

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-5.006
 RULE TITLE: Recreational Divers Exempt from Licensing Requirement for Lionfish

PURPOSE AND EFFECT: The purpose of this rule amendment is to encourage removal of non-native lionfish from Florida waters by waiving the requirement of obtaining a recreational license for the harvest of lionfish by divers. For-hire vessels that transport divers for the purpose of targeting or harvesting lionfish would also be exempt from vessel recreational license requirements if other saltwater species are not harmed, harvested, or possessed by passengers, captain, or crew and lionfish are harvested in accordance with FWC rules. This rule amendment would specify allowable gears for harvest of lionfish pursuant to this license exemption. The effect of this rule amendment would be to encourage removal of non-native lionfish from Florida waters by allowing divers without a recreational fishing license to target and recreationally harvest lionfish by spearfishing or using small nets without incidentally taking other species.

SUBJECT AREA TO BE ADDRESSED: Subject areas to be addressed by rule development include a license exemption for recreational harvest of lionfish by diving and allowable gears for harvest pursuant to this exemption.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Robson, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-5.014
 RULE TITLE: Grading Services for Poultry

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for poultry grading services provided by the Florida Department of Agriculture and Consumer Services.

SUMMARY: The Florida Department of Agriculture and Consumer Services provides voluntary grading services to food establishments that process poultry in accordance with the cooperative agreement established between the US Department of Agriculture (USDA) and this agency as authorized under Section 583.052, Florida Statutes. Under the statement of work provided in this cooperative agreement, the Department shall charge fees to the poultry processor in order to collect all costs incurred by this agency associated with this service and administration of this program. Historically, rule language specific to the fee schedule was promulgated every three to five years to provide a multi-year revenue base to ensure coverage of current and projected program costs. The agency is now seeking a modification to this fee schedule to collect revenues needed to support all program costs for the current fiscal year (FY 2010/2011) only. Subsequently, the agency will assess the revenues needed each fiscal year and proceed with annual rule adoption of fee increases as needed to support all program costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 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: March 25, 2011, 10:00 a.m. – 12:00 Noon
 PLACE: Eyster Auditorium, Conner Building, 3125 Conner Boulevard, Tallahassee, FL 32399-1650

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 72 hours before the workshop/meeting by contacting: Lee M. Cornman, Acting Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5595. 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: Lee M. Cornman, Acting Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5595

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-5.014 Grading Services for Poultry.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader’s time per hour for:

1. Regular Hours	\$34.85 39.50
2. Overtime Hours	\$39.45 43.50
3. Holiday Hours	\$52.50 59.25
4. Regular Shift Differential	\$36.85 41.50
5. Overtime Shift Differential	\$41.45 45.50

6. In addition to the charge for the grader’s time per hour, an additional charge of \$2.00 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 3:00 p.m.

(b) No change.

(4) through (6) No change.

Rulemaking Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, 9-5-01, 7-1-06, 7-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Acting Director, Division of Food Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010, Vol. 36, No. 35

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-6.010

RULE TITLE: Grading Services for Shell Eggs

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for shell egg grading services provided by the Florida Department of Agriculture and Consumer Services.

SUMMARY: The Florida Department of Agriculture and Consumer Services provides voluntary grading services to food establishments that process shell eggs in accordance with the cooperative agreement established between the US Department of Agriculture (USDA) and this agency as authorized under Section 583.052, Florida Statutes. Under the statement of work provided in this cooperative agreement, the Department shall charge fees to the shell egg processor in order to collect all costs incurred by this agency associated with this service and administration of this program. Historically, rule language specific to the fee schedule was promulgated every three to five years to provide a multi-year revenue base to ensure coverage of current and projected program costs. The agency is now seeking a modification to this fee schedule to collect revenues needed to support all program costs for the current fiscal year (FY 2010/2011) only. Subsequently, the agency will assess the revenues needed each fiscal year and proceed with annual rule adoption of fee increases to support all program costs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has been prepared by the agency.

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.

RULEMAKING AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 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: March 25, 2011, 10:00 a.m. – 12:00 Noon
PLACE: Eyster Auditorium, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

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 72 hours before the workshop/meeting by contacting: Lee M. Cornman, Acting Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5595. 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: Lee M. Cornman, Acting Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5595

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-6.010 Grading Services for Shell Eggs.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

1. Regular Hours	\$34.85 39.50
2. Overtime Hours	\$39.45 43.50
3. Holiday Hours	\$52.50 59.25
4. Regular Shift Differential	\$36.85 41.50
5. Overtime Shift Differential	\$41.45 45.50

6. In addition to the charge for the grader's time per hour, an additional charge of \$2.00 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 3:00 p.m.

(b) No change.

(4) through (6) No change.

Rulemaking Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-8.010, Amended 9-30-96, 9-5-01, 10-1-06, 7-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Acting Director, Division of Food Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010, Vol. 36, No. 35

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-22.002	Definitions
68B-22.005	Bag and Vessel Limits; Sale Prohibited

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to allow for greater fishing opportunity for recreational anglers in the northern areas of Florida, where the red drum population stocks are exceeding the Commission's management goals. The proposed rule raises the recreational

red drum bag limit from one fish to two fish per day in the northeast and northwest areas of Florida. The proposed rules will also establish a statewide vessel limit and clarify the off-water possession limit language in order to strengthen the Commission's red drum rule.

SUMMARY: Rule 68B-22.002, F.A.C. (Definitions) would be amended by adding definitions for "Northeast Region," "Northwest Region," and "South Region." Rule 68B-22.005, F.A.C. (Bag and Vessel Limits; Sale Prohibited) would be amended by increasing the bag limit to two red drum for recreational anglers in the two northern areas. It would also be amended by modifying the off-water possession limit language so that the applicable bag limit would apply adjacent to fishing areas. A vessel limit of 8 fish statewide would also be added to this section.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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.

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

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

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

DATES AND TIME: During the Commission's regular meeting April 6-7, 2011, 8:30 a.m. – 5:00 p.m., each day

PLACE: Florida Public Safety Institute, 215 Academy Drive, Havana, FL 32333

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-22.002 Definitions.

(1) through (6) No change.

(7) “Northeast Region” means all state waters lying north of the Flagler-Volusia County Line to the Florida-Georgia border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) “Northwest Region” means all state waters north and west of a line running due west from the westernmost point of Fred Howard Park Causeway (28°9.35'N., 82°48.398'W.), which is approximately 1.17 miles south of the Pasco-Pinellas County Line, to the Florida-Alabama border, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(9)(7) “Person” means any natural person, firm, entity or corporation.

(10)(8) “Red drum” or “redfish” means any fish of the species *Sciaenops ocellatus*, or any part thereof. “Native redfish” means any redfish harvested from waters subject to the jurisdiction of the Fish and Wildlife Conservation Commission and the State of Florida.

(11) “South Region” means state waters lying between the Flagler-Volusia County Line on the Atlantic Ocean and the southern boundary of the Northwest Region on the Gulf of Mexico in Pinellas County, as specified in subsection (8), and adjacent federal Exclusive Economic Zone (EEZ) waters.

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

(13)(10) “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.

(14)(11) “Vessel” means and includes every description of water craft used or capable of being used as a means of transportation on water, including nondisplacement craft and any aircraft designed to maneuver on water.

PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended 3-17-04, 7-1-06, Amended 7-1-11.

68B-22.005 Bag and Vessel Possession Limits; Sale Prohibited.

(1) Northwest and Northeast Regional Bag Limits – Except as provided for in Rule 68B-22.007, F.A.C., in the northeast and northwest regions, no person shall harvest nor possess more than two one native redfish per day, nor possess more than one native redfish while in, on, or above the waters of the state or on any dock, pier, bridge, beach, boat ramp, or other fishing site adjacent to such waters, and any parking location adjacent to said fishing sites. Elsewhere, no person shall possess more than two native redfish at any time.

(2) South Regional Bag Limit – Except as provided for in Rule 68B-22.007, F.A.C., in the south region, no person shall harvest nor possess more than one native redfish per day while in, on, or above the waters of the state or on any dock, pier, bridge, beach, boat ramp, or other fishing site adjacent to such waters, and any parking location adjacent to said fishing sites.

(3) Vessel Limit – Notwithstanding subsections (1) and (2) above, no more than 8 red drum shall be possessed aboard any vessel in or on state waters at any time.

(4)(2) Sale of Native Redfish Prohibited – The purchase, sale, or exchange of any native redfish is prohibited. This prohibition, however, does not apply to legally harvested non-native redfish that have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such redfish 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 to show that such redfish originated from a point outside the waters of the State of Florida, and entered the state in interstate 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. PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005, Amended 3-17-04, Amended 7-1-11.

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: February 23, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

<p>RULE NOS.:</p> <p>68B-34.002</p> <p>68B-34.003</p> <p>68B-34.004</p> <p>68B-34.005</p>	<p>RULE TITLES:</p> <p>Definitions</p> <p>Bonefish Gear Restriction; Harvest Prohibited</p> <p>Temporary Possession of Bonefish</p> <p>Bonefish Tournaments, Exemptions</p>
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PURPOSE AND EFFECT: The purpose of these rule amendments is to make bonefish a catch-and release-only fishery and allow temporary possession of bonefish for photographs, measuring, and weighing. The rule amendments would also create a tournament exemption permit that would allow bonefish to be temporarily possessed and transported to a weigh station for tournament purposes.

The effect of these rule amendments would be to provide additional protection for bonefish by prohibiting harvest of bonefish, while still allowing temporary possession of bonefish for record purposes and for tournament weigh-in purposes.

SUMMARY: Rule 68B-34.002, F.A.C. (Definitions) would be amended to include definitions for organized tournament, person, and target. The definition of harvest would be modified to remove an allowance for temporary possession of a fish for measuring to determine compliance with size limits. Definitions of land and total length would be removed. Rule 68B-34.003, F.A.C. (Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction) would be renamed Bonefish Gear Restriction; Harvest Prohibited and would be modified to eliminate the size, harvest, and possession limits for bonefish and the requirement for bonefish to be landed in whole condition. This section would also be amended to clarify that bonefish may only be targeted with hook and line gear. Rule 68B-34.004, F.A.C. (Temporary Possession of Bonefish) would be created to establish a temporary possession limit of one bonefish per person at any one time. Bonefish would be required to be immediately released free, alive, and unharmed, but could be photographed, measured, and weighed at the site of capture prior to release. Rule 68B-34.005, F.A.C. (Bonefish Tournaments, Exemptions) would create a tournament exemption permit that may be issued to the director of an organized catch-and-release tournament in which bonefish are temporarily possessed and transported to a certified scale for a tournament. This section would outline permit conditions, application criteria, and reporting requirements. An application form for the tournament exemption permit would also be created.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will have an impact on small business. An SERC has been prepared by the agency.

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.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

DATES AND TIME: During the Commission’s regular meeting, April 6-7, 2011, 8:30 a.m. – 5:00 p.m., each day

PLACE: Florida Public Safety Institute, 215 Academy Drive, Havana, FL 32333

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Robson, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-34.002 Definitions.

(1) “Bonefish” means any fish of the family Albulidae, or any part thereof.

(2) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught, but immediately returned to the water free, alive, and unharmed are not harvested. ~~Temporary possession of a fish for the purpose of measuring it to determine compliance with size limits imposed by this chapter shall not constitute harvest, provided it is measured immediately after taking and immediately returned to the water free, alive, and unharmed if undersized.~~

(3) “Harvest for commercial purposes” means the taking or harvesting of fish for purposes of sale, barter, trade, or exchange, or with intent to sell, barter, trade, or exchange, or in excess of established bag limits.

(4) “Organized tournament,” as used in this chapter, means a fishing competition held in the State of Florida that involves ten or more participants, has written rules and regulations, requires an entry fee, and awards prizes to competitors. ~~“Land” when used in connection with the harvest of fish, means the physical act of bringing the harvested fish ashore.~~

(5) “Person” means any natural person, firm, entity, or corporation. “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.

(6) “Target” means attempting to catch or take a fish by any means whatsoever.

PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-88, Amended 1-1-98, Formerly 46-34.002, Amended 3-1-05, 7-1-06, 7-1-11.

~~68B-34.003 Bonefish Size Limit; Bag and Possession Limits; Exception; Gear Restriction; Harvest Prohibited.~~

~~(1) No person shall harvest within or without the state at any time, or unnecessarily destroy, any bonefish of total length less than 18 inches.~~

~~(2) Bonefish may only be targeted within or without the state with hook and line gear. No person shall kill or harvest within or without the state more than one bonefish per day, nor possess more than one bonefish at any time.~~

~~(3) The possession limit imposed by this rule shall not apply to bonefish kept on the premises of a taxidermist for the limited purpose of mounting bonefish for the harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner.~~

~~(4) The harvest or attempted harvest of any bonefish within or without the state is prohibited except by use of hook and line gear.~~

~~(3)(5) The harvest or possession of bonefish taken within or without the state for commercial purposes is prohibited.~~

~~(6) All bonefish harvested from Florida and federal waters shall be landed in whole condition. The possession of bonefish whether taken within or without the state, that have been deheaded, sliced, sealed, divided, filleted, ground, skinned, sealed, or deboned is prohibited. Mere evisceration or “gutting” of bonefish, or mere removal of gills from bonefish before landing is not prohibited.~~

PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 3-1-88, Amended 1-1-98, Formerly 46-34.003, Amended 3-1-05, 7-1-11.

68B-34.004 Temporary Possession of Bonefish.

Bonefish may be temporarily possessed within or without the state with the following provisions:

(1) Bonefish may be temporarily possessed only for purposes of photographing, measuring, and weighing with a hand-held scale at the site of capture.

(2) No person shall possess more than one bonefish at any one time.

(3) All bonefish must be released to the water free, alive, and unharmed in the immediate area of where they were caught, immediately after photographing, measuring, or weighing, except as provided for in Rule 68B-34.005, F.A.C. PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-11.

68B-34.005 Bonefish Tournaments, Exceptions.

(1) The Executive Director of the FWC, or his designee, shall issue a tournament exemption permit to the director of an organized tournament to allow for the temporary possession and transport of bonefish when such tournament will allow catch-and-release fishing for bonefish and when an applicant agrees to comply with the following provisions:

(a) Tournament anglers and tournament staff agree to attempt to release all bonefish free, alive, and unharmed, including those fish that are weighed-in.

(b) Tournament anglers and tournament staff shall transport bonefish to the location of a certified scale in recirculating or aerated live wells that are at least 2.67 cubic feet or 20 gallons in capacity and all vessels used in the organized tournament shall contain such a live well.

(c) Bonefish may be transported to shore only to be weighed, measured, and recorded at a certified scale.

(d) No person shall possess more than one bonefish at any one time and no more than two bonefish may be possessed aboard a vessel at any one time.

(e) Organized tournament staff shall maintain at least one aerated or recirculating recovery tank at each certified scale and tournament check-in location. Organized tournament staff may hold up to one bonefish per 10 gallons of seawater in such a recovery tank prior to release. Bonefish must be released by official sunset each day of the tournament, as established and published by the U.S. Weather Service, and may not be possessed longer than 16 hours. Recovery holding tank requirements will be specified in the tournament exemption permit by the FWC in a manner to insure increased survival of released bonefish.

(f) The organized tournament must provide the FWC in the tournament exemption permit application with a description of the aerated or recirculating recovery tank(s) used to maintain bonefish alive after weigh-in.

(g) The organized tournament must suggest to the FWC in the tournament exemption permit application a description of the location where tournament-caught bonefish will be released after they are weighed in. In order to increase survival of released bonefish, release locations shall be approved or specified in the tournament exemption permit. Release of any bonefish maintained by tournament staff in the recovery tank described above shall be at locations specified in the tournament exemption permit in order to increase survival of released bonefish.

(h) The tournament permit holder shall submit a post-tournament report to the FWC indicating the number of fish weighed in each day of the tournament, the number of fish weighed in dead each day, and the number of fish that died after being weighed in, prior to release each day. Tournament anglers shall report and surrender any bonefish that die after capture or during transport to tournament staff. The FWC may specify additional tournament reporting requirements as a condition of the tournament exemption permit.

(i) The organized tournament must allow FWC staff the opportunity to collect research data and conduct research and monitoring during the tournament.

(2) Application for issuance of a tournament exemption permit shall be made on a form provided by the FWC (Form DMF-SL6000 (4-11), incorporated herein by reference and available online at www.MyFWC.com/License).

(3) All anglers participating in an organized tournament for which a bonefish tournament exemption permit has been issued shall fish from vessels that meet the requirements in paragraph (1)(b) and shall have a copy of the permit in his or her possession at all times during tournament operating hours.

(4) Any anglers participating in an organized tournament that has been issued a tournament exemption permit must comply with the provisions of the permit.

(5) Any violation of the conditions and requirements specified within the tournament exemption permit will be considered a violation of this rule and permits issued under this section are subject to the provisions of Rule 68A-5.004, F.A.C., such as denial of future tournament exemption permits.

PROPOSED EFFECTIVE DATE: July 1, 2011

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-11.

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, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (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: February 23, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-24.155
 RULE TITLE: St. Johns County Boating Restricted Areas

PURPOSE AND EFFECT: The purpose of this amendment is to provide for public safety at the St. Augustine Municipal Marina fuel dock adjacent to the Atlantic Intracoastal Waterway within St. Johns County.

SUMMARY: This rule amendment extends the already existing 500 foot Idle Speed No Wake Zone south of the Bridge of Lions an additional 275 feet to provide for public safety at the St. Augustine Municipal Marina fuel dock.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

DATES AND TIME: April 6-7, 2011, 8:30 a.m – 5:00 p.m., each day

PLACE: Florida Public Safety Institute, 215 Academy Drive, Havana, FL 32333

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: Ryan Moreau, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, ryan.moreau@myfwc.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Florida Intracoastal Waterway within St. Johns County, Florida, the following boating restricted areas are established:

(a) ~~1-~~ S. R. 210 – Palm Valley Bridge – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the S. R. 210 Bridge, south to 500' south of the centerline of the S. R. 210 Bridge, as depicted in Drawing A.

(b) ~~2-~~ Vilano Beach Bridge (Tolomato River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the Vilano Beach Bridge, south to 500' south of the centerline of the Vilano Beach Bridge, as depicted in Drawing B.

(c) ~~3-~~ Bridge of Lions (Matanzas River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the Bridge of Lions ~~Bridge~~, south to 775' ~~500'~~ south of the centerline of the Bridge of Lions ~~Bridge~~ at the centerline of the ICW, as depicted in Drawing C.

(d) ~~4-~~ S. R. 312 Bridge (Matanzas River) – An Idle Speed No Wake boating restricted area shoreline to shoreline, in and adjacent to the Florida Intracoastal Waterway, 500' north of the centerline of the S. R. 312 Bridge, south to 500' south of the centerline of the S. R. 312 Bridge, as depicted in Drawing D.

(e) ~~5-~~ Crescent Beach Bridge at S. R. 206 (Mantanzas River) – An Idle Speed No Wake boating restricted area in and adjacent to the Florida Intracoastal Waterway, 500' north of the Crescent Beach Bridge, south to 500' south of the centerline of the Crescent Beach Bridge, as depicted in Drawing E.

(f) ~~6-~~ Devil’s Elbow Boat Ramp – A Slow Speed Minimum Wake zone from 500 feet north (29°45'16N"/81°14'58W") of the centerline of the Devil’s Elbow Boat Ramp to 500 feet south (29°45'07N"/81°14'59W") of the centerline of the Devil’s Elbow Boat Ramp in and adjacent to the Florida Intracoastal Waterway as depicted in Drawing F.

~~(b) St. Johns County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas. St. Johns County may enter into agreements with public or private organizations or individuals to effect this purpose.~~

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



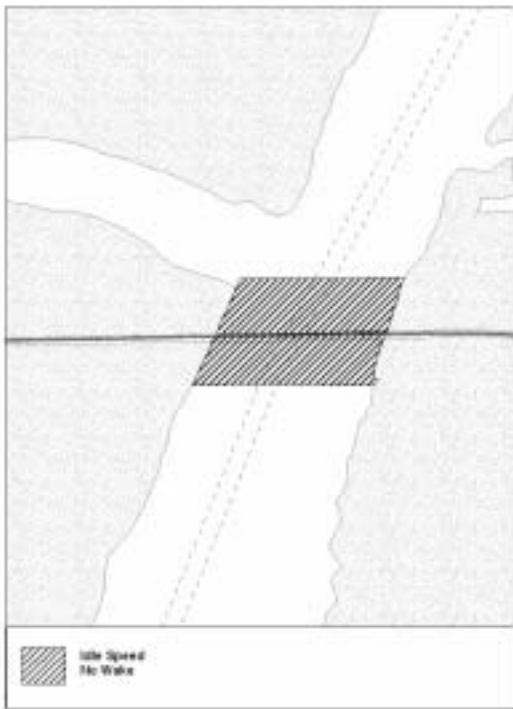
Drawing A – Palm Valley Bridge S.R. 210



Drawing B – Vilano Beach Bridge



Drawing C – Bridge of Lions

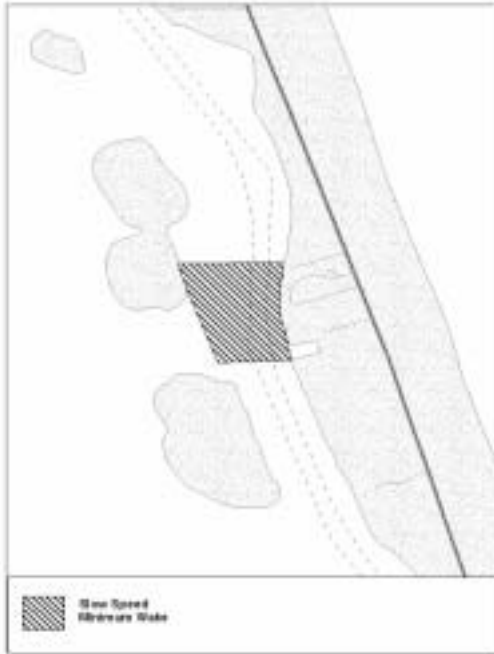


Drawing D – S.R. 312 Bridge



Drawing E – Crescent Beach Bridge

Section III
Notices of Changes, Corrections and
Withdrawals



Drawing F – Devil’s Elbow Boat Ramp

Rulemaking Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 12-11-97, Formerly 62N-24.155, Amended 11-14-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Jim Brown, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 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: February 23, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010

DEPARTMENT OF LEGAL AFFAIRS
Division of Victim Services and Criminal Justice Programs

RULE NOS.:	RULE TITLES:
2A-7.0021	Eligibility
2A-7.0022	Application Process
2A-7.0024	Applicant Assistant Duties and Responsibilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 51, December 23, 2010 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. In Rule 2A-7.0021, subsections (3) and (4) are deleted in their entirety; the remaining paragraphs are renumbered; and (4) shall now read as follows: Participation in this program cannot be used to circumvent or nullify any other Florida law that requires an individual to register her or his address with another public agency.

2. In Rule 2A-7.0021, the Law Implemented shall now read as follows: 97.0585(3), 741.403, 741.404, 741.405, 741.406, 741.409, 741.465, 775.13, 775.21, 784.048, 944.606, 944.607, 944.608, 944.609, FS.

3. In Rule 2A-7.0022, subsection (1), (b) is deleted and (c) through (m) are renumbered (b) through (l).

4. In Rule 2A-7.0022, subsection (1)(k) shall now read as follows: An affirmation that the applicant is not required to register her or his address with any other public agency under Florida law.

5. In Rule 2A-7.0022, subsections (2), (3), and (8) are deleted in their entirety. The remaining paragraphs are renumbered (2) through (7).

6. In Rule 2A-7.0022, the Law Implemented shall now read as follows: 97.0585(3), 741.403, 741.404, 741.405, 741.406, 741.409, 741.465, 775.13, 775.21, 784.048, 944.606, 944.607, 944.608, 944.609, FS.

7. In Rule 2A-7.0024, subsection (3) shall now read as follows: The applicant assistant will forward original and supporting documents to the department within 72 hours of completion.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christina Harris, Chief, Bureau of Advocacy and Grants Management, Department of Legal Affairs, PL-01 The Capitol, Tallahassee, Florida 32399-1050