Life Transferable Dive Endorsement and the Marine Life Non-transferable Dive Endorsement. Rule 68B-42.008, F.A.C., (Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes) would be amended to remove and update outdated references.

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: Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.

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

DATES AND TIME: During the regular meeting of the Commission, 8:30 a.m. – 5:00 p.m., February 4-5, 2009, each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-42.001 Purpose and Intent; Designation of Restricted Species; Definition of “Marine Life Species”.

(1)(a) The purpose and intent of this chapter are to protect and conserve Florida’s tropical marine life resources and assure the continuing health and abundance of these species. The further intent of this chapter is to assure that harvesters in this fishery use nonlethal methods of harvest and that the fish, invertebrates, and plants so harvested be maintained alive for the maximum possible conservation and economic benefits.

(b) No change.

(c) The Commission may issue Special Activity Licenses pursuant to Chapter 68B-8, F.A.C. to authorize activities that are otherwise prohibited by this chapter.

(2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 379.101(23), Florida Statutes:

(a) through (i) No change.

(j) Hamlet/seabass – Any species of the Family Serranidae, except groupers of the genera *Epinephalus* and *Mycteroperca*, ~~and~~ seabass of the genus *Centropristis*, and longtail bass, *Hemanthias leptus*.

(k) Basslets – Any species of the Family Grammatidae ~~Grammistidae~~.

(l) through (n) No change.

(o) Reef Croakers – Any of the species *Odontoscion* ~~*Odontoeion dentex*~~.

(p) Sweepers – Any species of the Family Pempheridae ~~Pempherididae~~.

(q) through (x) No change.

(y) Sleepers – Any species of the Family Eleotridae ~~Eleotrididae~~.

(z) through (cc) No change.

(dd) Pufferfish/burrfish/balloonfish/porcupinefish – Any of the following species:

1. through 3. No change.

4. Porcupinefish – *Diodon hystrix*.

5. Spotted burrfish – *Chilomycterus atringa*.

(ee) Black brotula – *Stygnobrotula latebricola*.

(ff) Key brotula – *Ogilbia cayorum*.

(gg) Blackbar soldierfish – *Myripristis jacobus*.

(hh) Yellow stingray – *Urobatis jamaicensis*.

(3) The following invertebrate species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 379.101(23), Florida Statutes:

(a) Sponges – Any species of the Class Demospongiae ~~Demospongia~~, except sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges, Order Dictyoceratida.

(b) Upside-down jellyfish – Any species of the Genus *Cassiopea* ~~*Cassiopeia*~~.

(c) Siphonophores/hydroids – Any species of the Class Hydrozoa, except fire corals, Family Milleporidae ~~Order Milleporina~~.

(d) No change.

(e) Sea anemones – Any species of the Orders Actiniaria ~~Actinaria~~, Zoanthidea, Corallimorpharia, and Ceriantharia.

(f) No change.

(g) Starsnails – Any of the species *Lithopoma americanum*, *Lithopoma tectum*, or *Astrarium Australium phoebium*.

(h) through (q) No change.

(r) Red mithrax crab – *Mithraculus ruber*.

(s) Red-ridged clinging crab – *Mithraculus forceps*.

(t) Green clinging or emerald crab – *Mithraculus sculptus*.

(u) Hermit Crabs – Any species of the families Diogenidae (left-handed hermit crabs) or Paguridae (right-handed hermit crabs) or Parapaguridae (deepwater hermit crabs) or Pylochelidae (symmetrical hermit crabs).

(v) Nassarius snails – Any species of the genus *Nassarius*.

(4) The following species of plants, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 379.101(23), Florida Statutes:

(a) No change.

(b) Halimeda/mermaid’s fan/mermaid’s shaving brush – Any species of the Family Udoteaceae ~~Halimedaceae~~.

(c) No change.

(5) For the purposes of Section 379.361(2)(j), Florida Statutes, the term “marine life species” is defined to mean those species designated as restricted species in subsections (2), (3), and (4) of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, 6-1-99, Formerly 46-42.001, Amended 10-7-01,_____.

68B-42.002 Definitions.

As used in this rule chapter:

(1) through (4) No change.

(5) “Fork Length” means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

~~(6)(5)~~ “Hand held net” means a landing or dip net as defined in subsection 68B-4.002(4), F.A.C., except that a portion of the bag may be constructed of clear plastic material, rather than mesh.

~~(7)(6)~~ “Harvest” means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and

unharmed are not harvested. In addition, temporary possession of a marine animal for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such animal, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

~~(8)(7)~~ “Harvest for commercial purposes” means the taking or harvesting of any tropical ornamental marine life species or tropical ornamental marine plant for purposes of sale or with intent to sell. The harvest of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limit shall constitute a violation of this rule.

~~(9)(8)~~ “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

~~(10)(9)~~ “Land,” when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

~~(11)(10)~~ “Live rock” means rock with living marine organisms attached to it.

~~(12)(11)~~ “Octocoral” means any erect, nonencrusting species of the Subclass Octocorallia, except the species *Gorgonia flabellum* and *Gorgonia ventalina*.

~~(13)(12)~~ “Slurp gun” means a self-contained, handheld device that captures tropical fish by rapidly drawing seawater containing such fish into a closed chamber.

~~(14)(13)~~ “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

~~(15)(14)~~ “Trawl” means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom. “Roller frame trawl” means a trawl with all of the following features and specifications:

(a) through (e) No change.

~~(16)(15)~~ “Tropical fish” means any species included in subsection (2) of Rule 68B-42.001, F.A.C., or any part thereof.

~~(17)(16)~~ “Tropical ornamental marine life species” means any species included in subsection (2) or (3) of Rule 68B-42.001, F.A.C., or any part thereof.

~~(18)(17)~~ “Tropical ornamental marine plant” means any species included in subsection (4) of Rule 68B-42.001, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05, 7-1-06, _____.

68B-42.004 Size Limits.

(1) Angelfishes.

(a) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any of the following species of angelfish (Family Pomacanthidae), of total length outside of the limits specified less than that set forth below:

1. ~~A minimum of one-and-one-half (1 1/2) inches~~ and a maximum of eight (8) inches for:

- a. Gray angelfish (*Pomacanthus arcuatus*).
- b. French angelfish (*Pomacanthus paru*).

2. ~~A minimum of one-and-three-quarters (1 3/4) inches~~ and a maximum of eight (8) inches for:

- a. Blue angelfish (*Holacanthus bermudensis*).
- b. Queen angelfish (*Holacanthus ciliaris*).

3. ~~A minimum of two (2) inches~~ and a maximum of five (5) inches for rock beauty (*Holacanthus tricolor*).

~~(b) No person shall harvest, possess while in or on the waters of the state, or land any angelfish (Family Pomacanthidae), of total length greater than that specified below:~~

~~1. Eight (8) inches for angelfish, except rock beauty (*Holacanthus tricolor*).~~

~~2. Five (5) inches for rock beauty.~~

~~(b)(e)~~ Except as provided herein, no person shall purchase, sell, or exchange any angelfish outside smaller than the limits specified in paragraph (a), or larger than the limits specified in paragraph (b). This prohibition shall not apply to angelfish legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, which angelfish are entering Florida in interstate or international commerce. The burden shall be upon any person possessing such angelfish for sale or exchange to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such angelfish originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) waters adjacent to Florida waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(2) through (6) No change.

~~(7) Tangs – No person shall harvest, possess while on the waters of the state, or land any tangs (Family Acanthuridae) of fork length greater than 9 inches.~~

~~(8) Parrotfish – No person shall harvest, possess while on the waters of the state, or land any parrotfish (Family Scaridae) of total length greater than 12 inches.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.004, Amended 6-1-99, _____.

68B-42.005 Recreational Bag Limit.

(1) Except as provided in Rule 68B-42.006, F.A.C., or subsection (3) or (4) of this rule, no person shall harvest, possess while in or on the waters of the state, or land more than 20 individuals per day of tropical ornamental marine life species, in any combination. No more than 5 of any one species, as defined in subsections 68B-42.001(2) and (3), F.A.C., can be harvested within the 20 organism bag limit. No person shall possess more than 40 total marine life organisms anywhere at any time.

(2) Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess while in or on the waters of the state, or land more than one (1) gallon per day of tropical ornamental marine plants, in any combination of species. No person shall harvest or possess more than 2 gallons of tropical ornamental plants anywhere at any time.

(3) through (4) No change.

(5) Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess while in or on the waters of the state, or land more than 5 single polyps in the order Corallimorpharia. Each polyp must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

(6) Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess while in or on the waters of the state, or land more than 5 polyps of the order Zoanthidea. Each zoanthid polyp must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

(7) Except as provided in Rule 68B-42.006, F.A.C., no person shall harvest, possess while in or on the waters of the state, or land more than 5 ornamental sponges as defined in Rule 68B-42.001, F.A.C. In all state waters north of a line extending due west from the southernmost point of Egmont Key in the Gulf of Mexico, northward and westward these sponges can be collected with substrate within 1 inch of the perimeter of the holdfast at the base of the sponge and extending 1 inch below the holdfast of the sponge. South of this line, no substrate is allowed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 1-1-95, Formerly 46-42.005, Amended.

68B-42.006 Commercial Season, Harvest Limits.

(1)(a) Except as provided in Rule subsection 68B-42.008(7), F.A.C., no person shall harvest, possess while in or on the waters of the state, or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 68B-42.005, F.A.C., unless such person is fishing under or harvesting under possesses a valid saltwater products license

with both a marine life fishery endorsement and a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

~~(b) Notwithstanding Section 379.361(2)(j)2.a., Florida Statutes, effective July 1, 2002, and until July 1, 2005, a marine life fishery endorsement may not be issued, except that those endorsements that were active during the 2001-2002 fiscal year may be renewed. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a marine life fishery endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the marine life fishery endorsement before September 30 of each year. All provisions of Sections 379.361(2)(j)1., 2. d. g., and 3., Florida Statutes, shall continue to apply to the issuance and renewal of marine life fishery endorsements with the applicable dates specified in this paragraph.~~

(2) Persons harvesting tropical ornamental marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess while in or on the waters of the state, or land tropical ornamental marine life species in excess of the following limits:

(a) No Change.

(b) A limit of 50 75 butterflyfishes (Family Chaetodontidae) per vessel per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 100 aboard a vessel at any time with two of more unique saltwater license numbers with marine life endorsements aboard.

(c) A limit of 75 porkfish (*Anisotremus virginicus*) per person per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 150 porkfish at any time aboard a vessel at any time with two or more unique saltwater products license numbers with marine life endorsements aboard persons licensed as required in subsection (1).

(d) A limit of 50 Spanish hogfish (*Bodianus rufus*) and 50 Cuban (spotfin) hogfish (*Bodianus pulchellus*) per person per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 100 of either at any time aboard a vessel at any time with two or more unique saltwater products license numbers with marine life endorsements aboard persons licensed as required in subsection (1).

(e) A limit of 400 dwarf seahorses (*Hippocampus zosterae*) per person or per vessel per day, whichever is less.

~~(f)(e)~~ There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed. At such time, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by

the Executive Director of the Fish and Wildlife Conservation Commission, in the manner provided in Section 120.81(5), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

~~(g)~~^(f) A limit of ~~200~~ ~~400~~ giant Caribbean or "pink-tipped" anemones (Genus ~~*Condylactis*~~ *Condylactis*) per unique saltwater product license number bearing a unique marine life endorsement number with a maximum possession limit of 400 aboard a vessel at any time with two unique marine life endorsement numbers aboard. ~~vessel per day.~~

~~(h)~~^(g) A limit of one gallon of starsnails (*Lithopoma americanum*, *Lithopoma tectum*, or *Astraliium Australium phoebium*) ~~per person~~ per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 2 gallons ~~at any time~~ aboard a vessel at any time with two or more unique saltwater products license numbers with marine life endorsements aboard ~~persons licensed as required in subsection (1).~~

~~(i)~~^(h) A limit of one quart of blue-legged or tricolor hermit crabs (*Clibanarius tricolor*) per person or per vessel each day, whichever is less.

~~(j)~~ A limit of 100 single polyps in the order Corallimorpharia per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 200 single corallimorph polyps aboard a vessel at any time with two or more unique saltwater products license numbers with marine life endorsements aboard. These polyps must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

~~(k)~~ A limit of 1 gallon of polyps of the order Zoanthidea per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of 2 gallons aboard a vessel at any time with two or more unique saltwater products license numbers with the marine life endorsement aboard. Zoanthid polyps must be harvested using a flexible blade, such as a putty knife, razor blade, or paint scraper with a blade no wider than 2 inches.

~~(l)~~ A limit of 400 emerald crabs (*Mithraculus sculptus*) per person or per vessel per day, whichever is less.

~~(m)~~ A limit of one quart of scarlet reef hermits (*Paguristes cadenati*) per day per unique saltwater products license number with a marine life endorsement, and a maximum possession limit of two quarts aboard a vessel at any time with two or more unique saltwater products license numbers with marine life endorsements aboard.

~~(n)~~ There is no harvest limit of ornamental sponges as defined in Rule 68B-42.001, F.A.C., however in all state waters north of a line extending due west from the southernmost point of Egmont Key in the Gulf of Mexico, northward and westward these sponges can be collected with

substrate within 1 inch of the perimeter of the holdfast at the base of the sponge and extending 1 inch below the holdfast of the sponge. South of this line, no substrate is allowed.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, Formerly 46-42.006, Amended 6-1-99, 2-28-02, _____.

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

(1) through (10) No change.

(11) Requalifying. Beginning with license year 2010/2011, a person renewing a marine life transferable dive (MLD) endorsement must document landings of \$5,000 of marine life species as defined by Rule 68B-42.001, F.A.C., in one of the previous three license years or hold a live rock state lease or federal permit and have documented live rock landings value of greater than or equal to \$5,000 during any one of the previous three license years. This endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(12) through (17) No change.

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

68B-42.007 Gear Specifications and Prohibited Gear.

(1) The following types of gear shall be the only types allowed for the harvest of any tropical fish, whether from state waters or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters:

(a) through (d) No change.

(e) Quinaldine may be used for the harvest of tropical fish if the person using the chemical or possessing the chemical in or on the waters of the state meets each of the following conditions:

1. The person or corporation must hold a valid MLD or MLN endorsement.

2. The person also possesses and maintains aboard any vessel used in the harvest of tropical fish with quinaldine a special activity license authorizing the use of quinaldine, issued by the Fish and Wildlife Conservation Commission pursuant to Section 379.2421(6), Florida Statutes.

3. The quinaldine possessed or applied while in or on the waters of the state is in a diluted form of no more than 2% concentration in solution with seawater. Prior to dilution in seawater, quinaldine shall only be mixed with isopropyl alcohol or ethanol.

(f) through (g) No change.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 9-30-96, Formerly 46-42.007, Amended _____.

68B-42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; ~~Repeal of Section 370.114 (1995), Florida Statutes:~~

- (1) No change.
- (2) Subsection (1) shall not apply to:

(a) No change.
~~(b) Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to permit issued by the Commission for scientific or educational purposes as authorized in Section 379.244(2), Florida Statutes.~~

~~(b)(e)~~ Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to the aquacultured live rock provisions of paragraph 68B-42.008(3)(a), F.A.C., Chapter 597, Florida Statutes, or pursuant to a Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 C.F.R. Section 622.41(a) Part 638 and meeting the following requirements:

1. Persons possessing these species in or on the waters of the state shall also possess a state submerged lands lease for live rock aquaculture and an Aquaculture Certificate of Registration issued pursuant to Chapter 5L-3, F.A.C. a Commission permit for live rock culture deposition and removal or a federal Live Rock Aquaculture Permit and an Aquaculture Certificate of Registration issued pursuant to Chapter 5L-3, F.A.C. If the person possessing these species is not the person named in the documents required herein, then the person in such possession shall also possess written permission from the person so named to transport aquacultured live rock pursuant to this exception.

2. The nearest office of the Fish and Wildlife Conservation Commission, Division of Law Enforcement Florida Marine Patrol shall be notified at least 24 hours in advance of any transport in or on state waters of aquacultured live rock pursuant to this exception.

3. No change.

4. Any sea fan, hard or stony coral, or fire coral harvested pursuant to paragraph 68B-42.008(3)(a), F.A.C., shall remain attached to the cultured rock.

~~(3) It is the intent of this rule to effect the repeal and replacement of Section 370.114, Florida Statutes (1995). The Commission has determined that the repeal of this statute will not adversely affect the marine coral resources of the State of Florida.~~

Specific Authority Art. IV, Sec. 9, Fla. Const., ~~Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.~~ Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 1-1-95, Amended 7-15-96, Formerly 46-42.009, Amended _____.

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 F.A.W.

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)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December, 26, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-45.0045	Closed Seasons
68B-45.006	Other Prohibitions

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Blue Crab Rule in order to establish closed seasons to the harvest of blue crabs from traps. The purpose of creating Rule 68B-45.0045, F.A.C., is to facilitate the identification and retrieval of lost and abandoned blue crab traps. This has been identified as an issue of importance by both the fishing industry and the public. The proposed draft rule amendment would create five regional closures along Florida’s coast and one closure in waters of the St. Johns River system. Each closure would last up to ten days and would occur annually. The duration of the closures within the ten days specified in the rule would be based on conditions in the specific regions and would be at the discretion of the Executive Director of the Commission. The purpose of modifying Rule 68B-45.006, F.A.C., is to transfer the current Gulf of Mexico Regional Closure into the new section, Rule 68B-45.0045, F.A.C., so that all blue crab season closures are in the same section of the rule.

SUMMARY: Rule 68B-45.0045 F.A.C., (Closed Seasons) would be created to contain all of the blue crab seasonal closure language. Six regional closed seasons to the harvest of blue crabs with traps would be created. These closures would extend for a period of up to 10 days each to help efforts to identify and retrieve lost and abandoned blue crab traps from Florida waters. In addition, the Gulf Seasonal Closure Region language located in Rule 68B-45.006, F.A.C., would be adopted into this section. Rule 68B-45.006, F.A.C., (Other Prohibitions) would be amended by removing the current Gulf Seasonal Closure Region Language.

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, 8:30 a.m. – 5:00 p.m., February 4-5, 2009, each day

PLACE: Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Destin, FL 32550

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-45.0045 Closed Seasons.

(1) In order to facilitate the identification and removal of lost and abandoned traps the following restrictions shall apply.

(a) The use of traps to harvest blue crabs is prohibited for a period of up to ten days annually in the following regions:

1. All waters of the St. Johns River, its associated lakes and tributaries from west of the St. Johns River's intersection with the Intracoastal Canal through and including Lake Hellen Blazes from January 16 through January 25;

2. All waters of Nassau, Duval, Clay, St. Johns, Putnam, Flagler, and Volusia counties from August 20 through August 29, however, not including waters listed in subparagraph (1)(a)1. of this paragraph;

3. All waters of Brevard, Indian River, St. Lucie, Martin, and Palm Beach counties from August 10 through August 19, however, not including waters listed in subsection (1)(a)1. of this paragraph;

4. All waters of Broward, Miami-Dade, Monroe, Collier, Lee, Charlotte, DeSoto, Sarasota, Manatee, Hillsborough, Pinellas, and Pasco counties from July 10 through July 19;

5. All waters of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, and Hernando counties and including all waters of the Ochlockonee River and Ochlockonee Bay from July 20 through July 29;

6. All waters of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, and Franklin counties from January 5 through January 14, however, excluding all waters of the Ochlockonee River and Ochlockonee Bay.

(b) All traps must be removed from the water before 12:01 a.m. local time on the first day of each regional closure. Traps found in state waters during the closures are declared to be a public nuisance and shall be disposed of in the manner approved by the Commission. Traps may be returned to the water after 12:01 a.m. local time on the day following each regional closure.

(c) Closures listed in subsections (1)(a)2., 3., 4., 5., and 6. extend to three nautical miles offshore.

(d) Closures listed in paragraph (1)(a) may be reduced in duration if it is determined by the Executive Director of the Commission that the number of lost and abandoned traps in the region will take less time to remove than the time listed in paragraph (1)(a).

(e) Closures do not apply to traps secured to private property, such as a dock, or to authorized gear listed in paragraphs 68B-45.004(1)(b)-(g), F.A.C.

(2) In the Gulf Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

(3) In the 2009/2010 fishing season, no trap retrieval fees will be assessed for blue crab traps collected through the Commission's Trap Retrieval Program.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-09.

68B-45.006 Other Prohibitions.

(1) through (2) No change.

(3) In the Gulf Seasonal Closure Region, no blue crab trap, including any trap used to harvest peeler crabs, may be placed in the water, fished, or soaked during the period beginning September 20 and continuing through October 4 each year.

PROPOSED EFFECTIVE DATE: July 1, 2009.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-14-93, Formerly 46-45.006, Amended 7-1-03, 7-15-04, 7-1-09.

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)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NOS.:	RULE TITLES:
68D-36.107	Minimum Training Requirements for Personal Watercraft Rentals
68D-36.109	Boating Safety Information to be Displayed at Boat Rental Facilities

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to specify the boating safety information required to be displayed to the renting public at boat rental facilities. This information includes critical boating safety topics that can lead to boating accidents involving rental vessels. The goal is to ensure that consistent instruction is provided to customers by all boat rental facilities. The effect of the proposed rule changes will be to improve safety by providing information which is based on accident data to promote safe boating practices.

SUMMARY: The proposed rule changes will specify that boat rental facilities must display specific information, depending upon which type(s) of vessels are rented, and meeting minimum size standards in a place visible to the renting public. The Commission will provide signs which meet the content and size requirements available to rental facilities free of charge.

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: 327.39, 327.54 FS.

LAW IMPLEMENTED: 327.39, 327.54 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: During the regular meeting of the Commission, February 4-5, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Grand Complex Sandestin Golf and Beach Resort, 9300 Emerald Coast Parkway West, Sandestin, Florida 32550

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: 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: Captain Alan Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-36.107 Minimum Training Requirements for Personal Watercraft Rentals.

(1) through (2) No change.

~~(3) A livery may not lease, hire, or rent a personal watercraft to any person unless the livery either shows a safe operation instructional video tape or displays and reviews both a safe operation instructional poster and brochure with each prospective operator prior to personal watercraft operation. The instructional materials shall contain information on the personal watercraft safety topics identified in subsection (1).~~

~~(3)(4)~~ Persons offering a personal watercraft for lease, hire, or rent shall conduct an on-the-water demonstration and check ride to verify the prospective operator’s ability to safely operate the personal watercraft to be leased, hired, or rented.

Specific Authority 327.04, ~~327.39, 327.54 327.395, 327.734~~ FS. Law Implemented ~~327.04, 327.39, 327.54 327.395, 327.734~~ FS. History– New 6-9-05, Amended _____.

68D-36.109 Boating Safety Information to be Displayed at Boat Rental Facilities.

(1) As provided in Section 327.54(1)(f), F.S., a livery must display boating safety information meeting the following minimum standards in a place visible to the renting public.

(a) Any livery offering motorboats, other than personal watercraft, jet boats or houseboats, for lease, hire or rent must display an informational poster or sign titled “Motorboat Rental Safety” and dated October 2008.

(b) Any livery offering houseboats for lease, hire or rent must display an informational poster or sign titled “Houseboat Rental Safety” and dated October 2008.

(c) Any livery offering personal watercraft and/or jet boats for lease, hire or rent must display an informational poster or sign titled “Personal Watercraft/Jet Boat Rental Safety” and dated October 2008.

(d) Any livery offering sailboats for lease, hire or rent must display an informational poster or sign titled “Sailboat Rental Safety” and dated October 2008.

(e) Any livery offering paddlecraft or other manually-propelled boats for lease, hire or rent must display an informational poster or sign titled "Paddlecraft Rental Safety" and dated October 2008.

The posters and signs specified in this section are incorporated by reference and may be obtained at no cost by contacting: FWC Boating and Waterways Section, 620 S. Meridian Street, Tallahassee, FL 32399-1600.

(2) A livery may substitute for a specified information poster or sign any other poster or sign that is no less than 187 square inches in area and contains the same information found on the applicable poster or sign listed in paragraphs (1)(a)-(e).

Specific Authority 327.04, 327.39, 327.54 FS. Law Implemented 327.04, 327.39, 327.54 FS. History--New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Richard Moore, Boating Law Administrator, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

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

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

Section III Notices of Changes, Corrections and Withdrawals

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."

LAND AND WATER ADJUDICATORY COMMISSION

Wiregrass Community Development District

RULE NOS.:	RULE TITLES:
42MMM-1.001	Establishment
42MMM-1.002	Boundary
42MMM-1.003	Supervisors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly has been withdrawn.

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."

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-64.005	Adjustments to Reflect Consumer Price Index

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-64.005	Adjustments to Reflect Consumer Price Index

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR - Insurance Regulation

RULE NO.:	RULE TITLE:
69O-138.005	Examination of Insurers

NOTICE OF CORRECTION

The notice of proposed rulemaking was approved by the Financial Services Commission, the agency head for the purposes of rulemaking, on September 16, 2008.

This corrects a misstatement in the Notice of Proposed Rulemaking.

Section IV Emergency Rules

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."