

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking

## DEPARTMENT OF STATE

## Division of Elections

RULE TITLE:

RULE NO.:

Reporting Requirements for Campaign

Treasurer's Reports

1S-2.017

PURPOSE AND EFFECT: The purpose of this rule is to amend procedures for the electronic filing of campaign treasurer's reports for all persons and political parties who file with the Division of Elections. The Florida Legislature in its regular 2004 session passed Chapter Law 2004-252, Laws of Florida, which mandated the electronic filing of campaign treasurer's reports, effective January 1, 2005.

SUBJECT AREA TO BE ADDRESSED: This rule implements Sections 106.0705 and 106.0706, Florida Statutes, and makes minor changes to the rule regarding the electronic filing of campaign treasurer's reports which was effective January 1, 2005.

SPECIFIC AUTHORITY: 106.0705, 106.35(1),(5) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29, 106.30-.36, 106.0705, 106.0706 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Thursday, January 13, 2005

PLACE: R. A. Gray Building, Auditorium, 500 South Bronough Street, Tallahassee, FL 32399

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Brenda Milton, (850)245-6240, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sarah Jane Bradshaw, Assistant Director, Division of Elections, R. A. Gray Bldg., Tallahassee, FL

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports.

(1) General Reporting Requirements.

(a) All persons and political parties who file campaign treasurer's reports with the Division of Elections (Division) must file reports of contributions and expenditures as set forth in this rule.

(b) All campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division of Election's file specifications. All data submitted must comply with the instructions on Forms DS-DE 13A, Campaign Treasurer's Report Itemized Contributions and Fund Transfers (Eff. 01/05) and Form DS-DE 14B, Campaign Treasurer's Report Itemized Expenditures and Distributions (Eff. 01/05). Any amendment to a campaign treasurer's report that covered a reporting period ~~was filed~~ prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form ~~on~~. ~~Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette. Amendments filed in paper or on magnetic diskette shall be filed using~~ Forms DS-DE 12, Campaign Treasurer's Report Summary (Eff. 08/04); ~~Form DS-DE 13, Campaign Treasurer's Report Itemized Contributions (Eff. 08/03); and Form DS-DE 14, Campaign Treasurer's Report Itemized Expenditures (Eff. 08/03); Form DS-DE 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 08/03); and Form DS-DE 94, Campaign Treasurer's Report Itemized Fund Transfers (Eff. 08/03). Forms DS-DE 12, 13 and 14 are incorporated by reference. Copies of these forms may be obtained from the Division's website at <http://election.dos.state.fl.us/index.htm> or by contacting the Bureau of Election Records, R.A. Gray Building Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone number (850)245-6240. Any amendment to a campaign treasurer's report that covered a reporting period filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette and shall conform to Division specifications.~~

(c) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Eff. 08/03); or a completed Form DS-DE 5, Statement of Organization of Political Committee (Eff. 08/03); or a completed Form DS-DE 103, Electioneering Communication Statement of Organization (Eff. 08/04). The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information, which involves supplying the answer to a personal question relating to the particular individual, that shall ~~may~~ be used by the Division to allow access by the individual in the event that credentials are forgotten or lost. Examples of confidential personal information shall include mother's maiden name, date of birth, child's name, pet's name, etc.

(f) Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

(g) Electronic reports must be completed and filed through the Division's electronic filing system no later than 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

(h) A report shall be deemed ~~completed and~~ filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (~~Eff. 1/02~~), "Candidate for Governor or Cabinet Officer Request for Contributions (Eff. 1/02)."

(b) To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

(c) State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

(d) For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, filing deadlines shall be as provided in Section 106.07, F.S.

(e) Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

(f) If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(g) The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

(h) An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(3) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90 (~~Eff. 12/93~~), "Irrevocable

Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds (Eff. 12/93),<sup>22</sup> upon qualifying for office.

~~(4) Filing on Magnetic Diskettes. Amendments to electronic reports which were filed with the Division of Elections prior to January 1, 2005 and which were filed on magnetic diskette shall conform to Division specifications.~~

~~(4)(5)~~ All forms and filing specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850) 245-6240. The proposed effective date of this rule is January 1, 2005.

Specific Authority 106.35(1)(5), 106.0706 FS. Law Implemented 106.04, 106.07, 106.29, 106.30-36 FS. History-New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05, 1-1-05.

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division's grant programs for individual artists and their specific eligibility and evaluation criteria.

SUBJECT AREA TO BE ADDRESSED: Fellowship grant program description, Artist Enhancement grant program description.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

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

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 29th day of November 2004, if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: [ddemartino@dos.state.fl.us](mailto:ddemartino@dos.state.fl.us).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Standards

RULE NO.: 5F-2.001

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C., is to adopt a revised edition of the chemical and physical standards for gasoline set forth in the American Society for Testing and Materials. This standard is used for quality testing of gasoline, a regulated petroleum product. The effect will be that the Department will use the most recent nationally recognized standard for gasoline developed by a consensus organization.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.001, F.A.C., will specify that the most recent edition of ASTM Standard D 4814-04b, *Standard Specification for Automotive Spark-Ignition Engine Fuel* is the accepted standard for implementation of Chapter 525, F.S.

SPECIFIC AUTHORITY: 525.037, 525.14 FS.

LAWS IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Friday, January 14, 2005

PLACE: Division of Standards, Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nancy Fischer, Environmental Manager, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-04b ~~D 4814-03a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-04b ~~D 4814-03a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No change.

(2) through (5) No change.

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-04b ~~D 4814-3a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) through (d) No change.

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04,

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit  
 RULE CHAPTER NO.: 20-39  
 RULE TITLE: Approved Boxes  
 RULE NO.: 20-39.003  
 PURPOSE AND EFFECT: Would provide for six new containers to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUBJECT AREA TO BE ADDRESSED: Approved containers for use in shipping fresh Florida Citrus.

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

IF REQUESTED 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: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE TITLES:	RULE NOS.:
Purpose	59B-15.001
Definitions	59B-15.002
Exclusions	59B-15.003
Reporting Requirements	59B-15.004
Hospital Contact Information	59B-15.005
Certification	59B-15.006
Administrative Penalties	59B-15.007

PURPOSE AND EFFECT: The proposed rules require that acute care general hospitals report Surgical Infection Prevention Measures to the agency for purposes of consumer information. The proposed rules require a quarterly report of Surgical Infection Prevention Measures in a uniform electronic format. The proposed rules require that hospitals submit a certification that the Surgical Infection Prevention Measures are true and accurate using a form incorporated by reference. The proposed rules require that hospitals use an AHCA approved methodology to determine the Surgical Infection Prevention measures reported. The proposed rules notify hospitals that failure to report in whole or in part is subject to administrative penalties as provided in Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Hospitals are required to make available to the agency data on Surgical Prevention Measures for purposes of consumer information. The agency is developing rules specifying data reporting procedures for these indicators as required by Section 408.05(3)(l)1. and authorized in Sections 408.061(1)(a) and 408.061(2), Florida Statutes.

SPECIFIC AUTHORITY: 408.061(1)(a), 408.061(2), 408.08(2), 408.08(5) FS.

LAW IMPLEMENTED: 408.05(3)(l)1. FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beth C. Dye, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-15.001 Purpose.

The rules in this section describe the requirements for reporting Surgical Infection Prevention measures to the Agency for Health Care Administration (AHCA) for the purpose of providing comparative information to consumers.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)I. FS. History--New \_\_\_\_\_.

59B-15.002 Definitions.

(1) "Hospital" means an entity that is licensed under Chapter 395, Florida Statutes.

(2) "Reporting period" means a calendar quarter.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)I. FS. History--New \_\_\_\_\_.

59B-15.003 Exclusions.

(1) State-operated hospitals.

(2) Psychiatric hospitals.

(3) Comprehensive rehabilitation hospitals as defined in Rule 59A-3.201, F.A.C.

(4) New hospitals starting operation during the reporting period.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)I. FS. History--New \_\_\_\_\_.

59B-15.004 Reporting Requirements.

(1) Hospitals shall report Surgical Infection Prevention (SIP) measures to the Agency for Health Care Administration (AHCA) quarterly beginning May 1, 2005 for the period January 1 through March 31, 2005. Thereafter, data shall be reported for each calendar quarter due 60 calendar days following the end of the quarter.

(2) Hospitals shall report the following measures for all eligible patients regardless of type of payer:

(a) Prophylactic antibiotic received within 1 hour prior to surgical incision;

(b) Prophylactic antibiotic selection for surgical patients;

(c) Prophylactic antibiotics discontinued within 24 hours after surgery end time.

(3) The methodology used to prepare the measures shall meet the standards of the Centers for Medicare and Medicaid Services (CMS) specified on the CMS website at: [www.cms.hhs.gov/quality/hospital](http://www.cms.hhs.gov/quality/hospital). CMS Standards include submission of SIP data to the Quality Improvement Organization Clinical Warehouse, providing records required for reabstraction activities, and compliance with other data quality standards as specified on the CMS website.

(4) Hospitals shall use the most current version of the SIP methodology available during the entire reporting period to determine the reported measures.

(5) Hospitals shall report a separate rate and denominator value for coronary artery bypass surgery (CABG), cardiac surgery, hip arthroplasty, knee arthroplasty, colon surgery, hysterectomy, vascular surgery and overall.

(6) Hospitals shall report data separately for each location consistent with Rule 59E-7.012, F.A.C.

(7) The survey data shall be submitted in a fixed length delimited text file, using a tab between each data element and starting a new line for each measure and type of surgery. Include hospital contact information required in Rule 59B-14.005, F.A.C., as a header record.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)I. FS. History--New \_\_\_\_\_.

59B-15.005 Hospital Contact Information.

(1) Each hospital shall include the following contact information when submitting a report required in this section to the Agency for Health Care Administration:

(a) Name of hospital;

(b) AHCA hospital identification number;

(c) Reporting year;

(d) Reporting quarter;

(e) Contact name;

(f) Contact title;

(g) Contact address;

(h) Contact direct telephone number;

(i) Hospital telephone number;

(j) Contact e-mail address; and

(k) Contact FAX number.

(2) The hospital contact information shall be reported in a fixed length delimited text file, using a tab between each data element.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)I. FS. History--New \_\_\_\_\_.

59B-15.006 Certification.

(1) Each hospital shall provide certification of the accuracy of the Surgical Infection Prevention measures including all data required in this section as provided in Section 408.061(1)(a), Florida Statutes.

(2) The certification shall be submitted to the Agency for Health Care Administration (AHCA) using the Certification of Surgical Infection Prevention Measures Report incorporated by reference. The certification shall be submitted to the Agency for Health Care Administration (AHCA) quarterly prior to or concurrent with the submission of the Surgical Infection Prevention Measures as provided in Rule 59B-14.004, F.A.C. The Certification of Surgical Infections Prevention Measures Report will be available from the AHCA website at www.fdhc.state.fl.us. The signed Certification of Surgical Infections Prevention Measures Report may be submitted electronically.

Specific Authority 408.061(1)(a), 408.061(2) FS. Law Implemented 408.05(3)(1)1. FS. History—New \_\_\_\_\_.

59B-15.007 Administrative Penalties.

Failure to report as required in this section in whole or in part is subject to administrative fines as provided in Section 408.08(2) and Section 408.08(5), Florida Statutes.

Specific Authority 408.061(1)(a), 408.061(2), 408.08(2), 408.08(5) FS. Law Implemented 408.05(3)(1)1. FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLES:	RULE NOS.:
Medicaid Provider Reimbursement	59G-4.002
Advanced Registered Nurse Practitioner Services	59G-4.010
Ambulatory Surgical Center Services	59G-4.020
Birth Center Services	59G-4.030
Chiropractic Services	59G-4.040
Dental Services	59G-4.060
Hearing Services	59G-4.110
Outpatient Hospital Services	59G-4.160
Independent Laboratory Services	59G-4.190
Optometric Services	59G-4.210
Podiatry Services	59G-4.220
Physician Services	59G-4.230
Physician Assistant Services	59G-4.231
Portable X-Ray Services	59G-4.240
Registered Nurse First Assistant Services	59G-4.270
Visual Services	59G-4.340

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., is a new rule, which will incorporate by reference the Florida Medicaid Provider Reimbursement Schedule, January 2005. The reimbursement schedule is a new publication that contains the procedure codes and maximum fees for the following Medicaid services: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual; and the procedure codes and groups for ambulatory surgery centers.

Amendments to Rules 59G-4.010, 59G-4.020, 59G-4.030, 59G-4.040, 59G-4.060, 59G-4.110, 59G-4.220, 59G-4.230, 59G-4.231, 59G-4.240, 59G-4.270 and 59G-4.340, F.A.C. will remove the January 2004 procedure codes and fee schedules from the Florida Medicaid Coverage and Limitations Handbooks that are incorporated by reference in the rules. Amendments to Rules 59G-4.160 and 59G-4.210, F.A.C., will remove the March 2003 fee schedules from the Florida Medicaid Coverage and Limitations Handbooks that are incorporated by reference in the rules. The amendment to Rule 59G-4.190, F.A.C., will remove the October 2003 fee schedule from the Florida Medicaid Coverage and Limitations Handbook that is incorporated by reference in the rule. We are removing the fee schedules from the handbooks that are incorporated by reference in the above listed rules, because they are outdated. We are including the 2005 fee schedules in the Florida Medicaid Provider Reimbursement Schedule, which will be incorporated by reference in Rule 59G-4.002, F.A.C.

The effect will be to incorporate by reference the Florida Medicaid Provider Reimbursement Schedule, January 2005, which includes the procedure codes and maximum fees for advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual services; and the procedure codes and groups for ambulatory surgery centers into Rule 59G-4.002, F.A.C. The procedure codes and fee schedules in the Florida Medicaid Coverage and Limitations Handbooks that are incorporated by reference in Rules 59G-4.010, 59G-4.020, 59G-4.030, 59G-4.040, 59G-4.060, 59G-4.110, 59G-4.160, 59G-4.190, 59G-4.210, 59G-4.220, 59G-4.230, 59G-4.231, 59G-4.240, 59G-4.270 and 59G-4.340, F.A.C., will be removed.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.905, 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

DATE AND TIME: 9:00 a.m., Thursday, January 20, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2005: advanced registered nurse practitioner, ambulatory surgery center, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New \_\_\_\_\_.

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, \_\_\_\_\_.

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, \_\_\_\_\_.

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference,

and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.907, 409.908, 409.9081 FS. History--New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03, 8-5-0, 7-27-04, \_\_\_\_\_.

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 8-3-04, \_\_\_\_\_.

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, \_\_\_\_\_.

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, \_\_\_\_\_.

#### 59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003, updated January 2005, Number 1, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent contractor.

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

#### 59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003, updated January 2005, Number 1, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, 8-25-03, 9-3-03, 10-27-03, \_\_\_\_\_.

#### 59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, \_\_\_\_\_.

#### 59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and

Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 6-27-04, \_\_\_\_\_.

#### 59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, \_\_\_\_\_.

#### 59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, \_\_\_\_\_.

#### 59G-4.240 Portable X-Ray Services.

(1) No change.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, October 2003, updated January 2005, Number 1, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, 3-22-00, 2-14-02, 6-1-03, 8-5-03, 3-15-04, \_\_\_\_\_.



59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902 409.905, 409.908, 409.9081 FS. History—New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 8-4-04, \_\_\_\_\_.

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004, updated January 2005, Number 1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, 10-12-04, \_\_\_\_\_.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
General Regulations 60A-1

RULE TITLE: RULE NO.:  
Contract and Purchase Order Requirements 60A-1.016

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify certain matters regarding purchase order requirements.

SUBJECT AREA TO BE ADDRESSED: The purchase order requirements contained in Rule 60A-1.016, F.A.C.

SPECIFIC AUTHORITY: 287.032, 287.042 FS.

LAW IMPLEMENTED: 287.017, 287.042, 287.057, 287.058, 287.133 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS MEETING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., Friday, January 21, 2005

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, FL 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least two days before the hearing, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Brown, Division of State Purchasing, Department of Management Services, Suite 360D, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60A-1.016 Contract and Purchase Order Requirements.

(1) through (2) No change.

(3)(a) through (d) No change.

(e) Ensuring that all purchase orders contain the solicitation number, statements regarding the quantity, description, and price of goods or services ordered; and all applicable terms as to payment, discount, date of performance, and transportation; and liquidated damages.

Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133 FS. History—New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04, \_\_\_\_\_.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:  
Superfecta Pool 61D-7.013

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to wagering and the types of wagers that are permissible. In particular, a new variation upon the Superfecta is being implemented in which there will be a forced payout at the end of a performance.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the manner in which a wager, the Superfecta pool to be precise, is administered and carried out.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.155(1) FS.

LAW IMPLEMENTED 550.0251, 550.155 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 28, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Reporting Requirements for Charity/  
Scholarship Performances

RULE NO.: 61D-8.003

PURPOSE AND EFFECT: The proposed rule will implement and interpret Florida Statutes related to charity/scholarship racing performances. The proposed amendments to Rule 61D-8.003, Florida Administrative Code, specify reporting and other requirements for charity/scholarship performances and specifically address reporting for "Greyhound Adopt-A-Pet Day."

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Reporting requirements for charity/scholarship racing performances that require submittal of BPR Forms 14-008 and 14-009 and the specific requirements for an additional performance for "Greyhound Adopt-A-Pet Day" as authorized by Section 550.1648, Florida Statutes.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1) FS.

LAW IMPLEMENTED: 550.0251, 550.0351, 550.125, 550.155, 550.1647, 550.1648 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 28, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLES:	RULE NOS.:
Certification of Gas Line	
Specialty Contractors	61G4-15.026
Pollutant Storage System	
Specialty Contractors	61G4-15.027
Precision Tank Testers	61G4-15.028
Tank Lining Applicators	61G4-15.029
Medical Gas Certification	61G4-15.031

PURPOSE AND EFFECT: To address the criteria for certifications and registrations of these specialty contractors.

SUBJECT AREA TO BE ADDRESSED: Certifications and Registrations.

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.108, 489.113(3),(6),(7), 489.115(4), 489.129(3), 489.133, 489.1136 FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(3), (7),(8), 489.115(4), 489.133, 489.1136 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND COPIES OF THE PRELIMINARY DRAFTS, IF AVAILABLE, IS: Tim Vaccaro,, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Registration of Course Providers  
 RULE NO.: 61G4-18.003  
 PURPOSE AND EFFECT: To address the criteria for course provider registration.  
 SUBJECT AREA TO BE ADDRESSED: Course provider registration.  
 SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.  
 LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 489.115 FS.  
 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Continuing Education for Reactivation  
 RULE NO.: 61G6-9.001  
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education for Reactivation.  
 SPECIFIC AUTHORITY: 489.507(3), 489.519 FS.  
 LAW IMPLEMENTED: 489.519 FS.  
 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: John Knap, Executive Director, Board of Electrical Contractors' Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: Annual Assessment on Gross Florida Payroll  
 RULE NO.: 61G7-5.002  
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Annual Assessment on Gross Florida Payroll.  
 SPECIFIC AUTHORITY: 468.522 FS.  
 LAW IMPLEMENTED: 468.526 FS.  
 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: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: Application for Certification as a Chiropractic Physician's Assistant  
 RULE NO.: 64B2-18.002  
 PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.  
 SUBJECT AREA TO BE ADDRESSED: Application for Certification as a Chiropractic Physician's Assistant.  
 SPECIFIC AUTHORITY: 460.405, 460.4165(6),(9) FS.  
 LAW IMPLEMENTED: 460.4165(3),(5),(6),(9) FS.  
 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: Joe

Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standard of Care for Office Surgery  
 RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the definition of a pediatric patient and update the requirements for the crash cart in office surgery settings.

SUBJECT AREA TO BE ADDRESSED: The definition of a pediatric patient and update the requirements for the crash cart in office surgery settings.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

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 IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) Definitions.

(a) through (d) No change.

(e) Pediatric patients are defined as those patients who are 13 years of age or under.

(2) through (4) Level II Office Surgery.

(a) No change.

(b) Standards for Level II Office Surgery.

1. through 2. No change.

3. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

I. Adenosine 6 mg/2 ml x3 Adrenalin (epinephrine) 1:10,000 dilution; 10ml

II. Albuterol Inhaler Adrenalin (epinephrine) 1:1000 dilution; 1ml

III. Amiodarone 150 mg x2

IV. Atropine 0.4 mg/ml; 3 ml 0.1mg/ml; 5ml

IV. Benadryl (diphenhydramine)

V. Calcium chloride 10%; 10ml

VI. Dextrose 50%; 50 ml

VII. Diphenhydramine 50 mg Dilantin (phenytoin)

VIII. Dopamine 200 mg minimum

IX. Epinephrine 1:10,000 dilution; 10 ml Heparin

X. Epinephrine 1:1000 dilution; 1ml x 3 Inderal (propranolol)

XI. Flumazenil 0.1 mg/ml; 5 ml x 2 Isuprel

XII. Furosemide 40 mg Lanoxin (digoxin)

XIII. Hydrocortisone or Methylprednisolone or Dexamethasone Lasix (furosemide)

XIV. Lidocaine 100 mg Xylocaine (lidocaine)

XV. Magnesium sulfate 1 mg x 2 50%

XVI. Naloxone 0.4 mg/ml; 3 ml Narcan (naloxone)

XVII. Propranolol 1 mg x 1 Pronestyl (procainamide)

XVIII. Sodium bicarbonate 50mEq/50ml

XIX. Succinylcholine 1 vial Solu-medrol (methylprednisolone)

XX. Vasopressin 20 units x 2

XXI. Verapamil hydrochloride 5 mg x 2

XXI. Romazicon

b. A Benzodiazepine must be stocked, but not on the crash cart.

c. Suction devices, endotracheal tubes, laryngoscopes, etc.

d. Positive pressure ventilation device (e.g. Ambu) plus oxygen supply.

e. Double tourniquet for the Bier block procedure.

f. Monitors for blood pressure/EKG/Oxygen saturation.

g. Emergency intubation equipment.

h. Adequate operating room lighting.

i. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

j. Appropriate sterilization equipment.

k. IV solution and IV equipment.

4. No change.

(5) through (6) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02,

**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

Specific Fish Management Area Regulations 68A-20.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions, during calendar year 2005, associated with regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

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

IF REQUESTED 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 IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:

General Methods of Taking Freshwater Fish 68A-23.002

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, and to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

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

IF REQUESTED 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 IS: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Manatees**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Manatee Protection Plans 68C-23

PURPOSE AND EFFECT: The purpose of this rule development is to implement provisions of Chapter 2002-264, Laws of Florida, by establishing rules “for identifying substantial risk counties and establishing criteria for approval of manatee protection plans for counties so identified” as authorized by Section 370.12(2)(t), F.S. The effect of the rules would be to describe how the Commission identifies “substantial risk counties” and to set forth the criteria the Commission would use when deciding whether to approve a manatee protection plan submitted by any county identified as a “substantial risk county.”

SUBJECT AREA TO BE ADDRESSED: Protocols related to manatee protection plans.

SPECIFIC AUTHORITY: 370.12(2)(t) FS.

LAW IMPLEMENTED: 370.12(2)(t) FS.

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 TEXT, IF AVAILABLE, IS: Ms. Carol Knox or Mr. Scott Calleson, Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Division of Law Enforcement**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Minimum Standards for Mandatory Boating Safety Courses 68D-36

RULE TITLES:	RULE NOS.:
Minimum Requirements for Training Facilities and Instructors	68D-36.004
Minimum Requirements for Boating Safety Courses	68D-36.008
Proof of Successful Completion of the Course	68D-36.009
Boating Safety Information and Instruction Requirements for Vessel Liveries	68D-36.010
Boating Safety Temporary Certificate Examination Program	68D-36.011

**PURPOSE AND EFFECT:** The Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, proposes to review and update Chapter 68D-36, F.A.C., to conform the rule to statutory changes made to Sections 327.39, 327.395, 327.54 and 327.731, Florida Statutes. Changes under consideration include: updating the curriculum and conforming it to the current standards of the National Association of State Boating Law Administrators and current Florida and federal law; revising the portions of Rule 68D-36.008, F.A.C. that pertain to rented personal watercraft and other vessels and moving those requirements to a new rule section; revising the section on proof of successful completion of the course to eliminate obsolete requirements; and creating a new rule section to provide guidelines and procedures for administering the FWC’s temporary certificate examination program. The intended effect is to make the rule consistent with current statutory requirements, to clarify the rule and make it easier to understand, and to codify temporary certificate examination program policies and procedures presently imposed by individual contacts.

**SUBJECT AREA TO BE ADDRESSED:** This rulemaking action will address boating safety education and instruction provided to persons 21 years of age or younger and to operators of rented personal watercraft and other rented vessels equipped with motors of 10 horsepower or greater. It will also address the boating safety information required to be displayed by vessel liveries. It will establish in rule the guidelines, policies, and procedures for the boating safety education temporary certificate examination program.

**SPECIFIC AUTHORITY:** 327.04, 327.39, 327.395, 327.54, 327.731 FS.

**LAW IMPLEMENTED:** 327.39, 327.395, 327.54, 327.731 FS.  
**FOUR RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.**

**DATE AND TIME:** January 19, 2005, 4:00 p.m. – 6:00 p.m. (CST)

**PLACE:** Gulf Coast Community College, Student Union East, Gibson Lecture Hall, 5230 W. Highway 98, Panama City, FL 32401

**DATE AND TIME:** January 20, 2005, 4:00 p.m. – 6:00 p.m.

**PLACE:** St. Johns County Library, Southeast Branch, 6670 U.S. 1, South, St. Augustine, FL 32086

**DATE AND TIME:** January 24, 2005, 4:00 p.m. – 6:00 p.m.  
**PLACE:** Pinellas County Courthouse, Assembly Room, 315 Court Street, Clearwater, FL 33756

**DATE AND TIME:** January 27, 2005, 3:00 p.m. – 5:00 p.m.  
**PLACE:** IGFA Fishing Hall of Fame & Museum, Events Hall, 300 Gulf Stream Way, Dania Beach, FL 33004

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS:** Captain Alan Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

## Section II Proposed Rules

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

### **DEPARTMENT OF CITRUS**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids	20-13

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Oranges: 2004-2005 Anhydrous Acid Maturity Standards	20-13.0011

**PURPOSE AND EFFECT:** Amendment would extend through the end of the 2004-2005 citrus season the lower minimum acid requirement for mature fresh oranges, which was adopted by emergency rule effective October 29, 2004.

**SUMMARY:** Extends lower minimum acid requirement for fresh oranges through the end of the 2004-2005 citrus season.

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

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

**SPECIFIC AUTHORITY:** 601.10(1),(7), 601.11, 601.19 FS.

**LAW IMPLEMENTED:** 601.111, 601.19 FS.

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

TIME AND DATE: 10:30 a.m., February 16, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-13.0011 Oranges: ~~2004-2005~~ ~~2003-2004~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning ~~October 29, 2004~~ ~~October 31, 2002~~ up to and including ~~July 31, 2005~~ ~~July 31, 2004~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) All other state laws applicable to the maturity of oranges shall remain in effect.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History--New 3-14-93, Amended 2-12-95, 1-17-96, 5-1-02, 2-19-03, 2-24-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: General Provisions RULE CHAPTER NO.: 68-1

RULE TITLE: State Preemption of Power to Regulate RULE NO.: 68-1.005

PURPOSE AND EFFECT: The purpose of this new rule is to include in FWC rules the substance of Section 370.102, Florida Statutes, relating to the state's preemption of the authority to regulate the taking of saltwater fish. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule will be to allow the repeal of the affected statute.

SUMMARY: Proposed new Rule 68-1.005, F.A.C., reserves to the Fish and Wildlife Conservation Commission the power to regulate the taking or possession of marine life, with an exception stated for local governments prohibiting fishing from real property owned by that local government.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.005 State Preemption of Power to Regulate. The power to regulate the taking or possession of marine life, as assigned to the Fish and Wildlife Conservation Commission by Article IV, Section 9 of the Florida Constitution, is expressly reserved to the Commission. This reservation does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Organization, Practice, Procedures, and Policies

RULE CHAPTER NO.: 68A-2

RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

RULE NO.: 68A-2.015

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate specific granting guidelines into the FWC Grants Rule by reference. The effect will be to provide notice of the availability of this information to all interested persons.

SUMMARY: The proposed change would incorporate specific guidelines for potential recipients that are ready to be adopted by reference into the FWC general grants rule. The Fish and Wildlife Research Institute Grant Program provides funding from various state and federal sources to support the collection of scientific data. In turn, this information assists the Commission in the process of making fish and wildlife management decisions. Florida's State Wildlife Grants Program provides federal funding to support cost effective conservation aimed at averting future wildlife declines and keeping common species common. Projects are intended to address conservation of Florida's wildlife, including marine, freshwater, and terrestrial species, and their habitats.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 370.023 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 370.023 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-2.015 Florida Fish and Wildlife Conservation Commission Grants Program.

(1) through (9) No change.

(10) Fish and Wildlife Research Institute Grants Program grants shall meet all additional program requirements set forth in the Fish and Wildlife Research Grants Program Guidelines (dated February 2005), which are hereby incorporated by reference. The guidelines are available from the Commission at the Fish and Wildlife Research Institute, 100 Eighth Avenue S. E., Saint Petersburg, Florida 33701-5020.

(11) Florida's State Wildlife Grants Program grants shall meet all additional program requirements set forth in Florida's State Wildlife Grants Program Guidelines (dated November 2004), which are hereby incorporated by reference. The guidelines are available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Specific Authority 370.023 FS., Art. IV, Sec. 9, Fla. Const. Law Implemented 370.023 FS., Art. IV, Sec. 9, Fla. Const. History–New 4-4-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004





permits during the third phase issuance; provide more family-oriented hunting opportunities; and streamline and clarify rules.

**SUMMARY:** These proposed rule amendments would allow for application and issuance of quota hunt permits through electronic formats and via the total licensing system. Rules regarding the submission of paper applications would be revised or eliminated. Proposed amendments would change provisions for the third phase of quota permit issuance to limit the number of permits for regular, special, and spring turkey quota hunts to five permits per hunt, per individual. Proposed rules would establish a new Family Hunt permit application process. Currently, rules pertaining to permits for the physically disabled are under two rule sections (Rules 68A-5.005 and 68A-9.008, F.A.C.). The proposed rule change would delete these rules from Rule 68A-5.005, F.A.C., and consolidate them under Rule 68A-9.008, F.A.C., a rule amendment found elsewhere in this issue.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$100 for administrative preparation and \$100 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

**TIME AND DATES:** 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

**PLACE:** Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Application – Applicants for quota hunt permits and special-opportunity permits as designated by Rule 68A-15.005, F.A.C., shall submit ~~an a properly completed~~ application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. For purposes of this rule, the Commission hereby adopts and incorporates herein the following application forms:

(a) through (j) No change.

(k) Family Hunt Quota Hunt Application (form number QA-701, effective June 1, 2005), available from Commission Offices.

(2) Selection – Unless other procedures are set forth in the application for a particular hunt or in specific area regulations, selection of quota hunt permits and special-opportunity permits shall be as provided in this rule.

(a) Selection of recipients of regular and special quota permits in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, ~~not postmarked,~~ from June 1-11 ~~unless June 11 falls on a Saturday or Sunday, at which time the random selection shall be from applications received from June 1 through the first Monday after June 11.~~ Applicants who submit a spring turkey regular or special quota hunt application during this application period and who were rejected in the ~~include a rejection notice from the~~ previous year's random selection ~~for each applicant on the application~~ shall be included in a preference random selection, held prior to the regular random selection. All applicants applying as part of a group must be eligible for the preference drawing, in order for the group to be included in the preference drawing.

(b) Selection of recipients of spring turkey quota permits on wildlife management areas in the number specified in Rule 68A-15.005, F.A.C., shall be by computer random selection from applications received, ~~not postmarked,~~ beginning the first Wednesday in November ~~1, unless November 1 falls on a Saturday or Sunday, at which time the beginning date shall be the first Monday after November 1~~ and ending nine days thereafter. Applicants who submit a spring turkey quota hunt application during this application period and who were rejected in the ~~include a rejection notice from the~~ previous year's random selection ~~for each applicant on the application~~ shall be included in a preference random selection, held prior to the regular random selection. All applicants applying as part of a group must be eligible for the preference drawing, in order for the group to be included in the preference drawing.

(c) Selection of recipients of track, airboat, mobility-impaired and youth hunt quota permits shall be by computer random selection from applications received, ~~not postmarked,~~ beginning the second Wednesday in July and ending 16 days thereafter.

(d) In those situations in which the authorized number of quota permits exceeds the applications received during the initial period, recipients of such permits shall be selected on a first-come, first-served basis, except that Excess mobility-impaired permits shall be issued by random selection from all applications received during the period beginning ~~on the day after~~ the fourth Wednesday in August and ending 10 days there after.

(e) Except as otherwise specified below, recipients of special-opportunity permits shall be selected by random computer selection from ~~completed current-year~~ applications received before or on June 15, ~~irrespective of postmark date, unless June 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received by or on the first Monday after June 15.~~

(f) Recipients of special-opportunity spring turkey permits shall be selected by random computer selection from ~~completed current-year~~ applications received, ~~not postmarked,~~ on or before October 15, ~~unless October 15 falls on a Saturday or Sunday, at which time the random selection shall be from applications received through the first Monday after October 15.~~

(g) Special-opportunity permits, other than special-opportunity spring turkey permits, for which permit ~~or~~ license fees are not received by July 15, unless July 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after July 15, irrespective of postmark date, will be forfeited. A second-round random drawing shall be conducted to assign special-opportunity permits forfeited after July 15. Special-opportunity permits assigned during the second-round drawing for which permit ~~or~~ license fees are not received by August 15, unless August 15 falls on a Saturday or Sunday, at which time the fees must be received by the first Monday after August 15, irrespective of postmark date, will be forfeited. A third-round random drawing will be conducted to assign special-opportunity permits forfeited after August 15.

(h) In those instances where the number of special-opportunity permits available exceeds the number of applicants on August 15, the remaining permits will be issued on a first-come, first-served basis as applications are received.

(i) through (k) No change.

(l) Applicants will be limited to one special-opportunity permit per person, per hunt.

(m) 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 a non-resident in the event that the ten percent calculation results in a number less than one.

(3) Issuance.

(a) Quota permits for the regular, special, and spring turkey hunts shall be issued ~~without cost~~ to applicants who, unless exempt, have provided proof of purchase of a wildlife management area permit stamp, or other license or permit that includes a wildlife management area permit sportsman's license, lifetime sportsman's license, lifetime hunting license or 5 year hunting license, and who were selected as provided in this rule.

(b) Quota permits for the track and airboat hunts shall be issued ~~without cost~~ to applicants who have provided proof of current vehicle or vessel registration and who were selected as provided in this rule.

(c) No person shall be eligible for issuance of more than ~~one spring turkey,~~ one airboat, one youth hunt or one track quota hunt permit, ~~except that persons may apply for one additional spring turkey quota permit after the first Friday in January.~~

(d) No person shall be eligible for issuance of more than one regular and one special quota permit until after the first Wednesday Friday in October; after the first Wednesday in October, no person shall be eligible to receive more than five permits for the same hunt at which time applicants may submit applications according to subsection (1) to obtain additional permits.

(e) No person shall be eligible for issuance of more than one mobility-impaired quota permit until after the fourth Friday in August, ~~at which time applicants may submit applications according to subsection (1) to obtain additional permits.~~ No person shall be eligible for issuance of more than one mobility-impaired quota permit for the same hunt.

(f) An applicant whose name appears on more than one regular or more than one special quota hunt application before or on the first Wednesday Friday in October shall be rejected. An applicant whose name appears on more than one mobility-impaired quota hunt application before or on the fourth Friday in August shall be rejected. An applicant whose name appears on more than one spring turkey quota hunt application before or on the first Wednesday Friday in January shall be rejected. An applicant whose name appears on more than one youth hunt quota application shall be rejected. An applicant who submits more than one airboat or track quota hunt application for the same airboat or track vehicle will have his/her applications rejected.

(g) ~~Participants in the mobility impaired hunt shall be restricted to persons who are paraplegic, hemiplegic or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs, or who have had complete single leg amputations.~~

(h) ~~No person shall be eligible for issuance of more than one mobility-impaired quota permit for the same hunt. No person shall be eligible for issuance of a mobility-impaired~~

~~quota permit, unless the person has a completed mobility-impaired eligibility certification application (form QA-801) on record with the Commission.~~

~~(g)(f)~~ Special-opportunity permits shall be issued to those selected applicants who have submitted a non-refundable application fee as established by Rule 68A-9.007, F.A.C., applied as prescribed in this section, met requirements of this and other applicable rules and statutes relating to wildlife management areas and small game hunting areas, and paid the permit or license fees established by Rule 68A-9.007, F.A.C., and, where applicable, Section 372.6673, F.S.

~~(h)(j)~~ No person shall be eligible for issuance of more than one spring turkey quota permit until after the first Wednesday Friday in January, ~~at which time applicants may submit applications according to subsection (1) to obtain additional permits.~~ No person shall be eligible to receive more than five permits for the same hunt.

(4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Miscellaneous Permits  
RULE CHAPTER NO.: 68A-9

RULE TITLE: Permits for Physically Disabled  
RULE NO.: 68A-9.008

PURPOSE AND EFFECT: The purpose of the proposed rule change is to mobility-impaired hunt permits to the general rule governing agency permits for disabled persons. The effect will be to continue to consolidate information regarding permits for disabled persons in one place for easy reference.

SUMMARY: The proposed rule amendment would add mobility-impaired hunt permits to the single rule regarding the issuance of agency permits for disabled persons without making any substantive changes to permit conditions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$115 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.008 Permits for Physically Disabled.

The executive director or his designee may issue permits, to persons who are permanently physically disabled as described below, for activities which would otherwise be regulated or prohibited by these rules. Such permits shall be conditioned as necessary to protect natural resources and to regulate access in accordance with management plans and policies for the area. Individuals not meeting the criteria for a permit set forth in this rule may request accommodation through the process established by the agency:

(1) through (3) No change.

(4) Mobility-impaired hunt permits. As specified by subsection 68A-5.005(1), F.A.C., applicants for mobility impaired hunts shall submit an application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application.

In addition to the application forms specified, no person shall be eligible for issuance of a mobility-impaired permit unless the person has a completed mobility-impaired eligibility certification application (Form QA-801) on record with the Commission. Participants in the mobility-impaired hunt shall be restricted to persons who are paraplegic, hemiplegic or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs, or who have had complete single-leg amputation.  
**PROPOSED EFFECTIVE DATE:** May 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-10-04, Amended 5-1-05.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
 Mr. Nick Wiley

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 2, 2004.

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 10, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE CHAPTER TITLE:** Rules Relating to Game **RULE CHAPTER NO.:** 68A-12

**RULE TITLE:** General Methods of Taking Game: Prohibitions **RULE NO.:** 68A-12.002

**PURPOSE AND EFFECT:** The purpose of the proposed rule change is to prohibit hunting on that portion of Lake Seminole (approximately 70 acres) adjacent to the Three Rivers State Park camping area. Alligator trapping would continue to be allowed. The effect of the proposed rule change would be to eliminate shot fallout and increase public safety in the camping area.

**SUMMARY:** The proposed rule change would prohibit hunting on that portion of Lake Seminole adjacent to the Three Rivers State Park camping area. Alligator trapping would continue to be allowed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$125 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

**TIME AND DATES:** 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

**PLACE:** Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

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

68A-12.002 General Methods of Taking Game; Prohibitions.

(1) through (6) No change.

(7) No person shall:

(a) through (f) No change.

(g) Take any game, using a gun, in that portion of Lake Seminole in Jackson County located east of County Road 271 and south of Apalachee Wildlife Management Area and north of Three Rivers State Park, as designated by posted signs.

(8) through (9) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 1, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 17, 2004  
BE ADVISED THAT THESE PROPOSED RULES MAY BE  
FILED FOR ADOPTION AS SOON AS POSSIBLE  
FOLLOWING THE COMMISSION MEETING AT WHICH  
THEY ARE CONSIDERED IF THE RULES ARE NOT  
CHANGED. IF CHANGED, THE RULES MAY BE FILED  
AS SOON AS POSSIBLE AFTER PUBLICATION OF A  
NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating to Game	68A-12
RULE TITLE:	RULE NO.:
Regulations Governing the Operation of Private Hunting Preserves	68A-12.010

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow two existing private hunting preserves currently engaged in mallard releases to continue limited mallard releases indefinitely at their existing locations and under certain conditions. This change would eliminate the phase-out period currently in the rule, which specifies that existing preserves must cease mallard releases by 2008. The proposed change would increase the economic value of the affected businesses, allow owners and their employees to maintain their livelihood as related to mallard releases, and continue the related recreational opportunity provided by the affected preserves.

SUMMARY: The proposed rule change would allow two existing preserves currently engaged in mallard releases to continue limited mallard releases indefinitely at their existing locations and under the certain conditions. This change would eliminate the phase-out period currently in the rule, which specifies that existing preserves must cease mallard releases by 2008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$900 for administrative preparation and \$243 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.010 Regulations Governing the Operation of Private Hunting Preserves.

(1) through (11) No change.

(12) With respect to waterfowl, only captive-reared mallards and captive-reared, Florida-strain mottled ducks may be released for shooting and only in accordance with the provisions of this rule. Such birds may not be handled so as to attract wild waterfowl. No person shall be permitted to shoot game farm ducks on any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if the operation of the preserve attracts concentrations of wild waterfowl. Mallards may be released for shooting on hunting preserves, including preserves denoted as either private or commercial on GFC Form 333, only until June 30, 2008, and only by a natural person, firm, or corporation who holds a valid mallard-release endorsement on a valid hunting preserve license issued pursuant to Section 372.661, F.S., and section (1) of this rule and in accordance with the following:

(a) ENDORSEMENTS: Endorsements shall be issued annually to persons, firms, or corporations that produce documentary evidence demonstrating the following:

1. Commercial release of waterfowl for shooting annually beginning January 1, 1998; and

2. Continuous licensure as a hunting preserve per Section 276.661, F.S., since July 1, 2001.

~~Produce documentary evidence of having commercially released mallards for shooting during the period January 1, 1998 through December 31, 2000;~~

~~(b) LIMITED RELEASES: Have been continuously licensed per Section 372.661, F.S., since July 1, 2001; and (e) No more than 9,000 mallards shall be released by a licensee permittee during the open season.~~

~~(c) LOCATION: The mallard release operations shall remain within the area indicated in the application for Hunting Preserve license on file with the Commission as of January 1, 1998.~~

~~(d) TRANSFERABILITY: A mallard-release endorsement may be transferred, in whole or in part, provided conditions paragraphs (a)-(c) continue to be met by the entity receiving the endorsement or portion thereof. Upon transfer of a mallard-release endorsement, in whole or in part, the existing endorsement shall be surrendered to the Commission along with documentation of the transfer explicitly stating the portion of the endorsement and release quota therein being transferred (in total number of ducks). Upon such submission, the Commission will issue a new endorsement to the entity who received all or a portion of the original endorsement with the release quota adjusted for partial transfers (such endorsement shall only be issued to the receiving entity when that entity is licensed as a Hunting Preserve pursuant to Section 372.661, F.S., and this rule); the Commission will issue a new endorsement to the original endorsement holder if any portion of the original endorsement is retained, with the release quota reduced by the amount transferred.~~

~~(e) NO VESTED RIGHTS: This mallard-release provision does not create any vested rights whatsoever for endorsement holders and may be altered or terminated by the Commission as necessary to protect Florida's wildlife resources or the public interest.~~

(13) through (22) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, Formerly 39-12.10, Amended 8-5-86, 4-11-90, 4-15-92, 10-20-96, 6-23-99, Formerly 39-12.010, Amended 5-29-01, 11-3-02, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: General Hunting Regulations  
RULE TITLE: Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits  
RULE CHAPTER NO.: 68A-13  
RULE NO.: 68A-13.004

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to allow antlerless deer permits to be issued without a minimum acreage requirement on agricultural lands that have received deer depredation permits for crop depredation within the previous 12 months; and to open a 3-day spring turkey season in Holmes County with a season bag limit of one. The effect of the proposed rule changes is to provide additional relief to farmers who suffer agricultural losses due to deer depredation of crops; and to provide new turkey hunting opportunities in Holmes County.

SUMMARY: The proposed rule would allow antlerless deer permits to be issued without a minimum acreage requirement on agricultural lands that have received deer depredation permits for crop depredation within the previous 12 months; and open a 3-day spring turkey season in Holmes County with a season bag limit of one.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$125 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits. The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

(1) Bag and possession limits:

(a) No change.

(b) Turkey: daily bag, 1; spring season bag, 2 (except in Holmes County where the bag shall be 1); all fall seasons bag, 2; possession limit, 2.

(c) through (d) No change.

(2) Open seasons:

(a) through (b) No change.

(c) Turkey:

1. Fall season (gobblers or bearded turkeys only):

During the last 58 days of the antlered deer season in the South Zone; during the first 58 days of the antlered deer season in the Central Zone; and during the first 41 days of the antlered deer season in the Northwest Zone except in Holmes County where there will be no open season.

2. Spring season (gobblers or bearded turkeys only):

Opening on the first Saturday of March and closing 36 days thereafter in the South Zone. Opening on the third Saturday of March and closing 36 days thereafter in the Central and Northwest Zones except in Holmes County where ~~the there~~ will be no open season will open on the third Saturday of March and close 2 days thereafter.

(d) through (i) No change.

(3) Issuance of antlerless deer permits to landowners –

Antlerless deer may be taken under permit from the executive director during the muzzleloading gun, archery/muzzleloading gun, and antlered deer seasons in accordance with the following:

(a) The owners of the property (not less than 640 acres or not less than 150 acres if the applicant land is contiguous to land receiving antlerless deer permits) where the antlerless deer are to be taken shall make written application (on GFC Form ADPA 1000, effective July 1, 1998, adopted and

incorporated herein by reference, and available from the Commission’s regional offices) to the executive director showing proof of ownership of the land in question. A group of landowners may apply jointly provided the aggregate contiguous acreage is at least 640 acres. Agricultural lands that have been permitted under Rule 68A-12.009, F.A.C., within the previous 12 months for taking of deer for crop depredation purposes shall be exempt from the minimum acreage requirement of this rule.

(b) through (g) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas

RULE CHAPTER NO.: 68A-15

RULE TITLE: General Regulations Relating to Wildlife Management Areas

RULE NO.: 68A-15.004

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow the lead managing agency or landowner of a Wildlife Management Area (WMA) to issue access-related permits for vehicles, vessels, camping, horses or other activities not related to the taking of fish and wildlife during non-hunting periods. The effect of the proposed rule change is to enable land management agencies and landowners to better manage public use on WMAs.

SUMMARY: The proposed rule would allow the lead managing agency or landowner of a WMA to issue access-related permits for activities not related to the taking of fish and wildlife during non-hunting periods.



**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$125 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

**TIME AND DATES:** 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

**PLACE:** Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

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

68A-15.004 General Regulations Relating to Wildlife Management Areas.

- (1) No change.
- (2) Permits required:
- (a) through (d) No change.

(e) The lead managing agency or landowner of a wildlife management area may issue permits, valid only during periods closed to hunting, for access, vehicles, vessels, camping, or horses, that would allow the permittee to engage in otherwise prohibited activities not related to the taking of fish and wildlife. Permittees must possess a copy of the permit when engaged in such activities.

- (3) through (15) No change.

**PROPOSED EFFECTIVE DATE:** July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, 7-1-05.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mr. Nick Wiley

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 1, 2004

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE CHAPTER TITLE:** Type I Wildlife Management Areas  
**RULE CHAPTER NO.:** 68A-15  
**RULE TITLE:** Quota Permits; Antlerless Deer Permits;

**RULE NO.:** 68A-15.005

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to revise or delete hunter quotas on wildlife management areas (WMAs), add new hunter quotas for recently established WMAs or WEAs, and reincorporate the list of quotas by area and hunt.

**SUMMARY:** The proposed rule would revise quotas for Blackwater WMA – general gun dog hunt (quota decreased from 750 to 200, each hunt, first 13 days and last 17 days of the general gun season, no exemptions), general gun still hunt (quota increased from 1,425 to 1,800); and Tiger Bay WMA – spring turkey (quota increased from 20-25).

The proposed rule would establish new quota hunts on Big Bend – Spring Creek Unit WMA – muzzleloading gun (150 by special hunt application, no exemptions); Blackwater WMA – quail (3 groups of up to 2 persons for each of 2 hunts by regular hunt application, no exemptions); Choctawhatchee WMA – spring turkey (10 by special hunt application, no exemptions); and Matanzas WMA – archery (30 by special hunt application, each hunt, no exemptions), muzzleloading gun (30 by special hunt application, no exemptions), family hunt (20 by family hunt application, no exemptions), general gun (30 by regular hunt application, no exemptions), and spring turkey (15 by spring turkey hunt application, each hunt, no exemptions).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$125 for administrative preparation and \$115 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(2) The maximum number of quota and special-opportunity permits to be issued for each wildlife management area, fish management area, or wildlife and environmental area shall be maintained on a list titled "Quota and special-opportunity permits," dated ~~August 1, 2004~~ May 1, 2005, incorporated herein by reference and kept by the Commission at its headquarters office and regional offices.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE: May 1, 2005.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas      RULE CHAPTER NO.: 68A-15

RULE TITLE: Specific Regulations for Wildlife Management      RULE NO.:

Areas – Southwest Region      68A-15.061

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Southwest Region as follows:

Green Swamp WMA – The proposed rule would allow the Southwest Florida Water Management District to regulate the possession of dogs during non-hunting periods on District property; prohibit horses on the area; and allow camping equipment to remain on the area during the period between the small game and spring turkey seasons.

Green Swamp West WMA – The proposed rule would allow the Southwest Florida Water Management District to regulate the possession of dogs during non-hunting periods on District property; shift the hunt dates as follows: special-opportunity archery from November 6-9 and 25-28 to November 5-8 and 17-20; special-opportunity general gun from December 10-13, 21-24 and January 6-9 to December 15-18, January 9-12 and 19-22; special-opportunity hog-still from February 11-13 to February 3-5; special opportunity hog-dog from February 23-25 to February 15-18; and small game from January 14-16 and January 28-30 to February 24-26 and March 3-5.

Upper Hillsborough WMA – The proposed rule would allow the Southwest Florida Water Management District to regulate the possession of dogs during non-hunting periods on District property.

KICCO WMA – The proposed rule would require a permit from the South Florida Water Management District (landowner) for camping during periods closed to hunting; restrict camping at designated hunt campsites to tents only; and prohibit vehicle access at night (from 1.5 hours after sunset until 1.5 hours before sunrise).

Hickory Hammock WMA – The proposed rule would require a permit from the South Florida Water Management District (landowner) for camping during periods closed to hunting; require hunters to check all game taken; and change special-opportunity hog hunts to general gun hog hunts.

Walk-in-the-Water WMA – The proposed rule would make a technical correction to list furbearers as legal to take on Walk-in-the-Water WMA.

Lake Marion Creek WMA – The proposed rule would prohibit vehicular access except by persons in possession of a valid quota hunt permit.

Avon Park Air Force Range WMA – The proposed rule would change antler restrictions for legal antlered deer from five inches to at least three points on one side at the request of the landowner.

Croom WMA – The proposed rule would allow horseback riding throughout the year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 372.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 372.313 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

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 ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

2. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~, Fridays, Saturdays and Sundays only.

3. Small game – January ~~14~~ ~~15~~ through February ~~12~~ ~~13~~, Saturdays and Sundays only.

4. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

5. Fishing and frogging – Permitted during periods in which hunting is allowed; and Saturdays and Sundays from May ~~6~~ ~~7~~ to June ~~18~~ ~~19~~. Fishing and frogging is permitted at all other times provided that access is by foot only.

(b) through (c) No change.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

2. Only tents, trailers or self-propelled camping vehicles may be used for camping.

3. No deer or hog shall be quartered or otherwise dismembered until checked and tagged.

4. Hunters may enter or exit the area at designated access points only during hours in which check stations are in operation.

5. Hunting with dogs (other than bird dogs) is prohibited. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

6. No person shall operate a motorized vehicle except during established open seasons or by written permission of the Southwest Florida Water Management District. Motorized vehicles may be operated only on named or numbered roads. Bicycles may be operated only on named or numbered roads and designated bicycle trails. During the designated fishing and frogging season Tanic Grade, Powder Grade and Levee Road north of Main Grade will be closed to vehicle traffic. Designated unimproved roads are open only during the fishing and frogging season.

7. Tracked vehicles, airboats, motorcycles, ~~or~~ all-terrain vehicles and horses are prohibited. ~~Horses are permitted with the written permission of the Southwest Florida Water Management District.~~

8. Camps shall be removed by 8:00 p.m., ~~January 9~~, April ~~23 24~~ and June ~~18 19~~ from the Rock Ridge campground and by ~~February 13~~ and April ~~23 24~~ from the 471 campground.

9. Hunting during the small game season shall be permitted only in that portion of the area located in T24S, R23E, Sections 7, 8, 17, 18, 19, 20, 29, 30 and 32 and those portions of Sections 16, 21, 28 and 33 south of Bull Barn and west of Levee Roads; and T25S, R23E, Section 5 and those portions of Sections 4 and 9 south of Main, west of Levee and north of Tram Grades and those portions of Sections 7, 8 and 18 along the Withlacoochee River and bounded by state fence.

(2) Green Swamp Wildlife Management Area – West Unit.

(a) Open season:

1. Special-opportunity turkey – March ~~18-21 19-22~~, March ~~27-30 28-31~~, April ~~1-4 2-5~~, ~~10-13 11-14~~ and ~~15-18 16-19~~.

2. Special-opportunity archery – November ~~5-8 6-9~~ and ~~17-20 25-28~~.

3. Special-opportunity general gun – December ~~15-18, 10-13, 21-24~~ and January ~~9-12~~ and ~~19-22 6-9~~.

4. Special-opportunity hog-still – February ~~3-5 11-13~~.

5. Special-opportunity hog-dog – February ~~15-18 23-25~~.

6. Small game – ~~February 24-26~~ ~~January 14-16~~ and ~~March 3-5 28-30~~.

7. Fishing and frogging – Permitted throughout the year.

8. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. Hunters must enter and exit the area at the designated entrance and register at the hunt headquarters.

2. Vehicles may be operated only on named or numbered roads. Horses and bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.

4. No game shall be dismembered until checked at the hunt headquarters.

5. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from sunrise to sunset on the day preceding the hunt.

6. Only shotguns may be used during the special-opportunity spring turkey hunts.

7. Shotguns are prohibited during the special-opportunity archery hunts.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that no more than three dogs per quota hunt permit may be used during the special-opportunity hog-dog season. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

9. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(3) Fred C. Babcock/Cecil M. Webb Wildlife Management Area.

(a) Open season:

1. General gun – October ~~29 30~~ through November ~~6 7~~.

2. Small game:

a. November ~~12-20 13-21~~, and

b. November ~~23 24~~ through January ~~15 16~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~25 26~~.

3. Fishing and frogging – Throughout year.

4. Archery – September ~~10-11 11-12~~.

5. Quail – Wednesday, Thursday, Saturday, and Sunday – November ~~16-20 17-21, 23-27 24-28~~, ~~November 30 through December 4 1-5~~, ~~December 7-11 8-12~~, ~~14-18 15-19~~ and ~~21-25 22-26~~.

(b) through (c) No change.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

2. Users may enter the designated campsite at anytime. All users shall enter the remainder of the management area via Tucker Grade (I-75 side). During archery season, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 9:00 p.m. During all other periods open to hunting, hunters shall enter the area no earlier than 5:00 a.m. and shall exit no later than 8:00 p.m. During periods closed to hunting, users shall enter the area no earlier than one-half (1/2) hour before sunrise and shall exit no later than one-half (1/2) hour after sunset.

3. Hunting will be permitted on the field trial area and Boy Scout area during the following periods:

a. General gun – October ~~29 30~~ through November ~~6 7~~, by walking hunters.

b. Small game season on Wednesdays and Thursdays only, by walking hunters, provided that the taking of quail is prohibited.

c. Field trial quail – January ~~28-29 29-30~~.

d. Archery season – by walking hunters.

4. The use of motorcycles, all-terrain vehicles or airboats is prohibited, except that motorcycles may be used to access the shooting range along the most direct route on Tucker Grade between the shooting range and the check station.

5. Hunting camps may be set up after 8:00 a.m. October ~~21 22~~ and shall be removed by 9:00 p.m. the last day of the small game season. Camping is permitted from 5:00 p.m. Friday to 9:00 p.m. Sunday and on Memorial Day, Independence Day, Martin Luther King Jr. Day, and Labor Day during the remainder of the year.

6. Bird dogs may be trained in designated areas during the bird dog training season, September ~~17-18~~ through February ~~12-13~~. Dogs shall be caged or leashed in camp areas. Hunting with dogs during the general gun season is prohibited. During quail season, bird dogs may be trained on Mondays, Tuesdays, and Fridays only.

7. During closed seasons vehicles may be operated only on named or numbered roads in the recreational area lying south of the northern boundaries of Sections 19, 20 and 21, Township 41S, Range 24E and west of the first north-south fence line east of the Seaboard Grade. The operation of vehicles is prohibited in Sections 13, 14, 23 and 24, Township 42S, Range 24E and the west 1/2 of Section 19, Township 42S, Range 25E.

8. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to camping shelters.

9. Persons may use the shooting range during periods when hunting is not allowed on the area, provided that access shall only be along the most direct route on Tucker Grade between the shooting range and the check station. Guns transported to the shooting range shall be unloaded and cased. Possession of a gun during periods when hunting is not allowed is prohibited except on the shooting range and that portion of Tucker Grade directly between the shooting range and the check station. During periods open to hunting, persons possessing a gun on that portion of the area other than the shooting range or that portion of Tucker Grade directly between the range and the check station shall comply with all stamp and license requirements specified in Section 372.57, F.S., and Commission rules. Users shall not enter the shooting range before sunrise and shall exit the shooting range by sunset.

10. No person shall operate a vehicle off named or numbered roads, except during the general gun and small game seasons or when training bird dogs without guns in the recreation area during the bird dog training season.

11. Vehicular access for scouting shall be permitted one week prior to the archery season on named and numbered roads only.

12. During the quail season, shotguns shall be plugged to a three-shell capacity with a one-piece filler that cannot be removed without disassembling the gun.

(4) Fred C. Babcock/Cecil M. Webb Wildlife Management Area – Yucca Pens Unit.

(a) Open season:

1. General gun – October ~~29-30~~ through November ~~6-7~~.

2. Small Game – November ~~12-13~~ through January ~~15-16~~ on Wednesdays, Thursdays, Saturdays, Sundays only and November ~~25-26~~.

3. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

4. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(5) Upper Hillsborough Wildlife Management Area.

(a) Open season:

1. Archery – December ~~10-18~~ ~~11-19~~ and January ~~7-15~~ ~~8-16~~, Saturdays and Sundays only.

2. Muzzleloading gun – November ~~12-13~~ through December ~~4-5~~, Saturdays and Sundays only.

3. Small game – January ~~21-22~~ through February ~~5-6~~, Saturdays and Sundays only.

4. Spring turkey – March ~~22-23~~ ~~23-24~~, March ~~29-30~~ ~~30-31~~, April ~~5-6~~ ~~6-7~~, ~~12-13~~ ~~13-14~~ and ~~19-20~~ ~~20-21~~.

5. Fishing and frogging – Permitted year-round.

(b) through (c) No change.

(d) General regulations:

1. No deer, turkey or hog may be dismembered or quartered until checked and tagged.

2. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

3. Tracked vehicles, airboats, motorcycles and all-terrain vehicles are prohibited.

4. Horses are prohibited during periods when hunting is allowed, but are permitted at other times with written permission from the Southwest Florida Water Management District.

5. Motorized vehicles may be operated only on roads designated as open to vehicular traffic.

6. Bicycles may be operated only on named or numbered roads or designated bicycle trails.

7. During periods not open for hunting, access to the area is limited to pedestrians.

8. Hunting with dogs other than bird dogs is prohibited. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

9. Only tents, trailers or self-propelled camping vehicles may be used for camping.

10. Guns and camping equipment may be taken into the area beginning 3:00 p.m. the day before each hunting period and shall be removed by 8 p.m. the last day of each hunting period except during spring turkey season when guns and camping equipment shall be removed by 5 p.m. the last day of each hunt.

11. During the small game season, only shotguns are permitted. During the spring turkey season only muzzleloading guns, shotguns and bows and arrows are permitted.

(6) Arbuckle Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15-16~~ through November ~~4-5~~.

2. Muzzleloading gun – November ~~5-13~~ ~~6-14~~.

3. General gun hog – November ~~19-27~~ ~~20-28~~, Saturdays and Sundays only.

4. Spring turkey – March ~~21-23~~ ~~22-24~~ and April ~~4-6~~ ~~5-7~~.

5. Fishing – Permitted year-round. Frogging – Prohibited.

(b) through (d) No change.

(7) KICCO Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~, Saturdays and Sundays only.

2. Muzzleloading gun – October ~~29~~ ~~30~~ through November ~~6~~ ~~7~~, Saturdays and Sundays only.

3. General gun hog – November ~~12~~ ~~13~~ through December ~~11~~ ~~12~~, Saturdays and Sundays only.

4. Small game – December ~~17~~ ~~18~~ through January ~~8~~ ~~9~~.

5. Spring turkey – March ~~18~~ ~~19~~ through April ~~16~~ ~~17~~, Saturdays and Sundays only.

6. Fishing, frogging and other recreational use – Permitted year-round.

(b) No change.

(c) Camping: Prohibited except at designated hunt campsites during periods when hunting is allowed or by persons possessing a special-use license issued by the South Florida Water Management District and ~~at designated campsites along the Florida Trail or with written permission from the South Florida Water Management District.~~

(d) General regulations:

1. Hunters in possession of a valid quota hunt permit may operate motor vehicles on named or numbered roads during the archery, muzzleloading gun, spring turkey, and general gun hog seasons. Vehicles must park in designated parking areas. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. Horses are prohibited except by written permission from the South Florida Water Management District.

2. Fires other than campfires at designated campsites are prohibited.

3. The possession or use of centerfire or rimfire rifles or pistols is prohibited.

4. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

5. Only tents, ~~trailers or self-propelled camping vehicles~~ may be used for camping at designated hunt campsites.

6. No deer, turkey, or hog may be dismembered or quartered until checked and tagged at the check station.

7. Hunting with dogs is prohibited during the archery, muzzleloading gun and general gun seasons. The use of dogs, other than retrievers, bird dogs and dogs with a shoulder height of 15 inches or less is prohibited during the small game season.

8. The portion of the area north and east of River Ranch Road shall be open to hunting only during the general gun hog season.

9. Vehicular access to the area is prohibited during the period from 1.5 hours after sunset to 1.5 hours before sunrise.

(8) Hickory Hammock Wildlife Management Area.

(a) Open season:

1. General gun ~~Special opportunity wild hog~~ – September ~~17-18~~ ~~18-19~~ and ~~24-25~~ ~~25-26~~ and January ~~14-15~~ ~~15-16~~.

2. Muzzleloading gun – October ~~29-30~~ ~~30-31~~ and November ~~5-6~~ ~~6-7~~.

3. General gun – November ~~12-13~~ ~~13-14~~.

4. Small game – November ~~14~~ ~~15~~ through January ~~8~~ ~~9~~.

5. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., until noon.

6. Migratory game birds – During the migratory game bird seasons as established by Rules 68A-13.003 and 68A-13.008, F.A.C. During the duck and coot season, hunting is limited to the period one-half (1/2) hour before sunrise until noon.

7. Falconry – During the falconry season as established by Rules 68A-13.004 and 68A-13.008, F.A.C.

8. Spring turkey – March ~~23-25~~ ~~24-26~~ and April ~~13-15~~ ~~14-16~~.

9. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers except wild hogs may be taken only during the general gun hog season ~~special opportunity wild hog hunts~~. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The bag limit for antlered deer shall be one per quota hunt permit. No size or bag limits on wild hogs. During spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: ~~Permitted at designated campsites for through hikers on the Florida National Scenic Trail.~~ Permitted by persons possessing ~~for others in possession of~~ a special-use license issued by the South Florida Water Management District.

(d) General regulations:

1. The possession or use of centerfire or rimfire rifles is prohibited.

2. Hunting with dogs is prohibited except retrievers, bird dogs, and dogs with a shoulder height of 15 inches or less may be used during small game season.

3. Vehicles are prohibited except in designated parking areas.

4. The use of tracked vehicles, motorcycles or three or four wheelers (ATVs) is prohibited.

5. Hunters shall check in at a designated check station when entering and exiting the area, and check all game taken ~~during special opportunity wild hog and spring turkey seasons.~~

~~6. A special opportunity permit is required of any person participating in the special opportunity wild hog hunts.~~

~~6.7.~~ No deer, wild hog, or turkey shall be dismembered until checked at the station.

(9) Walk-in-the-Water Wildlife Management Area.

(a) Open season:

1. Archery – October ~~1-16~~ ~~2-17~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun hog – January ~~14-22~~ ~~15-23~~.

4. Small game – November ~~19~~ ~~20~~ through December ~~11~~ ~~12~~ and February ~~4-19~~ ~~5-20~~.

5. Fishing – Permitted throughout the year. Frogging is prohibited.

(b) Legal to take: All legal game (except turkeys), furbearers and fish. Deer bag limit – one per day. Wild hog bag limit – no size or bag limits. During the general gun hog season only wild hogs may be taken.

(c) through (d) No change.

(10) Hilochee Wildlife Management Area.

(a) Open season:

1. Special-opportunity dove – The first, second, and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third, and fifth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

2. Spring turkey – March ~~24-26~~ 25-27 and April ~~7-9~~ 8-10.

3. Muzzleloading gun – November ~~4-6~~ 5-7.

4. General gun hog – December ~~2-4~~ 3-5, January ~~13-15~~ 14-16 and ~~20-22~~ 21-23.

5. Small game – January ~~27~~ 28 through February ~~5~~ 6.

6. Archery – October ~~21-23~~ 22-24.

7. Fishing – Permitted on Peat Lake, Little Peat Lake, Hidden Lake, Stock Lake, and Turtle Pond by those in possession of a Hilochee Fishing Permit. The possession of nets (except dip nets), fish traps, trotlines, set lines, minnow seines, cast nets, or bush hooks is prohibited. Fishing is permitted on Saturdays only and during daylight hours only. Ten fishing permits shall be available for each Saturday. Permits shall be nontransferable with no exemptions.

(b) through (d) No change.

(11) Lake Marion Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-26~~ 25-27 and September 30 through October 2 ~~1-3~~.

2. Muzzleloading gun – October ~~29-31~~ 30 ~~through November 1~~.

3. General gun – November ~~12-14~~ 13-15 and ~~18-20~~ 19-21.

4. Small game – December ~~9-11~~ 10-12 and ~~16-18~~ 17-19.

5. Spring turkey – March ~~18-20~~ 19-21, March 31 through April 2 ~~1-3~~ and ~~14-16~~ 15-17.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. The use of tracked vehicles, motorcycles, airboats, horses, or all-terrain vehicles is prohibited.

2. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

3. Vehicles shall be operated only by hunters possessing a valid quota hunt permit or daily hunt permit. Vehicles ~~shall~~ may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

4. No deer, wild turkey or wild hog shall be dismembered until checked at a check station.

5. Entry into or exit from the area at locations other than designated entrances is prohibited.

6. Hunting with dogs other than bird dogs and retrievers is prohibited, except that during small game season dogs with a shoulder height of 15 inches or less may be used.

(12) Avon Park Air Force Range Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~23~~ 24 in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – October ~~29~~ 30 through November ~~6~~ 7 in areas and during days specified by the Installation Commander.

3. General gun – November ~~12~~ 13 through January ~~22~~ 23 in areas and during days specified by the Installation Commander.

4. Small game – January ~~2~~ 3 through March ~~5~~ 6 in areas and during days specified by the Installation Commander.

5. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24 in areas and during days specified by the Installation Commander.

6. Antlerless deer – November ~~19-25~~ 20-26 in areas and during days specified by the Installation Commander.

7. Trapping – Prohibited.

8. Fishing and frogging – During periods when hunting is allowed and at other times specified by the Installation Commander.

(b) Legal to take: All legal game, wild hogs, fish, frogs, turtles, and furbearers. Antlered deer, wild hogs, and quail may be taken only during days specified by the Installation Commander. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. There shall be no size or bag limit restrictions on wild hogs.

(c) through (d) No change.

(13) Croom Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October ~~28-30~~ 29-31.

2. General gun – November ~~12~~ 13 through December ~~4~~ 5.

3. Small game – December ~~5~~ 6 through March ~~5~~ 6.

4. Spring turkey – March ~~21-23~~ 22-24, April ~~4-6~~ 5-7 and ~~18-20~~ 19-21.

5. Fox, raccoon and bobcat – December ~~15~~ 16 through March ~~12~~ 13. Hunting is permitted from 5:00 p.m. Thursday to sunrise Sunday with dogs only. No guns allowed.

6. Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited November ~~12~~ ~~13~~ through December ~~4~~ ~~5~~. Hunting with dogs other than bird dogs is prohibited December ~~5-14~~ ~~6-15~~, except that dogs may be used for hunting fox, raccoon or bobcat during the fox, raccoon and bobcat season, and dogs with a shoulder height of 15 inches or less may be used to hunt small game during the small game season in the portion of the area south of the Tucker Hill Croom graded road, bounded on the east by Croom-Rital Road to its juncture with the boundary fence of the Croom Motorcycle area located in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East, and thence bounded by said boundary fence. Trailing dogs on a leash are permitted.

2. Motorcycles and all-terrain vehicles may be operated off roads in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East (Croom Motorcycle area) only. Operation of motorcycles and all-terrain vehicles in this area is permitted throughout the year but all such vehicles shall be permitted by the state Division of Forestry. Vehicles may be operated only on named or numbered roads in that portion of the area lying outside the Croom Motorcycle Area, but such vehicles must be properly licensed under Chapter 320, F.S., or otherwise legal to operate on public roads. During the general gun, muzzleloading gun, spring turkey and small game seasons, all-terrain vehicles are prohibited on that portion of the area lying outside the Croom Motorcycle Area.

3. ~~Horses are prohibited during the general gun and muzzleloading gun seasons.~~ Horses may be ridden only on named or numbered roads or on designated horse trails.

4. The possession of firearms is prohibited at all times in Sections 17, 18, 19, 30, 31 and those parts of Sections 7 and 8 lying south of the old railroad right-of-way, Township 22 South, Range 21 East.

5. Only tents, trailers or self-propelled camping vehicles may be used for camping.

6. During the general gun, spring turkey, and muzzleloading gun seasons, all game taken shall be checked at the check station, and no turkey shall be dismembered until checked at the check station.

7. The possession of guns is prohibited on the Withlacoochee State Trail. Hunters shall only use designated crossings to transport guns across the State Trail.

(14) Chassahowitzka Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

4. Duck and coot – Wednesdays, Saturdays and Sundays of the duck and coot season established by Rule 68A-13.003, F.A.C.

5. Fishing, frogging and other recreational use – Permitted year-round.

6. Small game – December ~~1~~ ~~2~~ through January ~~8~~ ~~9~~.

7. Spring turkey – March ~~25-28~~ ~~26-29~~ and March ~~29~~ ~~30~~ through April ~~2~~ ~~3~~.

(b) through (d) No change.

**PROPOSED EFFECTIVE DATE:** July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 10-1-84, 7-1-85, 9-19-85, 5-7-86, 5-10-87, 6-8-87, 10-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 8-7-97, 7-1-98, 10-20-98, 12-28-98, 7-1-99. Formerly 39-15.061, Amended 12-9-99, 3-30-00, 7-1-00, 7-1-01, 5-13-02, 5-25-03, 7-1-04, ~~7-1-05~~.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Mr. Nick Wiley

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 2, 2004

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE CHAPTER TITLE:** Type I Wildlife Management Areas **RULE CHAPTER NO.:** 68A-15

**RULE TITLE:** Specific Regulations for Wildlife Management Areas – North Central Region **RULE NO.:** 68A-15.062

**PURPOSE AND EFFECT:** The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the North Central Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

**SUMMARY:** The proposed change would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the North Central Region as follows:

**Camp Blanding WMA –** The proposed rule provides authority for the Camp Blanding Base Commander to set spring turkey hunt dates and locations in consideration of military training activities, provided at least two 5-day hunts continue to be offered.

**Gulf Hammock WMA –** The proposed rule would prohibit camping and remove reference to camping equipment, per landowner request.



Lochloosa WMA – The proposed rule would establish a new 56-day small game season (January 9 through March 5) and allow for nighttime hunting of raccoon and opossum during the general gun and small game seasons.

Big Bend WMA – Spring Creek Unit – The proposed rule would establish a new 3-day muzzleloading gun season (October 28-30) on the area; restrict the nighttime hunting of raccoon to small game season only; prohibit dogs other than bird dogs or retrievers, except during small game season; and no longer allow the use of dogs for deer hunting.

Jennings Forest WMA – The proposed rule would prohibit unlicensed motorcycles, and prohibit public access at night (from 1.5 hours after sunset until 1.5 hours before sunrise).

Flying Eagle WMA – The proposed rule would allow the District (landowner) to regulate the possession of dogs during non-hunting periods on District property.

Potts WMA – The proposed rule would allow the District (landowner) to regulate the possession of dogs during non-hunting periods on District property.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

**SPECIFIC AUTHORITY:** Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

**LAW IMPLEMENTED:** Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

**TIME AND DATES:** 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

**PLACE:** Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

(1) Camp Blanding Wildlife Management Area.

(a) Open season:

1. General gun – November 12 ~~13~~ through January 8 ~~9~~.

2. Spring turkey – Hunters shall be afforded at least two five-day periods of hunting, ~~five days hunting in Spring Turkey Zones A, B and C, and at least five days hunting in Spring Turkey Zones D, E and F~~ with specific hunt dates and locations to be determined by, and at the discretion of, the Camp Blanding Base Commander.

3. Archery – September 28-30 ~~29~~ through October 1 and October 5-7 ~~6-8~~, north of State Road 16 and County Road 215 and east of County Road 225 only, and November 12 ~~13~~ through January 8 ~~9~~ in designated archery area west of County Road 225 and north of Yerkes Road only.

4. Supervised youth – The Saturday and Sunday prior to Columbus Day, and the Saturday and Sunday 12 and 13 days (respectively) after Columbus Day, site to be determined.

5. Muzzleloading gun – October 12-14 ~~13-15~~ and 19-21 ~~20-22~~, north of State Road 16 and County Road 215 and east of County Road 225 only.

6. Fishing – Permitted only on designated fish management areas.

7. Trapping – December 1 through January 8 ~~9~~, only in portion of area north of State Road 16 and County Road 215 and east of County Road 225.

(b) through (d) No change.

(2) Cypress Creek Wildlife Management Area.

(a) Open season:

1. Spring turkey – March 18-26 ~~19-27~~.

2. Archery – September 24 ~~25~~ through October 9 ~~10~~.

3. Muzzleloading gun – October 28-30 ~~29-31~~.

4. Fishing – Permitted throughout the year.

5. Small game – the Saturday before Thanksgiving through the second Sunday after Thanksgiving.

(b) through (d) No change.

(3) Gulf Hammock Wildlife Management Area.

(a) Open season:

1. General gun – November 12 ~~13~~ through January 8 ~~9~~.

2. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.

3. Archery – September 24 ~~25~~ through October 23 ~~24~~.

4. Muzzleloading gun – November 4-6 ~~5-7~~.

5. Fishing and frogging – Permitted only during periods when hunting is allowed.

(b) No change.

(c) Camping: Prohibited, ~~Permitted only at designated campsites during periods in which hunting is allowed.~~

(d) General regulations:

~~1. Camps may be set up beginning one day before each hunting period and shall be removed from campsites within one day following the close of each hunt period. Camping is limited to tents, trailers and self-propelled vehicles.~~

~~1.2.~~ Vehicles may be operated only on established roads.

~~2.3.~~ Public access is permitted only when hunting is allowed and on the Friday prior to archery and spring turkey season and on the consecutive Friday, Saturday, and Sunday prior to the general gun season.

~~3.4.~~ Public access to the area is permitted only at designated entrances. Public access during periods when hunting is permitted is limited to entering the area no earlier than one hour before legal shooting hours and exiting the area no later than one hour after legal shooting hours.

~~4.5.~~ Fires other than campfires are prohibited.

~~5.6.~~ Access is permitted only by individuals possessing a valid recreational user permit, except as provided by Section 372.57, F.S.

~~6.7.~~ The taking of wildlife by use of a gun on or from the right-of-way of Butler Road south of its intersection with Buckhead Road is prohibited as provided by Rule 68A-4.008, F.A.C.

(4) Lochloosa Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12 13~~ through January ~~8 9~~.

2. Spring turkey – March ~~18 19~~ through April ~~23 24~~.

3. Archery – September ~~24 25~~ through October ~~23 24~~.

4. Muzzleloading gun – October ~~28-30 29-31~~.

5. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

6. Small game – January 9 through March 5.

~~7.6.~~ Fishing and frogging – Throughout year.

(b) through (c) No change.

(d) General regulations:

1. The taking of hogs by the use of dogs is prohibited.

2. Vehicles are restricted to established roads. Non-motorized bicycles are permitted, but may be ridden only on established roads.

3. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

4. Taking of wildlife by use of a gun on or from the rights-of-way of County Road 325 is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Fires are prohibited on the area.

6. Horses are permitted only during periods closed to hunting. Horses may be ridden only on established roads.

(5) Osceola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12 13~~ through January ~~8 9~~.

2. Small game – January ~~9 10~~ through March ~~5 6~~.

3. Spring turkey – March ~~18 19~~ through April ~~23 24~~.

4. Archery – September ~~24 25~~ through October ~~16 17~~.

5. Muzzleloading gun – October ~~21-28 22-29~~ in the still hunt area only.

6. Fox, raccoon, opossum and bobcat – August ~~6 7~~ through September ~~27 28~~ in the dog hunt portion of the area only from sunset to sunrise.

7. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

8. Fishing and frogging – Throughout year.

9. Trapping – January ~~9 10~~ through March 1.

(b) through (c) No change.

(d) General regulations:

1. The western dog hunt area includes that portion of the area bounded on the west by Forest Service Road 237; on the south by Forest Service Road 263 and County Road 250; on the east by Forest Service Roads 214, 233, 232, 262, 272 and 270; and on the north by the National Forest Service boundary to the junction with Forest Service Road 237. The eastern dog hunt area includes those lands bounded by the following roads and survey lines: Begin at the intersection of County Road 125 and the northern boundary of the National Forest, proceed south on County Road 125 to the eastern boundary of the National Forest, then south and west along the National Forest boundary to County Road 229, then north along County Roads 229 and 250, then west along Forest Service Road 232, then northwest along Forest Service Road 235 until it becomes Forest Road 39, then generally north along Forest Road 39, then northwest along Forest Road 46, then west along Forest Road 36 to the Baker County/Columbia County line, then north along the west side of Section 31, Township 1 South, Range 19 East, to the northwest corner of Section 30, Township 1 South, Range 19 East, then east along the north boundary of Section 30, Township 1 South, Range 19 East, to the NE corner of the NW 1/4 of the NW 1/4 Section 29, Township 1 North, Range 19 East, then south to the south boundary of Section 29, Township 1 South, Range 19 East, then east to the southeast corner of Section 27, Township 1 South, Range 19 East, then north along the east side of Section 27, Township 1 South, Range 19 East, to the northwest corner of Section 23, Township 1 South, Range 19 East, then east to Forest Road 5, then northwest along Forest Road 5 until it becomes Forest Service Road 297, then along Forest Service Road 297 to Forest Service Road 295, then northwest and eventually northeast along Forest Service Road 295 to State Road 2, then southeast along State Road 2 to Eddy Grade, then south along Eddy Grade to the junction of Forest Road 3, then west along Forest Road 3, southwest, west, and then south along Forest Road 4, then southeast along Forest Road 24 until it intersects the northern boundary of Section 5, Township 1 South, Range 20 East, then east along the Base Line to the Northeast corner of the Northwest 1/4 of Section 3, Township 1 South, Range 20 East, then south along the east boundary of

the West 1/2 of Section 3, Township 1 South, Range 20 East to the southwest corner of the North 1/2 of the Northeast 1/4 of Section 10, Township 1 South, Range 20 East, then east back to the beginning point on County Road 125. Except for these areas, the possession or use of dogs other than bird dogs or retrievers is prohibited. However, leashed or caged dogs may be kept at the East Tower, Sandhill and West Tower hunt camps during the general gun season.

2. Deer dogs may be trained from October ~~24~~ 25 through November ~~23~~, except in the still hunt area.

3. Taking of wildlife by use of a gun on or from the rights-of-way of Interstate 10, County Roads 250, 250A, 229, 127 and 125, Forest Service Road 236 (between U.S. 90 and C.R. 250), and State Road 2 is prohibited as provided by Rule 68A-4.008, F.A.C.

4. Vehicles shall be restricted to numbered roads during the periods November 1 through January 15 in that portion of the still hunt area south of Interstate 10 and east of Forest Service Road 236, and August 1 through January 15 in that portion of the western dog hunt area north of Forest Service Road 262. Vehicles shall be restricted to numbered roads on those lands lying north and northeast of Forest Service Road 200, west of Forest Service Road 255, north of Forest Service Road 232, north of Forest Service Road 212, and north of Forest Service Road 212-A in Baker County; and those lands lying north of Forest Road 36 in Columbia County.

5. All deer taken must be checked at a check station. No deer shall be dismembered until checked at a check station.

6. Operation of a vehicle in areas posted as closed to vehicles is prohibited.

7. Shotguns are permitted on the area during the early experimental duck season established by Rule 68A-13.003, F.A.C., but only by hunters meeting the permit and license requirements for hunting ducks.

8. No person shall transport dogs, other than bird dogs or retrievers, through the still hunt area to the western dog hunt area except on Forest Service Road 285; on Forest Service Road 236 eastward from US 441; on Forest Service Road 263; on Forest Service Road 262 east from US 441; on Forest Service Road 233 north from County Road 250; on Forest Service Road 233 east from US 441 to its juncture with Forest Service Road 237 and then north on Forest Service Road 237 to the boundary of the dog hunt area, and on Forest Service Road 232 west from the east dog hunt area.

(6) Big Bend Wildlife Management Area – Tide Swamp Unit.

(a) Open season:

1. General gun – November ~~12~~ 13 through January ~~8~~ 9.
2. Archery – September ~~24~~ 25 through October ~~23~~ 24.
3. Muzzleloading gun – October ~~28-30~~ 29-31.
4. Small game – January ~~9~~ 10 through March ~~5~~ 6.
5. Fishing and frogging – Throughout year.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

8. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.

9. Trapping – January ~~9~~ 10 through March 1.

(b) through (d) No change.

(7) Big Bend Wildlife Management Area – Spring Creek Unit.

(a) Open season:

1. General gun – November ~~12~~ 13 through January ~~8~~ 9.

2. Archery – September ~~24~~ 25 through October ~~23~~ 24.

~~3. Muzzleloading gun – October 28 through 30.~~

~~4.3. Small game – January 9 through March 5.~~

~~5.4. Spring turkey – March 18 through April 23.~~

~~6.5. Trapping – January 9 through March 1.~~

~~7.6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.~~

~~8.7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.~~

~~9.8. Fishing and frogging – Throughout year.~~

(b) through (c) No change.

(d) General regulations:

1. Hunters shall check in and out at a check station when entering or exiting the area and shall check all game taken.

2. Motorized vehicles may be operated only on named or numbered roads from September 1 through April 30. From May 1 through August 31, motorized vehicles may be operated only on Spring Creek Road.

3. Waterfowl hunting from permanent blinds or structures is prohibited.

4. Fires are prohibited.

5. Hunting raccoon and opossum as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted only during the ~~general gun and small game seasons.~~

~~6. The use of dogs, other than bird dogs and retrievers is prohibited, except during small game season. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the duck season established by Rule 68A-13.003, F.A.C., and during the mourning dove season established by Rule 68A-13.008, F.A.C.~~

(8) Big Bend Wildlife Management Area – Hickory Mound Unit.

(a) Open season:

1. General gun – November ~~12~~ 13 through January ~~8~~ 9.

2. Small game – January ~~9~~ 10 through March ~~5~~ 6.

3. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.

4. Archery – September ~~24~~ 25 through October ~~23~~ 24.

5. Early duck – Mondays, Wednesdays, and Saturdays on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

6. Duck and coot – Mondays, Wednesdays, Saturdays and the first day of each phase of the duck and coot season on the Hickory Mound Impoundment and permitted every day of the season on the remainder of the area as established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Throughout the year.

8. Trapping – January ~~2-10~~ through March 1.

(b) through (d) No change.

(9) Big Bend Wildlife Management Area – Jena Unit.

(a) Open season:

1. General gun – November ~~12-13~~ through January ~~8-9~~.

2. Spring turkey – March ~~18-19~~ through April ~~23-24~~.

3. Small game – January ~~2-10~~ through March ~~5-6~~.

4. Fishing and frogging – Permitted throughout the year.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

7. Trapping – January ~~2-10~~ through March 1.

(b) through (d) No change.

(10) Big Bend Wildlife Management Area – Snipe Island Unit.

(a) Open season:

1. Archery – September ~~24-25~~ through October ~~23-24~~.

2. Muzzleloading gun – October ~~28-30-29-31~~.

3. General gun – November ~~12-13~~ through December ~~4-5~~.

4. Small game – January ~~7-8~~ through February ~~5-6~~.

5. Spring turkey – March ~~18-19~~ through April ~~2-10~~.

6. Trapping – January ~~7-8~~ through March 1.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(11) No change.

(12) Raiford Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-25~~ through October ~~2-10~~.

2. Muzzleloading gun – October ~~28-30-29-31~~.

3. Archery and muzzleloading gun – November ~~12-20-13-21~~.

4. Spring turkey – March ~~18-26-19-27~~.

5. Fishing and frogging – During periods in which hunting is allowed.

(b) through (d) No change.

(13) Cedar Key Scrub Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12-20-13-21~~.

2. Archery – September ~~24-25~~ through October ~~2-10~~.

3. Muzzleloading gun – October ~~28-30-29-31~~.

(b) through (d) No change.

(14) Andrews Wildlife Management Area.

(a) Open season:

1. Archery – ~~September 30 through October 2-October 1-3 and October 7-9-8-10~~.

2. Muzzleloading gun – October ~~28-30-29-31~~ and November ~~4-6-5-7~~.

3. General gun – November ~~18-20-19-21~~.

4. Small game – January ~~6-8-7-9~~ and ~~13-15-14-16~~.

5. Spring turkey – March ~~24-26-25-27~~ and April ~~14-16-15-17~~.

6. Supervised deer-hog youth hunt – October ~~15-16-16-17 and 22-23-23-24~~.

7. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(15) Big Shoals Wildlife Management Area.

(a) Open season:

1. Archery – September ~~26-27~~ through October ~~1-2, October 3-8-4-9 and 10-15-11-16~~.

2. Muzzleloading gun – October ~~28-30-29-31~~ and November ~~4-6-5-7~~.

3. Small game – December ~~19-24-20-25~~ and December ~~26-31-27 through January 1~~.

4. Spring turkey – March ~~23-25-24-26~~ and April ~~13-15-14-16~~.

5. Fishing – Permitted throughout the year.

(b) through (d) No change.

(16) Twin Rivers Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-25~~ through October ~~2-10~~.

2. Muzzleloading gun – October ~~28-30-29-31~~.

3. General gun – November ~~12-22-13-23~~.

4. Small game – December ~~3-25-4-26~~.

5. Spring turkey – March ~~24-26-25-27~~ and April ~~14-16-15-17~~.

6. Fishing – Throughout the year.

(b) through (d) No change.

(17) Twin Rivers Wildlife Management Area – Blue Springs Unit.

(a) Open season: Bird Dog Training – Tuesdays and Thursdays in October.

(b) through (d) No change.

(18) Jennings Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-25~~ through October ~~2-10~~.

2. Supervised small game – October ~~15-23-16-24~~, east of Black Creek only.

3. Muzzleloading gun – October ~~28-30-29-31~~.

4. General gun – November ~~12-27-13-28~~.

5. Small game – January ~~13-14~~ through February ~~12-13~~, Fridays, Saturdays and Sundays only.

6. Spring turkey – March 18-21 ~~19-22~~ and 22-26 ~~23-27~~.
7. Fishing – Throughout the year.
- (b) through (c) No change.
- (d) General Regulations:
1. Vehicles may be operated only on named or numbered roads.
  2. Tracked vehicles, airboats, unlicensed motorcycles, or all-terrain vehicles are prohibited.
  3. Hunting with dogs is prohibited except that bird dogs are permitted during the small game season.
  4. Horses are permitted on roads, firelines and designated trails only.
  5. Hunters shall check in and out at a check station when entering or exiting the area and shall report all game taken.
  6. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.
  7. The possession of guns is prohibited in or on permanent wildlife viewing structures.
  8. Bicycles are permitted throughout the year and shall be restricted to roads and firelines.
  9. Public access is prohibited from 1.5 hours after sunset until 1.5 hours before sunrise, except in designated camping areas.
- (19) Holton Creek Wildlife Management Area.
- (a) Open season:
1. Mobility-impaired general gun – October 14-16 ~~15-17~~, 28-30 ~~29-31~~, November 4-6 ~~5-7~~ and December 16-18 ~~17-19~~.
  2. Mobility-impaired spring turkey – March 24-26 ~~25-27~~ and April 14-16 ~~15-17~~.
  3. Fishing – Throughout the year.
- (b) through (d) No change.
- (20) Goethe Wildlife Management Area.
- (a) Open season:
1. Archery – September 24 ~~25~~ through October 9 ~~10~~.
  2. Muzzleloading gun – October 28-30 ~~29-31~~.
  3. General gun (still hunt) – November 12-15 ~~13-16~~.
  4. General gun (dog hunt) – November 16-20 ~~17-21~~.
  5. Small game – November 26 ~~27~~ through December 11 ~~12~~.
  6. Spring turkey – March 18-26 ~~19-27~~.
  7. Fishing – Throughout the year.
- (b) through (d) No change.
- (21) San Pedro Bay Wildlife Management Area.
- (a) Open season:
1. General gun – November 12 ~~13~~ through January 8 ~~9~~.
  2. Small game – January 9 ~~10~~ through March 5 ~~6~~.
  3. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.
  4. Archery – September 24 ~~25~~ through October 23 ~~24~~.
  5. Muzzleloading gun – October 28-30 ~~29-31~~.
  6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.
  7. Fishing and frogging – During periods the area is open.
  8. Trapping – January 9 ~~10~~ through March 1.
- (b) through (d) No change.
- (22) Citrus Wildlife Management Area.
- (a) Open season:
1. General gun – December 17-18 ~~18-19~~ and January 7-8 ~~8-9~~.
  2. Small game – January 9 ~~10~~ through March 5 ~~6~~.
  3. Muzzleloading gun – December 10-11 ~~11-12~~ and December 31 through January 1 ~~2~~.
  4. Archery – November 12 ~~13~~ through December 4 ~~5~~.
  5. Fishing and frogging – Throughout year.
- (b) through (d) No change.
- (23) Flying Eagle Wildlife Management Area.
- (a) Open season:
1. Archery – October 1-9 ~~2-10~~.
  2. Muzzleloading gun – October 28-30 ~~29-31~~.
  3. General gun – November 12-20 ~~13-21~~.
  4. Small game – November 25-27 ~~26-28~~ and December 16-18 ~~17-19~~.
  5. Spring turkey – March 18-21 ~~19-22~~ and 22-26 ~~23-27~~.
  6. Early duck – In September, season established by Rule 68A-13.003, F.A.C.
  7. Fishing and frogging – Permitted throughout the year.
- (b) through (c) No change.
- (d) General regulations:
1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited with the following exception: vehicular access is permitted one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game hunts.
  2. Hunting with dogs is prohibited except that waterfowl retrievers and bird dogs are allowed during small game and early duck seasons. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.
  3. The possession of centerfire and rimfire rifles is prohibited.
  4. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads.
  5. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.
  6. Hunters shall check in and out at the check station when entering and exiting the area and check all game taken.
  7. No deer, wild hog or turkey shall be dismembered until checked at the check station.

8. During the early duck season, shooting hours are from one-half hour before sunrise until 12:00 noon each day.

(24) Potts Wildlife Management Area.

(a) Open season:

1. Spring turkey – March ~~18-21~~ ~~19-22~~ and ~~22-26~~ ~~23-27~~.

2. Archery – October ~~8-16~~ ~~9-17~~.

3. Muzzleloading gun – November ~~4-6~~ ~~5-7~~.

4. General gun hog-dog – November ~~18-20~~ ~~19-21~~.

5. Small game – December ~~9-11~~ ~~10-12~~, January ~~6-8~~ ~~7-9~~, and February ~~3-5~~ ~~4-6~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. During periods when the area is closed to hunting, public access other than on foot, bicycle or horseback is prohibited unless by permit from the Southwest Florida Water Management District with the following exception: vehicular access is permitted one day prior to each hunt from 8 a.m. to 6 p.m., except prior to small game season.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

4. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

5. No game shall be dismembered until checked at the check station.

6. Only tents, trailers or self-propelled camping vehicles may be used for camping.

7. The name and address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

8. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the general gun hog-dog season. During the general gun hog-dog season, no more than 3 dogs per quota permit shall be allowed. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

9. During the general gun hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(25) Homosassa Wildlife Management Area.

(a) Open season:

1. Small game – November ~~12~~ ~~13~~ through December ~~4~~ ~~5~~ and December ~~24~~ ~~25~~ through January ~~8~~ ~~9~~.

2. General gun hog – February ~~9-12~~ ~~10-13~~ and ~~23-26~~ ~~24-27~~.

3. Special-opportunity spring turkey – March ~~18-24~~ ~~19-25~~ and April ~~1-7~~ ~~2-8~~.

4. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(26) Devil's Hammock Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-27~~ ~~25-28~~, September ~~28~~ ~~29~~ through October ~~2~~ ~~3~~ and October ~~3-9~~ ~~4-10~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun – November ~~12-15~~ ~~13-16~~ and ~~16-20~~ ~~17-21~~.

4. Small game – December ~~10-25~~ ~~11-26~~.

5. Spring turkey – March ~~18-21~~ ~~19-22~~ and ~~22-26~~ ~~23-27~~.

6. Trapping – Prohibited.

7. Fishing – Permitted year-round.

(b) through (d) No change.

(27) Mallory Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

2. Muzzleloading gun – October ~~29~~ ~~30~~ through November ~~6~~ ~~7~~ (still hunt area only).

3. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

4. Small game – January ~~9~~ ~~10~~ through February ~~5~~ ~~6~~.

5. Spring turkey – March ~~18~~ ~~19~~ through April ~~2~~ ~~3~~.

6. Duck and coot – During the duck and coot season and the early duck season in September established pursuant to Rule 68A-13.003, F.A.C.

7. Trapping – January ~~9~~ ~~10~~ through March 1.

8. Fishing and frogging – Throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Dogs with a shoulder height of more than 17 inches are prohibited during the general gun season. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying west of Crapps Tower Grade and north of L.A. Bennett Grade, and in that portion of the area lying west of Crapps Tower Grade and south of Deserter's Hammock Road.

2. During the muzzleloading gun and general gun seasons, hunters shall check all game taken at the check station.

3. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited, except that all-terrain vehicles and motorcycles shall be allowed only by permit from the Suwannee River Water Management District. Horses are permitted only on roads and designated horse trails during daylight hours and only during periods closed to hunting.

4. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.

5. Fires are prohibited.

6. Licensed trappers may possess .22 rimfire rifles or pistols from February ~~6~~ 7 through March 1.

(28) Middle Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12~~ 13 through January ~~8~~ 9.
2. Muzzleloading gun – October ~~29~~ 30 through November

~~6~~ 7.

3. Small game – January ~~9~~ 10 through March ~~5~~ 6.
4. Archery – September ~~24~~ 25 through October ~~23~~ 24.
5. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.
6. Trapping: Prohibited.
7. Fishing: Permitted throughout the year.

(b) through (d) No change.

(29) Little River Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-26~~ 25-27, October ~~1-3~~ 2-4 and ~~8-10~~ 9-11.

2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. Small game – December ~~3-7~~ 4-8 and ~~24-28~~ 25-29.
4. Fishing – Permitted throughout the year.
5. Trapping – Prohibited.

(b) through (d) No change.

(30) Troy Springs Wildlife Management Area.

(a) Open season:

1. Small game – November ~~12~~ 13 through January ~~8~~ 9, except on Sundays, and only in that portion of the area known as the Adams Tract located northeast of U.S. 27, east and south of County Road 251, and southwest of the Suwannee River.

2. Fishing – Permitted throughout the year.

(b) through (d) No change.

(31) Bayard Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~9~~ 10 and November ~~19-27~~ 20-28.

2. Muzzleloading gun – October ~~29~~ 30 through November ~~6~~ 7.

3. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

4. Trapping – Prohibited.

5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(32) Grove Park Wildlife Management Area (Alachua County).

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~23~~ 24.
2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. General gun – November ~~12~~ 13 through January ~~8~~ 9.
4. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.
5. Trapping – December 1 through January ~~8~~ 9.

6. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.

7. Fish and frogging – Throughout year.

(b) through (d) No change.

(33) Steinhatchee Springs Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~23~~ 24.
2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. General gun – November ~~12~~ 13 through December ~~4~~ 5.
4. Small game – January ~~21~~ 22 through February ~~19~~ 20.
5. Spring turkey – March ~~18~~ 19 through April ~~9~~ 10.
6. Trapping – Prohibited.
7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(34) Nassau Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12~~ 13 through January ~~8~~ 9.
2. Small game – January ~~9~~ 10 through March ~~5~~ 6.
3. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.
4. Archery – September ~~24~~ 25 through October ~~23~~ 24.
5. Muzzleloading gun – October ~~28-30~~ 29-31.
6. Fishing and frogging – During periods the area is open for hunting or scouting.

7. Trapping – January ~~9~~ 10 through March 1.

(b) through (d) No change.

(35) Cary Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15-16~~ 16-17, November ~~5-6~~ 6-7 and ~~19-20~~ 20-21, December ~~10-11~~ 11-12 and ~~24-25~~ 25-26.

2. Muzzleloading gun – December 31 through January 1 ~~2~~ and January 14-15 ~~15-16~~.

3. Bird dog training – October through January, Wednesdays, Saturdays and Sundays, except during scheduled hunting periods.

(b) through (d) No change.

(36) Ralph E. Simmons Memorial Wildlife Management Area.

(a) Open season:

1. General gun – November ~~19-27~~ 20-28.

2. Archery – September ~~24~~ 25 through October ~~2~~ 3.

3. Muzzleloading gun – October ~~29~~ 30 through November ~~6~~ 7.

4. General gun for mobility-impaired – October ~~15-18~~ 16-19.

5. Small game – December ~~19~~ 20 through January ~~1~~ 2 and February ~~4-12~~ 5-13.

6. Trapping – Prohibited.

7. Spring turkey – The first three days of the Central Zone season, and the Friday, Saturday, and Sunday of the third and fifth weekends of the Central Zone season.

8. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History- New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas RULE CHAPTER NO.: 68A-15

RULE TITLE: Specific Regulations for Wildlife Management Areas – Northwest Region RULE NO.: 68A-15.063

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife Management Areas (WMAs) in the Northwest Region as follows:

Apalachee WMA – The proposed rule would no longer allow the use of dogs for deer hunting in Zone C (813 acres).

Blackwater WMA – The proposed rules would reduce the length of the deer dog hunting season from 58 to 30 days with a 13-day season during the first 13 days of the general gun season (November 24-27 and December 10-18), and a 17-day season during the last 17 days of the general gun season (January 16 through February 1); reduce the size of the dog hunt area by approximately 22,000 acres from approximately 68,000 to approximately 46,000 acres; permit still hunting during the muzzleloading gun and the muzzleloading gun/archery seasons in the dog hunt area; permit still hunting in the dog hunt area during the general gun season when hunting with dogs is not allowed; reduce the size of the fox hunt area from approximately 68,000 to approximately 20,000 acres; establish 2 new 4-day quail hunts (February 6-9 and

20-23) with a daily bag limit of 12 per group on the Field Trial Area; prohibit taking quail on the Field Trial Area after 3:00 p.m.; expand the bird dog training season on the Field Trial Area by 17 days (November 14-30); and expand the archery season on the Field Trial Area by 13 days (November 1-13).

Tate’s Hell WMA – Off-highway vehicles (ATVs and off-highway motorcycles) are prohibited except by Division of Forestry permit.

Eglin Air Force Base WMA – The proposed rules would change antler restrictions for legal antlered deer from 5 inches to three points on a side on portions of the area; restrict fishing and frogging to areas and times specified by the Installation Commander; authorize entry and exit in areas and at times as specified by the Installation Commander; restrict fishing to catch and release only on Weekly Pond, Upper Memorial Lake, Hurlburt Lake and Jack Lake; establish a daily bag limit of 10 panfish (8 inches or greater in length) and establish a daily bag limit of one black bass (24 inches or greater in length) on Duck and Indigo ponds; and prohibit the use of outboard motors.

Escambia River WMA – The proposed rule would allow raccoon and opossum hunting with dogs at night (one half hour after sunset to one-half hour before sunrise) and no longer allow the use of dogs for deer hunting.

Choctawhatchee WMA – The proposed rule would establish a 3-day spring turkey season in that portion of the area north of the pipeline right-of-way located north of Cedar Log Landing (Walton County) and Billy Lee Landing (Washington County) with a bag limit of one turkey per quota hunt permit.

Econfina Creek WMA – The proposed rule would restrict horses to designated trails.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida



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

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

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 ~~24-27~~ 25-28 and December ~~10-14~~ through February ~~12-13~~ (Mondays, Wednesdays and Fridays closed to hunting in Zones A and B).

2. Archery – October ~~15-16~~ through November ~~13-14~~.

3. Fishing and frogging – Throughout year.

4. Muzzleloading gun – November ~~18-20~~ 19-21.

5. Early duck – On Tuesdays, Thursdays, Saturdays and Sundays of the September season established by Rule 68A-13.003, F.A.C.

6. Duck and coot – On Tuesdays, Thursdays, Saturdays and Sundays of the duck and coot season established in Rule 68A-13.003, F.A.C.

7. Dove – On Tuesdays, Thursdays, Saturdays and Sundays of the dove season established in Rule 68A-13.008, F.A.C.

8. Quail (Zone A) – December ~~20-21~~ through January ~~8-9~~ (Mondays, Wednesdays and Fridays closed to hunting).

9. Spring turkey (Zones B and C) – March ~~18-19~~ through April ~~23-24~~ (Fridays, Saturdays, and Sundays only).

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs ~~in Zones A and B~~ is prohibited except that bird dogs and retrievers are permitted during the general gun, muzzleloading gun, early duck, duck and coot, dove, and quail seasons.

2. Dove and waterfowl may be hunted in accordance with federal migratory bird regulations on Tuesdays, Thursdays, Saturdays and Sundays.

3. Vehicles may be operated only on named or numbered roads.

4. The possession or use of rifles is prohibited, except during the muzzleloading gun season.

5. Hunters shall check in and out at a check station when entering and exiting Zone A and shall check all game taken when hunting in Zone A.

6. Taking of wildlife by use of a gun on or from rights-of-way of County Road 271 is prohibited as provided by Rule 68A-4.008, F.A.C.

7. Two hundred zone tags will be issued for Zone A on a first-come, first-served basis at the check station. A zone tag is not required in Zones B or C.

8. During quail season, taking quail after 3:00 p.m. Central Standard Time is prohibited.

(2) Apalachicola Wildlife Management Area.

(a) Open season:

1. General gun – November ~~24-27~~ 25-28 and December ~~10-14~~ through February ~~1-2~~.

2. Small game – November ~~12-23~~ 13-24, November ~~28-29~~ through December ~~9-10~~ and February ~~2-3~~ through March ~~5-6~~.

3. Spring turkey – March ~~18-19~~ through April ~~23-24~~.

4. Archery – October ~~15-16~~ through November ~~13-14~~.

5. Muzzleloading gun – November ~~18-20~~ 19-21.

6. Muzzleloading gun and archery – February ~~16-26~~ 17-27.

7. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

8. Fox, raccoon, opossum and bobcat – October 1 through March ~~5-6~~ in that portion of the area in Liberty County lying west of State Road 65 (except in that portion of the area lying north and east of the Florida River and Larkins Slough) and in that portion in Leon County and Wakulla County south of State Road 267 bounded on the east by Forest Roads 313, F.H. 13 and 356, on the south by Forest Roads 349 and 357, on the west by Forest Roads 348 and F.H. 13, 309, 314, and 344. No guns may be used prior to November ~~24-25~~.

9. Trapping – February ~~2-3~~ through March 1.

10. Fishing and frogging – Throughout year.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November ~~24-27~~ 25-28 and from December ~~10-21~~ 11-22. Wild hogs may be taken only during the archery, muzzleloading gun, general gun, archery and muzzleloading and small game hunts. No size or bag limits on wild hogs.

(c) Camping: Throughout year.

(d) General regulations:

1. Camping is permitted only on designated campsites during general gun season, except on Northwest Florida Water Management District lands where camping is permitted throughout the area.

2. Bird dogs may be trained from June 1 through March ~~5-6~~. Deer dogs may be trained from October ~~29-30~~ through November ~~17-18~~ in that portion of the area open to hunting fox, raccoon, opossum and bobcats.

3. Dove hunting is permitted during the first phase of the established dove season.

4. During the November ~~12-13~~ through March ~~5-6~~ period, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

5. Taking of wildlife by use of a gun on or from rights-of-way of State Road 267, 67, 375, 65, 299, 368, 369, 260, 373, 263, 379, 12 or that portion of County Road 22 east of the Ochlockonee River is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Hunting with dogs, other than bird dogs and retrievers, is prohibited in that portion of the area lying west and south of State Road 375 and east of the Ochlockonee River; also those lands lying north and east of the Florida River and Larkins Slough.

7. Taking of deer is prohibited on or from the rights-of-way of State Road 375 and 50 yards outward from the rights-of-way.

8. The use of all-terrain vehicles is prohibited on that portion of the area posted as Northwest Florida Water Management District lands.

(3) Apalachicola Wildlife Management Area – Bradwell Unit.

(a) Open season:

1. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10-14~~ ~~11-15~~.

2. Archery – October ~~15-30~~ ~~16-31~~.

3. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

4. Small game – November ~~12-17~~ ~~13-18~~ and ~~21-23~~ ~~22-24~~.

5. Spring turkey – March ~~18-19~~ ~~19-20~~ and March 31 through April 2 ~~April 1-3~~.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Fishing and frogging – Throughout the year.

(b) through (c) No change.

(d) General Regulations:

1. Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.

2. Hunting with dogs, other than bird dogs and retrievers, is prohibited.

(4) Blackwater Wildlife Management Area.

(a) Open seasons in the still hunt area (which includes that portion of the area south of State Road 4 except for the field trial area) ~~season~~:

1. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~.

2. Small game – November ~~12-23~~ ~~13-24~~, November ~~28~~ ~~29~~ through December ~~9~~ ~~10~~ and February ~~2~~ ~~3~~ through March ~~5~~ ~~6~~.

3. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

4. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

5. Muzzleloading gun – November ~~18-20~~ ~~19-21~~, in the still hunt area only (except in the field trial area).

6. Muzzleloading gun and archery – February ~~16-26~~ ~~17-27~~, in the still hunt area only (except in the field trial area); January ~~21-23~~ in the designated field trial area only.

7. Fox, raccoon, opossum and bobcat – May 1 through March ~~13~~, north of State Road 4 (except in the still hunt area).

~~7.8:~~ Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., ~~(except on the field trial area)~~.

~~8.9:~~ Bird dog training – October 1-15 and November 14-30.

~~9.10:~~ Fishing and frogging – Throughout year except on fish hatchery.

(b) Open seasons in the dog hunt area (which includes that portion of the area north of State Road 4 and west of Three Notch Road, east of Mason West Road, and north of Camp Henderson Road; and that portion of the area north of State Road 4, west of Beaver Creek Highway and Hurricane Lake Road, and east of Belandville Road; and that portion of the area north of Break Fork Fire Line, north of Eadie Cotton Road and Peaden Bridge Road, west of Sherman Kennedy Road, south of Mattie Kennedy Road and Kennedy Bridge Road, west of Bullard Church Road, and east of Beaver Breek Highway and Hurricane Lake Road:

1. General gun dog – November 24-27, December 10-18, and January 16 through February 1.

2. General gun still (use of dogs for taking deer is prohibited and hunting with dogs other than bird dogs or retrievers is prohibited) – December 19 through January 15.

3. Small game – November 12-23, November 28 through December 9 and February 2 through March 5.

4. Spring turkey – March 18 through April 23.

5. Archery – October 15 through November 13.

6. Muzzleloading gun – November 18-20.

7. Muzzleloading gun and archery – February 16-26.

8. Fox, raccoon, opossum and bobcat – May 1 through March 12, north of State Road 4, west of Beaver Creek Highway and Hurricane Lake Road, and east of Belandville Road.

9. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

10. Bird dog training – October 1-15 and November 14-30.

11. Fishing and frogging – Throughout the year.

(c) Open seasons in the field trial area (which includes that portion of the area bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area:

1. Archery – October 15 through November 13.

2. Muzzleloading gun and archery – January 20-22.

3. Dove – During the first phase of the dove season (Monday through Saturday only), the second phase of the dove season (Monday through Wednesday only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.

4. Bird dog training – October 1-15 and November 14-30.

5. Quail – February 6-9 and February 20-23.

6. Fishing and frogging – Throughout year except on fish hatchery.

(d)(b) Legal to take: All legal game, fish, frogs and furbearers. During the January 20-22 ~~21-23~~ archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs. Taking quail is prohibited on the field trial area except during the quail season. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3:00 p.m. Central Time is prohibited during the quail season on the field trial area.

(e)(e) Camping: Throughout year at designated campsites only.

(f)(d) General regulations:

~~1. That portion known as the field trial area which is 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 shall be open to deer hunting only during the archery season before November 1 and during the January ~~21-23~~ archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Monday through Saturday only), and the second phase of the dove season (Monday through Wednesday only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.~~

~~2. Hunting with dogs other than bird dogs and retrievers is prohibited in the still hunt area, which includes that portion of the area south of State Road 4 and that portion of the area north of State Road 4 and east of Hurricane Lake Road and Beaver Creek Highway and south of the Brake Fork Fireline, west of Eadie Cotton Road, south of Peaden Bridge Road, east of Sherman Kennedy Road, north of Mattie Kennedy Road and Kennedy Bridge Road, east of Bullard Church Road and east of Ashburn Fork Fireline; and that portion of the area west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road.~~

~~1.3:~~ During fox, raccoon, opossum and bobcat season, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted.

~~2.4:~~ 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.

~~3.5:~~ Dogs are prohibited in the field trial area, except as specifically authorized by permit, or during the bird dog training or quail hunting seasons ~~season~~.

~~4.6:~~ The discharge of any gun within 300 yards of a public campsite is prohibited.

~~5.7:~~ Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

~~6.8:~~ The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

~~7.9:~~ Vehicles are prohibited on the Florida Gas Transmission Line and from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(5) Blackwater Wildlife Management Area – Hutton Unit.

(a) Open season:

1. Archery – October 15-23 ~~16-24~~.

2. Muzzleloading gun – November 18-20 ~~19-21~~.

3. Quail – November 12-13 ~~13-14~~, 23-24 ~~24-25~~, December 3-4 ~~4-5~~, 12-13 ~~13-14~~, 17-18 ~~18-19~~, 26-27 ~~27-28~~, and December 31 through January 1 ~~January 1-2~~.

4. General gun – January 14-22 ~~15-23~~.

5. Mobility-impaired general gun – January 27-29 ~~28-30~~ and February 3-5 ~~4-6~~.

6. Spring turkey – March 18-20 ~~19-21~~, March 31 through April 2 ~~April 1-3~~, and April 14-16 ~~15-17~~.

7. Fishing and frogging – Throughout the year.

8. Bird dog training – Monday through Friday in October, except during archery season.

(b) through (d) No change.

(6) Blackwater Wildlife Management Area – Carr Unit.

(a) Open season:

Quail: November 12-15 ~~13-16~~, 17-20 ~~18-21~~, 24-27 ~~25-28~~, December 1-4 ~~2-5~~, 8-11 ~~9-12~~, 15-18 ~~16-19~~, 22-25 ~~23-26~~, December 29 ~~30~~ through January 1 ~~2~~, January 5-8 ~~6-9~~, 12-15 ~~13-16~~, 19-22 ~~20-23~~, 26-29 ~~27-30~~, February 2-5 ~~3-6~~, 9-12 ~~10-13~~, 16-19 ~~17-20~~ and 23-26 ~~24-27~~.

(b) through (d) No change.

(7) Joe Budd Wildlife Management Area.

(a) Open season:

1. Archery – December 9 ~~10~~ through January 8 ~~9~~ (Fridays, Saturdays and Sundays only).

2. Archery and muzzleloading gun – January 13-29 ~~14-30~~ (Fridays, Saturdays and Sundays only).

3. Small game – October 1 ~~2~~ through December 4 ~~5~~ (Saturdays and Sundays only).

4. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~ (Saturdays and Sundays only).

5. Fishing and other recreational use – Permitted during daylight hours when hunting is not allowed.

(b) through (d) No change.

(8) Robert Brent Wildlife Management Area.

(a) Open season:

1. General gun – November 24-27 ~~25-28~~ and December 10 ~~11~~ through February 1 ~~2~~.

2. Small game – November 12-23 ~~13-24~~, November 28 ~~29~~ through December 9 ~~10~~ and February 2 ~~3~~ through March 5 ~~6~~.

3. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.

4. Archery – October 15 ~~16~~ through November 13 ~~14~~.

5. Muzzleloading gun – November 18-20 ~~19-21~~.

6. Archery and muzzleloading gun – February 16-26 ~~17-27~~.

7. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout year.

9. Trapping – January 1 through March 1 by permit from the Panama City regional office only.

(b) Legal to take: All legal game, fish, frogs and furbearers. Bearded turkeys or gobblers may be taken from November 24-27 ~~25-28~~ and from December 10-21 ~~11-22~~. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited.

(c) through (d) No change.

(9) Blue Water Creek Wildlife Management Area.

(a) Open season:

1. General gun – November 24-27 ~~25-28~~ and December 10 ~~11~~ through February 1 ~~2~~.

2. Small game – February 18 ~~19~~ through March 5 ~~6~~ (Saturdays and Sundays only).

3. Archery – October 15 ~~16~~ through November 13 ~~14~~.

4. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.

5. Archery and muzzleloading gun – February 2-15 ~~3-16~~.

6. Muzzleloading gun – November 18-20 ~~19-21~~.

7. Fishing and frogging – Prohibited except during designated hunting days and pre-hunt scouting periods.

(b) through (d) No change.

(10) Point Washington Wildlife Management Area.

(a) Open season:

1. General gun – November 24-27 ~~25-28~~ and December 10 ~~11~~ through February 1 ~~2~~.

2. Small game – November 12-23 ~~13-24~~, November 28 ~~29~~ through December 9 ~~10~~ and February 2 ~~3~~ through March 5 ~~6~~.

3. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.

4. Archery – October 15 ~~16~~ through November 13 ~~14~~.

5. Muzzleloading gun – November 18-20 ~~19-21~~.

6. Archery and muzzleloading gun – February 16-26 ~~17-27~~.

7. Fishing and frogging – Throughout year.

8. Trapping – January 1 through February 1.

(b) through (d) No change.

(11) Talquin Wildlife Management Area.

(a) Open season:

1. General gun – November 25-27 ~~26-28~~ and December 10 ~~11~~ through January 1 ~~2~~ (Fridays, Saturdays and Sundays only).

2. Archery – October 15 ~~16~~ through November 13 ~~14~~ (Fridays, Saturdays and Sundays only).

3. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~ (Saturdays and Sundays only).

4. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

5. Fishing and other recreational uses – Permitted during daylight hours only.

(b) Legal to take: All legal game, fish and furbearers. Antlerless deer (daily bag one) may be taken December 31 ~~January 3~~. No size or bag limit on wild hogs.

(c) Camping: Prohibited.

(d) General regulations:

1. Vehicles may be operated only on numbered roads.

2. Hunting with dogs other than bird dogs or retrievers is prohibited.

3. All hunters entering onto or exiting from this area may do so only at a designated entrance as indicated on the hunt map.

4. Hunters shall check in and out at the check station on December 31 ~~January 3~~ and check all game taken.

5. Guns are prohibited when the area is closed to hunting.

(12) Ochlockonee River Wildlife Management Area.

(a) Open season:

1. Archery and muzzleloading gun – November 25-27 ~~26-28~~ and December 10 ~~11~~ through January 1 ~~2~~ (Fridays, Saturdays and Sundays only).

2. Small game – January 6 ~~7~~ through March 5 ~~6~~ (Fridays, Saturdays and Sundays only).

3. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~ (Fridays, Saturdays and Sundays only).

4. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~ (Saturdays and Sundays only).

5. Fishing and other recreational uses – Permitted during daylight hours when hunting is not allowed.

(b) through (d) No change.

(13) Tate's Hell Wildlife Management Area.

(a) Open season:

1. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~.

2. Small game – November ~~12-23~~ ~~13-24~~, November ~~28~~ ~~29~~ through December ~~9~~ ~~10~~ and February ~~2~~ ~~3~~ through March ~~5~~ ~~6~~.

3. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

4. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

5. Muzzleloading gun and archery – February ~~16-26~~ ~~17-27~~.

6. Early duck – In September season as established by Rule 68A-13.003, F.A.C.

7. Duck and coot – As established by Rule 68A-13.003, F.A.C.

8. Dove – As established by Rule 68A-13.008, F.A.C.

9. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

10. Trapping – February 1 through March 1.

11. Fishing and frogging – Throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Deer dogs may be trained from October ~~29~~ ~~30~~ through November ~~17~~ ~~18~~.

2. During the general gun and small game seasons, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

3. Vehicles may be operated only on designated roads. Off-Highway Vehicles (all-terrain vehicles and off-highway motorcycles) are prohibited except by permit from the Division of Forestry only ~~may be operated on designated off-highway vehicle trails only~~. Airboats and tracked vehicles are prohibited.

4. In the still hunt area, which includes that portion of the area east of Whiskey George Creek and south of Dry Bridge Road, east of Car Body Road, south of River Road, east of Burnt Bridge Road from its intersection with River Road to the New River, south of New River and west of Carrabelle River, and those lands lying south and east of the Crooked River, hunting with dogs other than bird dogs and retrievers is prohibited.

5. Taking of wildlife by use of a gun on or from the rights-of-way of State Road 67 is prohibited as provided by Rule 68A-4.008, F.A.C.

(14) Tate's Hell Wildlife Management Area – Womack Creek Unit.

(a) Open season:

1. Archery – October ~~15-23~~ ~~16-24~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. Small game – November ~~12~~ ~~13~~ through February ~~1~~ ~~2~~.

4. General gun still – November ~~24-27~~ ~~25-28~~ and December ~~10-18~~ ~~11-19~~.

5. General gun dog – December ~~24~~ ~~22~~ through January ~~5~~ ~~3~~.

6. Early duck – In September as established by Rule 68A-13.003, F.A.C.

7. Spring turkey – March ~~18-21~~ ~~19-22~~, March ~~30~~ ~~31~~ through April ~~2~~ ~~3~~ and April ~~6-9~~ ~~7-10~~.

8. Trapping – February 1 through March 1.

9. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(15) Aucilla Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

2. Small game – January ~~9~~ ~~10~~ through March ~~5~~ ~~6~~.

3. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

4. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

5. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

8. Fishing and frogging – Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.

9. Trapping – January ~~9~~ ~~10~~ through March 1.

(b) through (d) No change.

(16) Flint Rock Wildlife Management Area.

(a) Open season:

1. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

2. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

3. Small game – January ~~9~~ ~~10~~ through March ~~5~~ ~~6~~.

4. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

5. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Duck and coot – During the duck and coot season established by Rule 68A-13.003, F.A.C.

8. Fishing and frogging – Permitted during periods the area is open for access.

9. Trapping – January ~~9~~ ~~10~~ through March 1.

(b) through (d) No change.

(17) Pine Log Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15-30~~ ~~16-31~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~, January ~~21-24~~ ~~22-25~~, and January ~~25-29~~ ~~26-30~~.

4. Small game – December ~~3~~ 4-31.

5. Spring turkey – March ~~18~~ ~~19~~ through April ~~2~~ ~~3~~.

6. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(18) Eglin AFB Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~ in areas and during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~ in areas specified by the Installation Commander.

3. General gun – November ~~24-27~~ ~~25-28~~, December ~~10~~ ~~11~~ through February ~~5~~ ~~6~~ in areas and during days specified by the Installation Commander.

4. Archery and muzzleloading gun – February ~~6-26~~ ~~7-27~~ in areas and during days specified by the Installation Commander.

5. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~ in areas and during days specified by the Installation Commander.

6. Dove – In areas and during days specified by the Installation Commander in accordance with Rule 68A-13.008, F.A.C.

7. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~ in areas and during days specified by the Installation Commander.

8. Raccoon, fox, opossum, and bobcat – May 15 through August 31 in areas specified by the Installation Commander.

9. Trapping – December 1 through March 1 in areas specified by the Installation Commander.

10. Fishing and frogging – Throughout the year in areas and at times specified by the Installation Commander.

(b) Legal to take: All legal game, fish, frogs and furbearers. The taking of any deer not having at least one antler with three or more points (each point one-inch in length or more) is prohibited in areas specified by the Installation Commander. Antlerless deer may be taken during established seasons by permit from the Installation Commander.

1. No person shall kill or possess any fish on Weekly Pond, Upper Memorial Lake, Hurlburt Lake or Jack Lake.

2. No person shall take more than ten panfish in the aggregate per day, kill or possess any panfish less than eight inches in total length, take more than one black bass per day, or kill or possess any black bass less than 24 inches in total length on Duck Pond or Indigo Pond.

(c) Camping: Prohibited, except at designated campsites.

(d) General regulations:

1. Possession of or hunting with dogs other than bird dogs or retrievers is prohibited in areas specified by the Installation Commander.

2. Vehicles may be operated only on named or numbered roads except those posted as closed.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken in areas specified by the Installation Commander.

4. Taking of wildlife by use of a gun on or from the rights-of-way of any paved Eglin road, Range Roads 200, 213, 234, and the portion of Range Road 211 from Highway 85 west to Range Road 610, and all other roads posted as such, is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Use of trotlines or bush hooks is prohibited.

6. During November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.

7. Use of all-terrain vehicles is prohibited, except by permit.

8. Dogs may be trained in areas and at times specified by the Installation Commander.

9. Persons shall only enter and exit Eglin AFB in areas and at times specified by the Installation Commander.

10. No person shall operate any boat propelled by an internal-combustion engine on any lake or pond, except as authorized by the Installation Commander.

(19) Escambia River Wildlife Management Area.

(a) Open season:

1. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11-31~~.

2. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

3. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

4. Archery and muzzleloading gun – January 1 through February ~~1~~ ~~2~~ and February ~~16-26~~ ~~17-27~~.

5. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.

6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

7. ~~Fox, Raccoon, and opossum, and bobcat~~ – November 1 through July 31 except during spring turkey season.

8. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

9. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited ~~on Parker and Morgan Islands (except hunting raccoons or opossums with dogs is allowed from one-half hour after sunset to one-half hour before sunrise, in accordance with paragraph 68A-24.002(2)(b), F.A.C., when hunting raccoon.) and in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.~~

3. The use of all-terrain vehicles is prohibited.

4. Taking of wildlife by use of a gun on or from rights-of-way of State Road 184 and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.

5. Raccoon and opossum may be taken in accordance with paragraph 68A-24.002(2)(b), F.A.C., by the use of firearms only during November 1 through March 1.

(20) Tyndall AFB Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~ during days specified by the Installation Commander.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~15~~ ~~16~~ during days specified by the Installation Commander.

4. Supervised youth – November ~~19-20~~ ~~20-21~~, December ~~3-4~~ ~~4-5~~ and ~~17-18~~ ~~18-19~~ (only in areas designated by the Installation Commander).

5. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~ during days specified by the Installation Commander.

6. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~ during days specified by the Installation Commander.

7. Migratory game birds – During days specified by the Installation Commander within seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year except in areas posted as closed.

(b) through (d) No change.

(21) Choctawhatchee River Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~ except Holmes Creek Unit and East River Island.

4. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.

5. Archery and muzzleloading gun – February ~~16-26~~ ~~17-27~~. Holmes Creek Unit and East River Island November ~~24-27~~ ~~25-28~~, December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~ and February ~~16-26~~ ~~17-27~~.

6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~ 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 18-20 in that portion of the area north of the pipeline right-of-way.

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1 in still hunt areas and February 1 through March 1 in dog hunt areas.

(b) Legal to take: All legal game (~~except turkey shall not be taken in that portion of the area north of the pipeline right-of-way~~), fish, frogs and furbearers. In that portion of the area north of the pipeline right-of-way, turkey may be taken only during the spring turkey season and the bag limit for turkey shall be one gobbler or bearded turkey per quota hunt permit.

(c) No change.

(d) General regulations:

1. Vehicles may be operated only on named or numbered roads.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited in still hunt areas. Designated still hunt areas are north of U.S. Highway 90, Holmes Creek Unit (those lands in Washington County lying east of C.R. 284), and East River Island (those lands in Township 1 North, Ranges 17 and 18 West which are bounded on the south and east by East River and on the west and north by Choctawhatchee River); also those lands south of U.S. Highway 90 lying north of the pipeline right-of-way and east of the Choctawhatchee River.

3. The use of all-terrain vehicles is prohibited.

4. During spring turkey season in that portion of the area north of the pipeline right-of-way, hunters shall check in and out at a check station when entering and exiting the area and shall check all turkeys taken.

(22) Upper Chipola River Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through January 1.

4. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.

5. Archery and muzzleloading gun – February ~~18-19~~ ~~19-20~~ and ~~25-26~~ ~~26-27~~.

6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1.

(b) through (d) No change.

(23) Yellow River Wildlife Management Area.

(a) Open seasons except in the Grassy Point area:

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~.

4. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.

5. Archery and muzzleloading gun – February ~~16-26~~ ~~17-27~~.

6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

7. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.

8. Fishing and frogging – Throughout the year.

9. Trapping – December 1 through March 1.

(b) Open seasons in the Grassy Point area (the area south of Weaver River):

1. General gun – November ~~24-27~~ ~~25-28~~ and January ~~21-29~~ ~~22-30~~.

2. Archery – October ~~15-30~~ ~~16-31~~.

3. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

4. Spring turkey – March ~~18-19~~ ~~19-20~~, April ~~1-2~~ ~~2-3~~ and ~~15-16~~ ~~16-17~~.

5. Small game – November ~~12-17~~ ~~13-18~~ and ~~21-23~~ ~~22-24~~.

6. Fishing and frogging – Throughout the year.

(c) through (e) No change.

(24) Econfina Creek Wildlife Management Area.

(a) Open season except in the mobility-impaired, Cat Creek, and Fitzhugh Carter areas.

1. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11~~ through February ~~1~~ ~~2~~.

4. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.

5. Archery and muzzleloading gun – February ~~16-26~~ ~~17-27~~.

6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

7. Raccoon – November ~~12~~ ~~13~~ through March ~~17~~ ~~18~~ and April ~~24~~ ~~25~~ through July 31.

8. Duck and coot – During duck and coot season as established by Rule 68A-13.003, F.A.C.

9. Fishing and frogging – Permitted throughout the year.

(b) Open seasons in the mobility-impaired hunt area (area south of County Road 388):

1. General gun – November ~~25-27~~ ~~26-28~~, January ~~13-15~~ ~~14-16~~, ~~20-22~~ ~~21-23~~, ~~27-29~~ ~~28-30~~ and February ~~1-3~~ ~~2-4~~.

2. Spring turkey – March ~~18-19~~ ~~19-20~~, ~~24-26~~ ~~25-27~~, ~~March 31~~ through April ~~2~~ ~~April 1-3~~, ~~April 7-9~~ ~~8-10~~, ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

3. Fishing and frogging – Permitted throughout the year.

(c) Open seasons in the Cat Creek (area south of State Road 20 and north of County Road 388) and Fitzhugh Carter (area west of State Road 77) areas:

1. Archery – October ~~15-30~~ ~~16-31~~.

2. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

3. General gun – November ~~24-27~~ ~~25-28~~, January ~~21-24~~ ~~22-25~~ and ~~25-29~~ ~~26-30~~.

4. Small game – December ~~3-18~~ ~~4-19~~.

5. Spring turkey – March ~~18-20~~ ~~19-21~~, ~~March 31~~ through April ~~2~~ ~~April 1-3~~ and ~~April 14-16~~ ~~15-17~~.

6. Special September duck – In the September season established by Rule 68A-13.003, F.A.C. (Fitzhugh Carter area only).

7. Fishing and frogging – Permitted throughout the year except that fishing is prohibited in the Fitzhugh Carter area.

(d) through (e) No change.

(f) General regulations:

1. Vehicles may be operated only on named or numbered roads except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

2. Hunting with dogs, other than bird dogs or retrievers, is prohibited west of State Road 77, south of State Road 20, east of Econfina Creek, west of Econfina Road and south of Greenhead Road, and north of Duma Jack Road, except that dogs may be used to take raccoons (except in the mobility-impaired hunt area).

3. The use of all-terrain vehicles is prohibited except in the mobility-impaired hunt area by persons possessing mobility-impaired certificates.

4. The possession or consumption of intoxicating beverages is prohibited.

5. Persons hunting in the mobility-impaired area must possess a valid mobility-impaired certificate and mobility-impaired hunt permit, or accompany a person possessing a valid mobility-impaired certificate and mobility-impaired hunt permit. One additional person per permit holder may participate in the hunt. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

6. Taking of wildlife by use of a gun on or from rights-of-way of Thomas Road, Rattlesnake Road, Strickland Road, Porter Pond Road, Duma Jack/Deadening Road, Econfina Road, Greenhead Road, Hampshire Boulevard, S.R. 20, or C.R. 388 is prohibited.

7. Horses are allowed on designated horse trails only. Horses are prohibited on the Fitzhugh Carter Area.

(25) Box-R Wildlife Management Area.

(a) Open season:

1. Archery – October ~~15-21~~ ~~16-22~~, and ~~22-30~~ ~~23-31~~.

2. Small game – November ~~12-17~~ ~~13-18~~.

3. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.

4. General gun – November ~~24-27~~ ~~25-28~~, January ~~5-8~~ ~~6-9~~, ~~12-15~~ ~~13-16~~, and ~~19-22~~ ~~20-23~~.

5. Wild hog – December ~~3-9~~ ~~4-10~~.

6. Spring turkey – March ~~18-21~~ ~~19-22~~, March ~~30~~ ~~31~~ through April ~~2~~ ~~3~~, and April ~~13-16~~ ~~14-17~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.



Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History--New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas  
RULE TITLE: Specific Regulations for Wildlife  
RULE CHAPTER NO.: 68A-15  
RULE NO.: 68A-15.064

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife Management Areas (WMAs) in the South Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed 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:

Picayune Strand WMA – The proposed rule would prohibit public access at night (from 1.5 hours after sunset until 1.5 hours before sunrise). Off-highway vehicles (ATVs and off-highway motorcycles) are prohibited except by Division of Forestry permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for Wildlife Management Areas – South Region.

- (1) J. W. Corbett Wildlife Management Area.
  - (a) Open season:
    - 1. General gun – November ~~5~~ 6 through January ~~1~~ 2.
    - 2. Small game – January ~~2~~ 3 through February ~~12~~ 13.
    - 3. Spring turkey – March ~~4~~ 5 through April ~~9~~ 10 (Saturdays and Sundays only).
    - 4. Archery – August ~~27~~ 28 through September ~~18~~ 19.
    - 5. Muzzleloading gun – October ~~1-16~~ 2-17.
    - 6. Raccoon season – January ~~2~~ 3 through February ~~12~~ 13.
    - 7. Fishing and frogging – Permitted throughout the year except when area is closed to public access.
      - (b) through (d) No change.
  - (2) Holey Land Wildlife Management Area.
    - (a) Open season:
      - 1. General gun – Walk, October ~~22-30~~ 23-31.
      - 2. General gun – Vehicle, November ~~5-20~~ 6-21 (tracked vehicles and airboats only). Deer hunting by permit only during the general gun-vehicle season.
      - 3. Archery – August ~~27~~ 28 through September ~~18~~ 19.
      - 4. Muzzleloading gun – October ~~1-16~~ 2-17.
      - 5. Migratory game birds – Migratory game birds except crows during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.
      - 6. Fishing and frogging – Throughout year.
        - (b) through (e) No change.
    - (3) Everglades and Francis S. Taylor Wildlife Management Area.

## (a) Open season:

1. General gun – Walk, October 22-30 ~~23-31~~, Conservation Areas 3A North and 2 only. December 3 ~~4~~ through January 1 ~~2~~ 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 5-20 ~~6-21~~, in Conservation Areas 3A North, 3A South, 2, and the Francis S. Taylor Wildlife Management Area by permit only.

3. Archery – August 27 ~~28~~ through September 18 ~~19~~, Conservation Area 3A North only.

4. Muzzleloading gun – October 1-16 ~~2-17~~, in Conservation Area 3A North only.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Throughout year.

(b) through (e) No change.

(4) Rotenberger Wildlife Management Area.

(a) Open season:

1. General gun – Walk, October 22-30 ~~23-31~~.

2. General gun – Vehicle (airboats and tracked vehicles only), November 5-20 ~~6-21~~ by quota permit only.

3. Archery – August 27 ~~28~~ through September 18 ~~19~~.

4. Muzzleloading gun – October 1-16 ~~2-17~~.

5. Duck, coot and snipe – Ducks and coots during the duck and coot season established by Rule 68A-13.003, F.A.C., and snipe during the snipe season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(5) Big Cypress Wildlife Management Area.

(a) Open season:

1. General gun – Twelve days prior to Thanksgiving day through January 1 except during those years when January 1 falls on a Thursday, Friday, or Saturday, in which case the season would close on the following Sunday in the Stairsteps, Bear Island, Turner River, Corn Dance, and Loop units.

2. Small game – The day following the close of general gun season through February 6.

3. Archery – September 3 ~~4~~ through October 2 ~~3~~ 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 8-23 ~~9-24~~, except in the Deep Lake Unit.

5. Spring turkey – March 4 ~~5~~ through April 9 ~~10~~.

6. Early duck – In the September season as established by Rule 68A-13.003, F.A.C., except on the Bear Island and Deep Lake Units.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(6) No change.

(7) Okaloacoochee Slough Wildlife Management Area.

(a) Open season:

1. Archery – September 10-16 ~~11-17~~ and 17-25 ~~18-26~~.

2. Muzzleloading gun – October 15-17 ~~16-18~~.

3. General gun – October 29 ~~30~~ through November 1 ~~2~~ and November 2-6 ~~3-7~~.

4. General gun hog – November 19-25 ~~20-26~~.

5. Small game – November 26 ~~27~~ through December 18 ~~19~~.

6. Spring turkey – March 4-7 ~~5-8~~ and 8-12 ~~9-13~~.

7. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

8. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(8) Fisheating Creek Wildlife Management Area.

(a) Open season:

1. Archery – September 16-18 ~~17-19~~ and 23-25 ~~24-26~~ west of U.S. Highway 27 only.

2. Muzzleloading gun – October 14-16 ~~15-17~~ and 21-23 ~~22-24~~ west of U.S. Highway 27 only.

3. General gun – November 4-6 ~~5-7~~ and 25-27 ~~26-28~~ west of U.S. Highway 27 only.

4. Spring turkey – March 4-7 ~~5-8~~, 10-13 ~~11-14~~, 17-20 ~~18-21~~, 24-27 ~~25-28~~ and March 31 through April 3 ~~1-4~~ west of U.S. Highway 27 only.

5. Special-opportunity spring turkey – March 4-10 ~~5-11~~ and 18-24 ~~19-25~~ east of U.S. Highway 27 only.

6. General gun hog – December 10-11 ~~11-12~~ west of U.S. Highway 27 only.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(9) Picayune Strand Wildlife Management Area.

(a) Open season:

1. Archery – September 10-16 ~~11-17~~ and 17-25 ~~18-26~~.

2. Muzzleloading gun – October 15-17 ~~16-18~~.

3. General gun – October 29 ~~30~~ through November 1 ~~2~~ and November 2-6 ~~3-7~~.

4. Small game – November 12-27 ~~13-28~~.

5. Spring turkey – March 4-7 ~~5-8~~ and 8-12 ~~9-13~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.

2. The use of tracked vehicles ~~or~~ airboats, ~~or all-terrain vehicles~~ is prohibited. Off-Highway Vehicles (all-terrain vehicles and off-highway motorcycles) are prohibited except by permit from the Division of Forestry only.

3. Vehicles may be operated only on named or numbered roads and trails.

4. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.

5. No deer, hog or turkey shall be dismembered until checked at a check station.

6. Fires other than campfires are prohibited.

7. Public access is prohibited from 1.5 hours after sunset until 1.5 hours before sunrise, except in designated camping areas.

(10) Dinner Island Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~10-16~~ ~~11-17~~ and ~~17-25~~ ~~18-26~~.

2. Muzzleloading gun – October ~~15-17~~ ~~16-18~~.

3. General gun – October ~~29~~ ~~30~~ through November ~~1~~ ~~2~~ and November ~~2-6~~ ~~3-7~~.

4. Spring turkey – March ~~4-7~~ ~~5-8~~ and ~~8-12~~ ~~9-13~~.

5. Dove – Saturdays only during the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(11) Spirit-of-the-Wild Wildlife Management Area.

(a) Open season:

1. Archery – September ~~10-16~~ ~~11-17~~ and ~~17-25~~ ~~18-26~~.

2. Muzzleloading gun – October ~~15-17~~ ~~16-18~~.

3. General gun – October ~~29~~ ~~30~~ through November ~~1~~ ~~2~~ and November ~~2-6~~ ~~3-7~~.

4. Spring turkey – March ~~4-7~~ ~~5-8~~ and ~~8-12~~ ~~9-13~~.

5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 7-27-83, 9-27-83, 7-5-84, 7-1-85, 5-7-86, 8-5-86, 5-10-87, 8-24-87, 5-1-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-1-92, 7-1-93, 7-1-94, 7-1-95, 8-15-95, 7-1-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.064, Amended 11-17-99, 7-1-00, 7-1-01, 6-2-02, 2-27-03, 5-1-03, 7-1-04, ~~7-1-05~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Type I Wildlife Management Areas  
RULE CHAPTER NO.: 68A-15

RULE TITLE: Specific Regulations for Wildlife  
RULE NO.: 68A-15.065

Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise specific area regulations on Wildlife Management Areas (WMAs) in the Northeast Region and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WMAs.

SUMMARY: The proposed 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:

Richloam WMA, Baird Unit – The proposed rule would combine the first and second phases of small game season from December 4-19 and January 22 through February 13 to January 14 through February 19 to reduce conflicts with general gun season on adjacent Richloam WMA (net loss of two days).

Half Moon WMA – The proposed rule would allow the District to regulate the possession of dogs during non-hunting periods on District property.

Lake Panasoffkee WMA – The proposed rule would allow the District to regulate the possession of dogs during non-hunting periods on District property. The proposed rule would move the small game season to after the special-opportunity hog hunts.

Matanzas WMA – The proposed rule would establish the following open seasons: archery (September 24 through October 2 and October 3-9); muzzleloading gun (October 28-30); family hunt (November 12-13); general gun (November 14-20); small game (January 9-24); spring turkey (March 18-21 and 22-26); and fishing and frogging (throughout the year). The proposed rule would establish the following as legal to take: all legal game, fish, frogs, and furbearers. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit. The proposed rule would permit camping by permit from the Florida Division of Forestry only; prohibit hunting with dogs, except bird dogs and retrievers; permit the operation of vehicles on named and numbered roads only and require vehicles to park at designated parking areas or within 25 feet of a named or numbered road; prohibit airboats, tracked vehicles, unlicensed motorcycles, and all-terrain vehicles; require persons to enter and exit through designated entrances; allow vehicular access by persons in possession of a valid hunt permit, except during small game season a permit is not required; allow for one or two youths (under 16 years of age

but not under 8 years of age) per hunt permit to hunt while under the supervision of an adult who is over 18 years of age, who may also hunt during the family hunt.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

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 ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

2. Small game – January ~~9~~ ~~10~~ through March ~~5~~ ~~6~~.

3. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

4. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~. A special quota permit will be required for the September ~~24-25~~ ~~25-26~~ hunt.

5. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

6. Fishing and frogging – Throughout year.

(b) through (d) No change.

(2) Ft. McCoy Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

2. Small game – January ~~9-29~~ ~~10-30~~.

3. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

4. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

5. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.

6. Fishing and frogging – Permitted during periods in which hunting is allowed.

(b) through (d) No change.

(3) Ocala Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12~~ ~~13~~ through January ~~8~~ ~~9~~.

2. Small game – January ~~9~~ ~~10~~ through March ~~5~~ ~~6~~.

3. Archery – September ~~24~~ ~~25~~ through October ~~23~~ ~~24~~.

4. Muzzleloading gun – October ~~28-30~~ ~~29-31~~, on the Church Lake, Hopkins Prairie and Lake Delancy Management Units only.

5. Fox, bobcat and raccoon – November ~~12~~ ~~13~~ through April ~~16~~ ~~17~~.

6. Early duck – In the September season established by Rule 68A-13.003, F.A.C.

7. Spring turkey – March ~~23-26~~ ~~24-27~~, March ~~30~~ ~~31~~ through April ~~2~~ ~~3~~, April ~~6-9~~ ~~7-10~~ and ~~13-16~~ ~~14-17~~.

8. Trapping – December 1 through March 1, except in that portion of the Pipeline Management Unit south of S.R. 40, east of County Road 183 AV, and west of S.R. 19.

9. Fishing and frogging – Throughout year.

(b) Legal to take:

1. All legal game (except antlerless deer), fish, frogs and furbearers. During the spring turkey season the bag limit shall be one gobbler or bearded turkey per quota hunt permit. Deer may only be taken in the Church Lake Unit during the archery season, muzzleloading gun season and the first 9 days of the general gun season. Deer daily bag one, no season bag.

2. Furbearing animals – During the November ~~12~~ ~~13~~ 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 ~~6~~ ~~7~~ through April ~~16~~ ~~17~~ 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 ~~9~~ ~~10~~ through April ~~16~~ ~~17~~, only in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

(c) Camping: Throughout year.

(d) General regulations:

1. Camping is permitted by the use of tents, trailers, or self-propelled camping vehicles only on designated campsites during the general gun season.

2. No deer or turkey shall be dismembered or transported out of the hunt area until checked at a check station.

3. All management units will be open for the taking of doves during all phases of the dove season.

4. Hunting with dogs is prohibited in the Hopkins Prairie and Lake Delancy management units, except bird dogs and retrievers are allowed during small game, early duck, dove, and duck and coot seasons. Caged or leashed hunting dogs may be transported on established numbered roads.

5. Taking of wildlife by use of a gun on or from rights-of-way of all paved roads, Forest Road 538 from State Road 42 to County Road 445, Forest Road 573, Forest Road 588, Blue Creek Lodge Road, Forest Road 10 east of Forest Road 65, Forest Road 65 south of Forest Road 10, Forest Road 79 south of Forest Road 76 or that portion of any road adjacent to posted lands, and all Forest Service, county and state roads in the Church Lake Unit is prohibited as provided by Rule 68A-4.008, F.A.C.

6. Bow and arrow may be used to take nongame fish, except catfish, in Salt Springs Run (Marion County).

7. Deer dogs may be trained only in the Pipeline Unit, beginning 14 days prior to the opening of the general gun season and ending nine days thereafter.

8. Dogs may be used to pursue rabbits from January 9 10 through April 16 17 in that portion of the Pipeline Management Unit south of S.R. 40, east of C.R. 183 AV, and west of S.R. 19.

9. The possession of center-fire rifles is prohibited during the spring turkey season.

(e) No change.

(4) Richloam Wildlife Management Area.

(a) Open season:

1. General gun – November 12 13 through January 8 9.

2. Spring turkey – March 18 19 through April 23 24.

3. Archery – September 24 25 through October 23 24.

4. Fishing and frogging – Throughout year except on fish hatchery.

5. Trapping – January 9 10 through March 1.

(b) through (d) No change.

(5) Richloam Wildlife Management Area – Baird Unit.

(a) Open season:

1. Archery – September 24 25 through October 9 10.

2. Muzzleloading gun – October 28-30 29-31.

3. General gun – November 12-20 13-21.

4. Spring turkey – March 18-20 19-21, 24-26 25-27 and March 31 through April 2 1-3.

5. Small game – January 14 through February 19 December 4 19 and January 22 through February 13.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(6) Three Lakes Wildlife Management Area.

(a) Open season:

1. General gun – November 12 13 through January 8 9.

2. Small game – January 9 10 through March 5 6.

3. Spring turkey – March 18 19 through April 23 24.

4. Archery – September 24 25 through October 23 24.

5. Early duck – In the September season established by Rule 68A-13.003, F.A.C., in that area between Prairie Lakes Unit and Canoe Creek Road only.

6. Muzzleloading gun – October 28-30 29-31.

7. General gun for mobility impaired – November 4-6 5-7.

8. General gun-dog – December 8-11 9-12, 22-25 23-26 and December 29 30 through January 1 2 in that area between the Florida Turnpike and U.S. 441 only.

9. Fishing and frogging – Permitted throughout the year.

(b) through (e) No change.

(7) Prairie Lakes Unit, Three Lakes Wildlife Management Area.

(a) Open season:

1. Archery – September 30 through October 2 October 1-3 and October 7-9 8-10.

2. Muzzleloading gun – October 28-30 29-31.

3. General gun – November 18-20 19-21 and 25-27 26-28.

4. Small game – December 10 11 through January 1 2.

5. Spring turkey – March 18-20 19-21, March 31 through April 2 April 1-3 and April 14-16 15-17.

6. Fishing and frogging – Permitted throughout the year.

7. General gun hog – December 2-4 3-5 and January 6-8 7-9.

(b) through (d) No change.

(8) Tiger Bay Wildlife Management Area.

(a) Open season:

1. General gun – November 12 13 through January 8 9.

2. Archery – September 24 25 through October 23 24.

3. Muzzleloading gun – October 28-30 29-31.

4. Small game – January 9 10 through March 5 6.

5. Spring turkey – March 18-20 19-21, March 31 through April 2 April 1-3 and April 14-16 15-17.

6. Fishing and frogging – Permitted year-round. Fish may be taken only by hook and line or rod and reel and only during daylight hours.

(b) through (d) No change.

(9) Tiger Bay Wildlife Management Area – Rima Ridge Unit.

(a) Open season:

1. General gun – November 12-20 13-21.

2. Archery – September 24 25 through October 9 10.

3. Muzzleloading gun – October 28-30 29-31.

4. Small game – November 24 25 through January 1 2.

5. Spring turkey – March 18-20 19-21, March 31 through April 2 April 1-3 and April 14-16 15-17.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Trapping is prohibited.

(b) through (d) No change.

(10) Relay Wildlife Management Area.

(a) Open season:

1. General gun – November ~~12-13~~ through January ~~8-9~~.
2. Archery – September ~~24-25~~ through October ~~23-24~~.
3. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.
4. Small game – January ~~9-10~~ through March ~~5-6~~.
5. Spring turkey – March ~~18-19~~ through April ~~23-24~~.
6. Fishing and frogging – Permitted during periods open to

hunting.

(b) through (d) No change.

(11) Tosohatchee Wildlife Management Area.

(a) Open season:

1. Archery – September ~~29-30~~ through October ~~2-3~~ and October ~~6-9~~ ~~7-10~~.

2. Muzzleloading gun – October ~~13-16~~ ~~14-17~~ and ~~20-23~~ ~~21-24~~.

3. General gun – November ~~17-20~~ ~~18-21~~ and ~~25-27~~ ~~26-28~~.

4. Spring turkey – March ~~18-20~~ ~~19-21~~, March 31 through April 2 ~~April 1-3~~, and ~~14-16~~ ~~15-17~~.

5. General gun hog – January ~~13-19~~ ~~14-20~~ and January ~~27-28~~ through February ~~2-3~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(12) Seminole Ranch Wildlife Management Area.

(a) Open season:

1. Archery – October ~~7-9~~ ~~8-10~~ and ~~14-16~~ ~~15-17~~.

2. Muzzleloading gun – October ~~29-30~~ ~~30-31~~ and November ~~5-6~~ ~~6-7~~.

3. General gun – November ~~18-20~~ ~~19-21~~.

4. Small game – November ~~26-27~~ ~~27-28~~ and December ~~3-4~~ ~~4-5~~ and ~~10-11~~ ~~11-12~~.

5. Spring turkey – March ~~18-20~~ ~~19-21~~, ~~24-26~~ ~~25-27~~ and March 31 through April 2 ~~April 1-3~~.

6. General gun hog – February ~~11-17~~ ~~12-18~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(13) Jumper Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-25~~ through October ~~23-24~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun – November ~~12-13~~ through January ~~8-9~~.

4. Small game – January ~~9-29~~ ~~10-30~~.

5. Spring turkey – March ~~18-19~~ through April ~~23-24~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(14) Rock Springs Run Wildlife Management Area.

(a) Open season:

1. Archery – September 30 through October 2 ~~October 1-3~~ and October ~~7-9~~ ~~8-10~~.

2. Muzzleloading gun – October ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

3. General gun – November ~~11-13~~ ~~12-14~~ and ~~18-20~~ ~~19-21~~.

4. Small game – December ~~3-4~~ ~~4-5~~, ~~10-11~~ ~~11-12~~ and January ~~7-8~~ ~~8-9~~.

5. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(15) Guana River Wildlife Management Area.

(a) Open season:

1. Duck and coot – Lake Ponte Vedra shall be open in the September season established pursuant to Rule 68A-13.003, F.A.C., and the first day of each phase and on Wednesday and Saturday of the duck and coot season established pursuant to Rule 68A-13.003, F.A.C.

2. General gun – November ~~18-20~~ ~~19-21~~ and ~~25-27~~ ~~26-28~~.

3. Muzzleloading gun – October ~~28-30~~ ~~29-31~~ and November ~~4-6~~ ~~5-7~~.

4. Archery – October ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

5. Small game – December ~~2-4~~ ~~3-5~~, ~~9-11~~ ~~10-12~~, January ~~6-8~~ ~~7-9~~, ~~13-15~~ ~~14-16~~, ~~20-22~~ ~~21-23~~ and ~~27-29~~ ~~28-30~~.

6. Fishing – Permitted at all times on Lake Ponte Vedra from Guana Dam to a line two miles north of the dam, and on the remainder of Lake Ponte Vedra and the interior freshwater lakes only from February 10 through November 10.

7. Rails and moorhens – In the rail and moorhen season established by Rule 68A-13.008, F.A.C., and only in the marsh adjacent to the intercoastal waterway.

(b) through (e) No change.

(16) Half Moon Wildlife Management Area.

(a) Open season:

1. Archery – October ~~7-9~~ ~~8-10~~ and ~~14-16~~ ~~15-17~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun – November ~~12-14~~ ~~13-15~~ and ~~18-20~~ ~~19-21~~.

4. Small game – December ~~2-4~~ ~~3-5~~, ~~9-11~~ ~~10-12~~ and ~~16-18~~ ~~17-19~~.

5. General gun hog – January ~~14-15~~ ~~15-16~~ and ~~21-22~~ ~~22-23~~.

6. Spring turkey – March ~~24-26~~ ~~25-27~~, March 31 through April 2 ~~1-3~~ and April 7-9 ~~8-10~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(d) General regulations:

1. During periods when the area is closed to hunting public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited.

2. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District on lands managed by the District.

3. Vehicles may be operated only on named or numbered roads and shall not be parked further than 25 feet from a named or numbered road or parking area.

4. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the archery, muzzleloading gun, general gun and spring turkey seasons.

5. Hunters shall check in and out at the check station when entering or exiting the area and shall check all game taken.

6. No deer, hog or turkey shall be dismembered until checked at the check station.

7. A quota hunt permit shall be required for every hunter entering the area.

8. Vehicular access is permitted one day prior to each hunt from 8:00 a.m. until 6:00 p.m., except during small game season.

(17) Caravelle Ranch Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24 25~~ through October ~~2 3~~.

2. Supervised small game – October ~~9-17 10-18~~.

3. Muzzleloading gun – October ~~28-30 29-31~~.

4. General gun – November ~~12-20 13-21~~.

5. Special-opportunity dove – The first and second Saturdays only during the first phase; the third Saturday only during the second phase; and the first, third and fifth Saturday only during the third phase the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

6. Small game – November ~~24 25~~ through January ~~8 9~~ (Thursdays, Fridays, Saturdays and Sundays only).

7. Spring turkey – March ~~18-21 19-22~~ and ~~22-26 23-27~~.

8. Fishing and frogging – Permitted throughout the year.

9. During the supervised small game season, only persons under 16 years of age and their adult supervisor may hunt, as provided in Section 790.22, F.S.

(b) through (d) No change.

(18) Lake George Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24 25~~ through October ~~23 24~~.

2. Muzzleloading gun – October ~~28-30 29-31~~.

3. General gun – November ~~12-27 13-28~~.

4. Small game – November ~~28 29~~ through March ~~5 6~~.

5. Spring turkey – March ~~18-20 19-21~~, ~~March 31-April 2 April 1-3~~, and ~~April 14-16 15-17~~.

6. Fishing and frogging – Throughout the year.

(b) through (d) No change.

(19) Lake George Wildlife Management Area – Dexter/Mary Farms Unit.

(a) Open season:

1. Small game – November ~~26 27~~ through December ~~11 12~~ and December ~~24 25~~ through January ~~8 9~~.

2. Special-opportunity turkey – March ~~18-24 19-25~~, April ~~1-7 2-8~~ and ~~15-21 16-22~~.

3. General gun hog – January ~~14-17 15-18~~, ~~18-23 19-24~~, ~~24-29 25-30~~.

4. Special-opportunity dove – The first, second and fourth Saturdays only during the first phase; the first and third Saturdays only during the second phase; and the first, third and fourth Saturdays only during the third phase of the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C. No dove hunting is permitted on posted dove fields other than on these dates.

5. Fishing and frogging – Permitted throughout the year.

6. Archery – September ~~24 25~~ through October ~~9 10~~.

7. Muzzleloading gun – October ~~28-30 29-31~~.

8. General gun – November ~~12-20 13-21~~.

(b) through (e) No change.

(20) Seminole Forest Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24-27 25-28~~ and September ~~28 29~~ through October ~~2 3~~.

2. Muzzleloading gun – October ~~28-30 29-31~~.

3. General gun – December ~~3-6 4-7~~ and ~~7-11 8-12~~.

4. Small game – January ~~14-29 15-30~~ (Saturdays and Sundays only).

5. Spring turkey – March ~~18-21 19-22~~ and ~~22-26 23-27~~.

6. General gun for mobility-impaired – October ~~21-23 22-24~~.

7. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Department of Agriculture and Consumer Affairs, Division of Forestry and these rules. Fish may be taken only by hook and line or rod and reel. Oaks and Bear Ponds are open to fishing only during daylight hours.

(b) through (d) No change.

(21) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January ~~27-29 28-30~~, February ~~3-5 4-6~~ and February ~~10-12 11-13~~.

2. Special-opportunity deer – October ~~29 30~~ through November ~~4 5~~ and November ~~12-18 13-19~~.

3. Small game – November ~~26 27~~ through January ~~22 23~~.

4. Special-opportunity turkey – March ~~18-24 19-25~~, April ~~1-7 2-8~~ and ~~15-21 16-22~~.

5. Fishing and frogging – Permitted throughout the year.

6. Trapping – Prohibited.

(b) through (d) No change.

(22) Etoniah Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24 25~~ through October ~~9 10~~.

2. Muzzleloading gun – October ~~28-30 29-31~~.

3. General gun – November ~~12-20 13-21~~.

4. Small game – Thanksgiving Day through the first weekend in January.

5. Spring turkey – March ~~18-20~~ ~~19-21~~, ~~24-26~~ ~~25-27~~ and ~~March 31 through April 2~~ ~~April 1-3~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(23) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(a) Open season:

1. Archery – October ~~7-9~~ ~~8-10~~ and ~~14-16~~ ~~15-17~~.

2. Muzzleloading gun – November ~~4-6~~ ~~5-7~~.

3. General gun – November ~~18-20~~ ~~19-21~~.

4. Small game – December ~~10-25~~ ~~11-26~~ (Saturdays and Sundays only).

5. General gun hog – January ~~13-15~~ ~~14-16~~ and ~~27-29~~ ~~28-30~~.

6. Fishing and frogging – Permitted throughout the year.

(b) through (c) No change.

(24) Lake Panasoffke Wildlife Management Area.

(a) Open season:

1. Special-opportunity turkey – March ~~23-26~~ ~~24-27~~, April ~~4-7~~ ~~5-8~~ and ~~20-23~~ ~~21-24~~.

2. Special-opportunity archery – September ~~29~~ ~~30~~ through October ~~2~~ ~~3~~, October ~~6-9~~ ~~7-10~~ and ~~18-21~~ ~~19-22~~, November ~~3-6~~ ~~4-7~~ and ~~15-18~~ ~~16-19~~, December ~~1-4~~ ~~2-5~~ and ~~13-16~~ ~~14-17~~ and January ~~5-8~~ ~~6-9~~.

3. Special-opportunity hog-still – January ~~13-15~~ ~~February 4-6~~.

4. Special-opportunity hog-dog – January ~~25-27~~ ~~February 16-18~~.

5. Small game – ~~February 3-5 and 10-12~~ ~~January 21-23 and 28-30~~.

6. Fishing and frogging – Permitted throughout the year.

7. Trapping – Prohibited.

(b) through (c) No change.

(d) General regulations:

1. Hunters must enter and exit the area at the designated entrance and register at the hunt headquarters.

2. Vehicles may be operated only on named or numbered roads and shall be parked within 25 feet of those roads. Horses and bicycles may be ridden only on designated trails.

3. The use of tracked vehicles, motorcycles, or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.

4. No game shall be dismembered until checked at the hunt headquarters.

5. Operation of a vehicle on the area is prohibited during the period from 8:00 p.m. to 5:00 a.m., unless camping at designated campsites during special-opportunity hunts or by permit from the Southwest Florida Water Management District.

6. During periods when the area is closed to hunting, vehicular access is restricted to the main entrance road to the horse stable facility. Individuals in possession of a special-opportunity hunt permit shall have vehicle access to the area from 8:00 a.m. to 6:00 p.m. on the day preceding the hunt.

7. Only shotguns and archery equipment may be used during the special-opportunity spring turkey hunts.

8. Shotguns are prohibited during the special-opportunity archery hunts.

9. Only tents, trailers or self-propelled camping vehicles may be used for camping.

10. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to the camping shelter.

11. The use of dogs, other than bird dogs and dogs with a shoulder height of 15 inches or less during the small game season, is prohibited except that dogs may be used during the special-opportunity hog-dog season. During the special-opportunity hog-dog season, no more than 3 dogs per special-opportunity permit shall be allowed. During non-hunting periods the possession of dogs shall only be as authorized by the Southwest Florida Water Management District.

12. During the special-opportunity hog-dog season, a permit shall be required for each group of two hunters, and only one gun may be possessed per permit.

(25) Ross Prairie Wildlife Management Area.

(a) Open season: Supervised small game – October ~~15-21~~ ~~16-22~~, November ~~19-25~~ ~~20-26~~, December ~~17-23~~ ~~18-24~~ and January ~~14-20~~ ~~15-21~~.

(b) through (d) No change.

(26) Buck Lake Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ ~~25~~ through October ~~2~~ ~~3~~ and October ~~3-9~~ ~~4-10~~.

2. Muzzleloading gun – October ~~28-30~~ ~~29-31~~.

3. General gun – November ~~12-15~~ ~~13-16~~ and ~~16-20~~ ~~17-21~~.

4. Small game – December ~~3-18~~ ~~4-19~~.

5. Spring turkey – March ~~18-21~~ ~~19-22~~ and ~~22-26~~ ~~23-27~~.

6. General gun hog – January ~~5-8~~ ~~6-9~~ and ~~19-22~~ ~~20-23~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(27) Fort Drum Wildlife Management Area.

(a) Open season:

1. Special-opportunity deer – November ~~12-18~~ ~~13-19~~.

2. Small game – December ~~10-25~~ ~~11-26~~.

3. Special-opportunity turkey – March ~~18-24~~ ~~19-25~~, April ~~1-7~~ ~~2-8~~ and ~~15-21~~ ~~16-22~~.

4. Special-opportunity wild hog – October ~~7-9~~ ~~8-10~~, ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

5. Fishing – Permitted throughout the year.



(b) through (d) No change.

(28) Ocklawaha River Wildlife Management Area – Gores Landing Unit.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~9~~ 10.
2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. General gun – November ~~12-20~~ 13-21.
4. Small game – December ~~3-18~~ 4-19.
5. Spring turkey – March ~~18-21~~ 19-22 and ~~22-26~~ 23-27.
6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(29) Seminole Forest Wildlife Management Area – Lake Tracy Unit.

(a) Open season:

1. Archery – September ~~24-26~~ 25-27.
2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. General gun – November ~~12-14~~ 13-15.
4. Spring turkey – March ~~18-20~~ 19-21 and ~~24-26~~ 25-27.
5. Fishing and frogging – During periods open to hunting and at other times as access is permitted by the Division of Forestry and these rules.

(b) through (c) No change.

(30) Twelve Mile Swamp Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~23~~ 24.
2. Muzzleloading gun – October ~~28-30~~ 29-31.
3. General gun – November ~~12~~ 13 through January ~~8~~ 9.
4. Small game – January ~~9~~ 10 through March ~~5~~ 6.
5. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.
6. Fishing and frogging – During periods open for hunting or scouting.
7. Trapping – January ~~9~~ 10 through March 1.

(b) through (d) No change.

(31) Upper St. Johns River Marsh Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~23~~ 24.
2. Muzzleloading gun – October ~~29~~ 30 through November ~~6~~ 7.
3. General gun – November ~~12~~ 13 through January ~~22~~ 23.
4. Small game – January ~~23~~ 24 through March ~~5~~ 6.
5. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.
6. Trapping – Prohibited.
7. Fishing and frogging – Permitted year-round.
8. Waterfowl may be hunted in accordance with federal migratory bird regulations.

(b) Legal to take: All legal game, furbearers, fish, and frogs. Antlerless deer may be taken during the period November ~~19-20~~ 20-21. Turkey of either sex may be taken during the muzzleloading gun season. The period of November ~~12~~ 13 through January ~~8~~ 9 is open for bearded turkey only. No

bag or size limits on wild hogs. Wild hogs may be taken during the archery, muzzleloading gun, general gun, and small game season.

(c) Camping: Only tent camping is permitted, and only at designated campsites.

(d) General regulations:

1. Motorized tracked or wheeled vehicles are prohibited, except on Fellsmere Grade and Lawton Road. Motorized boats are prohibited in those portions of the area posted as a walk-in only.

2. The possession of any firearm containing shells or cartridges or any capped or primed muzzleloading gun is prohibited on Fellsmere Grade, C-54 right-of-way, and all levees.

3. Taking of wildlife by use of a gun on or from the right-of-way of the Fellsmere Grade is prohibited as provided by Rule 68A-4.008, F.A.C.

4. The possession or use of any device capable of discharging, emitting spray, or introducing any pollutants is prohibited.

5. The use of any air-powered boat or outboard motors greater than 10 horsepower is prohibited as posted in the Blue Cypress Water Management Area.

6. During the duck and coot season in the Stick Marsh/Farm 13, Kenansville Lake, and as posted in the Blue Cypress Water Management Area, the possession or use of guns other than shotguns is prohibited.

7. Public access is prohibited from within 1,000 feet of any posted construction site.

8. Hunting with dogs is prohibited except bird dogs may be used during the small game, duck and coot seasons, and dogs may be used for hog hunting during the period January ~~20-24~~ 21-25.

9. Airboats must launch and load from the water at the designated airboat launch area when using the Blue Cypress Water Management Area.

10. Airboats must cross levees at designated airboat crossings.

11. Bush hooks are prohibited.

12. Public access on Levee 74 North is allowed only at designated entrances.

(32) Dunns Creek Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24~~ 25 through October ~~9~~ 10 and November ~~19-27~~ 20-28.

2. Muzzleloading gun – October ~~29~~ 30 through November ~~6~~ 7.

3. Wild hog – January ~~21-29~~ 22-30.

4. Spring turkey – March ~~18-20~~ 19-21, March 31 through April 2 ~~April 1-3~~ and ~~14-16~~ 15-17.

5. Trapping – Prohibited.

6. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(33) Salt Lake Wildlife Management Area.

(a) Open season:

1. Archery – September ~~24 25~~ through October ~~2 3~~ and October ~~3-9 4-10~~.

2. Muzzleloading gun – October ~~28-30 29-31~~.

3. General gun – November ~~12-15 13-16~~ and ~~16-20 17-21~~.

4. Small game – December ~~3-18 4-19~~.

5. General gun hog – January ~~19-22 20-23~~.

6. Spring turkey – March ~~18-21 19-22~~ and ~~22-26 23-27~~.

7. Fishing and frogging – Permitted throughout the year.

(b) through (d) No change.

(34) Matanzas Wildlife Management Area.

(a) Open season:

1. Archery – September 24-October 2 and October 3-9.

2. Muzzleloading gun – October 28-30.

3. Family hunt – November 12-13.

4. General gun – November 14-20.

5. Small game – January 9-24.

6. Spring turkey – March 18-21 and 22-26.

7. Fishing and frogging – Permitted throughout the year.

(b) Legal to take: All legal game, fish, frogs and furbearers. During the spring turkey season, the bag limit shall be one gobbler (or bearded turkey) per quota hunt permit.

(c) Camping: Permitted by permit from the Florida Division of Forestry only.

(d) General regulations:

1. Hunting with dogs other than bird dogs or retrievers is prohibited.

2. Vehicles may be operated only on named and numbered roads and must be parked at designated parking areas or parked within 25 feet of a named or numbered road.

3. Airboats, tracked vehicles, unlicensed motorcycles, and all-terrain vehicles are prohibited.

4. Hunters shall enter or exit the area only at designated entrances.

5. During periods open to hunting, vehicle access to the area is restricted to persons who possess a valid hunt permit, except during small game season.

6. During the family hunts, one or two persons per hunt permit under 16 years of age but not younger than 8 years of age may hunt as provided in Section 790.22, F.S. These persons must be under the supervision and in the presence of one adult not younger than 18 years of age. The adult may only hunt when in the presence of at least one person under 16 years of age but not younger than 8 years of age.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History– New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Wildlife and Environmental Areas  
 RULE CHAPTER NO.: 68A-17  
 RULE TITLE: General Regulations Relating to Wildlife  
 RULE NO.: 68A-17.004

PURPOSE AND EFFECT: The purpose of the proposed rule change is to allow the lead managing agency or landowner of a Wildlife and Environmental Area (WEA) to issue access related permits for vehicles, vessels, camping, horses or other activities not related to the taking of fish and wildlife during non-hunting periods. The effect of the proposed rule change is to enable land management agencies and landowners to better manage public use on WEAs.

SUMMARY: The proposed rule would allow the lead managing agency or landowner of a WEA to issue access related permits for activities not related to the taking of fish and wildlife during non-hunting periods. The effect of the proposed rule change is to enable land management agencies and landowners to better manage public use on WEAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$175 for administrative preparation and \$125 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

(1) No change.

(2) Permits required:

(a) through (c) No change.

(d) The lead managing agency or landowner of a wildlife and environmental area may issue permits, valid only during periods closed to hunting, for access, vehicles, vessels, camping, or horses, that would allow the permittee to engage in otherwise prohibited activities not related to the taking of fish and wildlife. Permittees must possess a copy of the permit when engaged in such activities.

(3) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Wildlife and Environmental Areas  
RULE CHAPTER NO.: 68A-17

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

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Wildlife and Environmental Areas (WEAs) and conform to calendar year date changes. The effect of the proposed rule changes is to enable the agency to better manage fish and wildlife resources and public use on WEAs.

SUMMARY: The proposed rule changes would adjust season dates to conform to calendar year changes and revise specific area regulations on Wildlife and Environmental Areas (WEAs) as follows:

John C. and Marianna Jones/Hungryland WEA – The proposed rule would require persons to enter and exit the area at designated entrances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$275 for administrative preparation and \$375 for legal advertising. No other significant economic impacts are expected.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) Southwest Region.

(a) through (e) No change.

(f) Lake Wales Ridge Wildlife and Environmental Area – Royce Unit – Highlands County.

1. Open season:

a. General gun – November 18-20 ~~19-21~~.

b. Small game – December 9-11 ~~10-12~~ and 23-25 ~~24-26~~, January 20-22 ~~21-23~~ and 27-29 ~~28-30~~.

c. Spring turkey – March 17-19 ~~18-20~~ and March 31 ~~through April 2-3~~.

d. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, wild hogs, fish, frogs, and furbearers. The bag limit for antlered deer shall be one per quota hunt permit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. There shall be no size or bag limit restrictions on wild hogs.

3. General regulations:

a. The use of tracked vehicles, motorcycles, airboats, or all-terrain vehicles is prohibited. Horses and bicycles may be used only on firebreaks and named or numbered roads. The use of horses is prohibited during the general gun and spring turkey seasons.

b. Vehicles may be operated only on named or numbered roads and shall be parked in designated parking areas or within 25 feet of a named or numbered road.

c. During periods when the area is closed to hunting, public access other than by foot, bicycle, or horseback is prohibited, except that motorized vehicles shall be permitted on Royce Road year-round and shall be permitted on all named and numbered roads one day prior to the general gun and spring turkey hunts.

d. During periods when the area is open to hunting, entry or exit at locations other than designated entrances is prohibited.

e. Hunters shall check in and out at the designated check station when entering and exiting the area and shall check all game taken.

f. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season. Hunting hogs with dogs is prohibited.

(g) through (h) No change.

(2) North Central Region.

(a) Santa Fe Swamp – Bradford County.

1. Open season (hunting prohibited at other times):

a. Archery – September 24-25 through October 23 ~~24~~.

b. Muzzleloading gun – October 28-30 ~~29-31~~.

c. Archery and muzzleloading gun – November 12 ~~13~~ through January 8 ~~9~~.

d. Spring turkey – March 18 ~~19~~ through April 23 ~~24~~.

e. Fishing is permitted throughout the year.

2. Legal to take: Wild hogs, gray squirrel, rabbit, and deer with one or more antlers at least five inches in length. Deer (except spotted fawns) and turkey of either sex may be taken during the archery season. Only bearded turkey or gobblers may be taken during the spring turkey season. No size or bag limit on hogs.

3. General regulations:

a. Public access into the area is allowed on Cow Pen Road and Little Santa Fe Lake only.

b. Vehicles are prohibited except in the designated parking area.

c. Centerfire or rimfire rifles, shotguns, pistols, and crossbows are prohibited.

d. Hunting with dogs is prohibited.

e. Wild hogs may not be transported alive.

(b) No Change.

(c) Suwannee Ridge – Hamilton County.

1. Open season:

a. Mobility-impaired general gun – October 14-16 ~~15-17~~, 28-30 ~~29-31~~, November 4-6 ~~5-7~~ and December 16-18 ~~17-19~~.

b. Mobility-impaired spring turkey – March 24-26 ~~25-27~~ and April 14-16 ~~15-17~~.

c. Fishing – Throughout year.

2. Legal to take: Any deer (except spotted fawn), wild hogs, bearded turkey (during spring turkey season only), gray squirrel, and rabbit. The bag limit shall be two deer or two bearded turkeys per quota permit. Only mobility-impaired hunters may take an antlerless deer.

3. General regulations:

a. Hunters shall check in and out at the designated check station on Holton Creek WMA and report all game taken.

b. During hunting periods, access will be restricted to certified mobility-impaired hunters with quota hunt permits and one additional person per permit holder who may also participate in the hunt. Only one quota hunt permit may be utilized per individual per hunt.

c. Vehicles may be operated only from one and one-half hours before sunrise until one and one-half hours after sunset, only on designated portions of named or numbered roads during periods open to hunting and one day prior.

d. The use of tracked vehicles, airboats, motorcycles, or all-terrain vehicles is prohibited, except all-terrain vehicles may be used during mobility-impaired hunts only, during all hunts.

e. Hunters shall enter and exit through Holton Creek WMA Road 2 only. The area may be accessed during non-hunting periods by use of the Adams Grade parking area.

f. All hunt participants are required to attend a pre-hunt orientation meeting.

g. The possession of dogs or horses is prohibited.

h. During non-hunting periods, access is restricted to foot traffic only.

(d) No change.

(3) No change.

(4) South Region.

(a) Southern Glades – Dade County.

1. Open season:

a. Archery – September ~~10-11~~ through October ~~9-10~~.

b. Muzzleloading gun – October ~~14-16~~ ~~15-17~~.

c. General gun – October ~~29-30~~ through December ~~4-5~~.

d. Ducks, coots, and snipe – During the seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

e. Fishing is permitted throughout the year.

f. Frogging – December 1 through March 1.

2. Legal to take: Deer with one or more antlers at least five inches in length and wild hogs with a shoulder height of 15 inches or more. Ducks, coots, and snipe may be taken during seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C.

3. General regulations:

a. Dogs are prohibited except waterfowl retrievers may be used during the duck, coot, and snipe seasons.

b. The possession of any firearm containing shells or cartridges or capped or primed muzzleloading guns is prohibited on levees, improved roads, and at check stations. The discharge of guns is prohibited on, from, or across any check station, levee, or improved road.

c. Hunting or discharge of any firearm east of the C-109 road, within 500 yards of the Dade Work Camp, or any building or structure is prohibited.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited in the area except that airboats may be used in Units 1 and 4 from December 1 through March 1 and outboard motor boats may be used within canals, and vehicles may be operated on named or numbered roads.

e. Vehicles shall not be parked in such a manner as to obstruct roads, gates, or trails.

(b) John G. and Susan H. Dupuis Jr. – Palm Beach County.

1. Open season:

a. Archery – September ~~9-11~~ ~~10-12~~, ~~16-18~~ ~~17-19~~ and ~~23-25~~ ~~24-26~~.

b. Muzzleloading gun – October ~~7-9~~ ~~8-10~~, ~~14-16~~ ~~15-17~~ and ~~21-23~~ ~~22-24~~.

c. General gun – October ~~28-30~~ ~~29-31~~ and November ~~4-6~~ ~~5-7~~.

d. General gun for mobility-impaired – November ~~12-13~~ ~~13-14~~.

e. General gun hog – November ~~15-17~~ ~~16-18~~, ~~22-24~~ ~~23-25~~, November ~~29-30~~ through December ~~1-2~~, and December ~~6-8~~ ~~7-9~~. Wild hogs only. No bag or size limit.

f. Spring turkey – March ~~7-9~~ ~~8-10~~, ~~17-19~~ ~~18-20~~ and ~~24-26~~ ~~25-27~~.

g. Small game – December ~~10-11~~ through January ~~29-30~~.

h. Trapping is prohibited.

i. Fishing is permitted when public access is allowed.

j. Frogging is prohibited.

2. Legal to take:

a. Antlered deer with at least one antler having three or more points, one inch or more in length. Antlerless deer (except spotted fawns) may be taken during the archery and general gun for the mobility-impaired seasons; and by antlerless deer permit only during the muzzleloading gun and general gun seasons. The bag limit for deer shall be one per quota hunt permit. Wild hogs may be taken with no size or bag limit.

b. Spring turkey season – Gobblers or bearded turkeys only. The bag limit for turkey shall be one per quota hunt permit.

c. Small game season – Quail, gray squirrel, rabbit, armadillo, bobcat, raccoon, opossum, coyote, and skunk. Any migratory game bird may be taken during those portions of seasons established for these species in Rules 68A-13.003 and 68A-13.008, F.A.C., that coincide with the small game season.

3. Camping – During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall camp on the area except those possessing a current Dupuis quota hunt permit. Camping is permitted only in the campsite adjacent to Gate 3. During the remainder of the year, camping is permitted only at designated primitive sites on hiking trails, the General Use campground on Jim Lake Grade, and at the designated equestrian staging area at Gate 3. Small game hunters shall utilize the General Use campground on Jim Lake Grade or the primitive sites on the hiking trails.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated areas.

c. Hunting over bait or placing bait or other food for wildlife is prohibited.

d. Hunting or the possession of guns is prohibited in areas posted as closed.

e. The possession or consumption of intoxicating beverages is prohibited.

f. Dogs are prohibited except bird dogs and retrievers are permitted during the small game season.

g. Vehicles may be operated only on named roads and designated parking areas except during the general gun for mobility-impaired season when all-terrain vehicles can be used off roads.

h. The use of tracked vehicles, buggies, airboats, motorcycles, or all-terrain vehicles is prohibited except all-terrain vehicles may be used during the general gun for mobility-impaired season.

i. Horses are prohibited during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. During the remainder of the year horses may be used only on designated equestrian trails and named or numbered roads. The use of horses on all other roads and trails is prohibited. Persons horseback riding on the area shall enter and exit only at Gate 3.

j. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, hunters shall check in and out at the check station at Gate 3 and check all game taken. No deer, hog, or turkey may be dismembered until checked at the check station. During the small game season, hunters shall enter and exit the area through Gate 1.

k. During the small game season and periods when the area is closed to hunting, vehicle access is through Gate 1 and hiking access is through Gate 2 by foot only. People through-hiking on the Florida Trail may enter or exit the area through the Florida Trail.

l. During the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons, no person shall enter or exit the area except through Gate 3 and all such persons shall possess a quota hunt permit for the area.

m. Only tents, trailers, or self-propelled camping vehicles may be used for camping.

n. The designated campsite for hunters is at Gate 3 and may be used by hunters only during the archery, muzzleloading gun, general gun, general gun for mobility-impaired, spring turkey, and general gun hog seasons. Authorized camping equipment may be taken on the area after 8:00 a.m. one day before each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons. Authorized camping equipment shall be removed from the area before 5:00 p.m. one day following each three-day hunt of the archery, muzzleloading gun, general gun, general gun hog, general gun for mobility-impaired, and spring turkey seasons.

o. Each person hunting during the general gun for mobility-impaired season shall possess quota hunt permit for the hunt.

p. Each hunter participating in the general gun for mobility-impaired season is required to attend a pre-hunt orientation meeting.

q. Only one mobility-impaired quota hunt permit may be utilized per individual per hunt.

r. The possession or use of firearms other than shotguns is prohibited during the small game season.

s. The discharge of firearms within 1/4 mile of the hiking trail campsites is prohibited.

(c) CREW – Collier and Lee counties.

1. Open season:

a. Archery – September ~~10-18~~ 10-19.

b. Muzzleloading gun – October ~~15-17~~ 16-18.

c. General gun – October ~~29~~ 30 through November 6 ~~7~~.

d. Spring turkey – March ~~4-7~~ 5-8 and ~~8-12~~ 9-13.

e. Trapping is prohibited.

f. Fishing and frogging – Permitted throughout the year.

2. Legal to take: All legal game, fish, frogs, and furbearers. The bag limit for deer shall be one per quota hunt permit. The taking of deer is prohibited in the Corkscrew Marsh Unit. During the spring turkey season, the bag limit for turkey shall be one gobbler (or bearded turkey) per quota hunt permit. The taking of turkey is prohibited during the archery season. There shall be no bag limit restrictions on wild hogs.

3. Camping: Primitive camping is allowed at designated sites by individuals with written authorization from the South Florida Water Management District or by individuals in possession of a valid quota hunt permit.

4. General regulations:

a. The use of trailers or recreational vehicles for camping is prohibited.

b. Fires other than campfires at approved campsites are prohibited.

c. Unauthorized removal, cutting, or possession of live or dead trees or plants is prohibited.

d. Dogs are prohibited, except that dogs not normally used for hunting and kept under restraint may be possessed. No person shall allow any dog to pursue or molest wildlife.

e. The use of tracked vehicles, swamp buggies, motorcycles, all-terrain vehicles, or vessels, except canoes or kayaks, is prohibited, except that swamp buggies may be operated by individuals possessing a valid quota hunt permit.

f. Vehicles may be operated only on named or numbered roads designated for vehicles. During the archery, muzzleloading gun, general gun and spring turkey seasons vehicles may also be operated on named or numbered trails by individuals possessing a valid quota hunt permit.

g. The use or possession of horses is restricted to designated equestrian trails.

h. Persons may enter and exit the area only at designated access points and hunters must check in and out at the designated check station.

i. Persons may enter the WEA two hours before sunrise and must exit the area within two-hours after sunset, unless camping at a designated campsite.

j. Hunters shall enter and exit the Corkscrew Marsh Unit only through Gate 5 and Gate 6.

k. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

l. Hunting east of or within 1/4-mile of the western North/South Tram Road and south of Bonita Beach Road in the Bird Rookery Swamp Unit is prohibited.

m. No deer or turkey shall be dismembered until checked at a check station.

n. Centerfire and rimfire rifles are prohibited.

(d) No change.

(e) John C. and Marianna Jones WEA – Palm Beach and Martin counties.

1. Open season:

a. Archery – September ~~10-16~~ ~~11-17~~ and ~~17-25~~ ~~18-26~~.

b. Muzzleloading gun – October ~~15-17~~ ~~16-18~~.

c. General gun – October ~~29~~ ~~30~~ through November ~~1~~ ~~2~~ and November ~~2-6~~ ~~3-7~~.

d. Small game – November ~~12-27~~ ~~13-28~~.

e. Fishing and frogging – Permitted throughout the year.

2. Legal to take: Deer, wild hog, quail, gray squirrel, rabbit, armadillo, raccoon, opossum, coyote, skunk, and migratory game birds as established by Rules 68A-13.003 and 68A-13.008, F.A.C., when migratory game bird season coincides with the archery, muzzleloading gun, general gun, or small game season. The bag limit for deer shall be one each per quota permit. No size or bag limits on wild hogs. The taking of antlerless deer is prohibited during the archery season.

3. Camping: Camping is permitted at designated primitive sites. Only tents may be used for camping.

4. General regulations:

a. Unauthorized removal or cutting of live or dead trees or plants is prohibited.

b. Fires are prohibited except at designated camping sites.

c. Vehicles may be operated only on named or numbered roads and in designated parking areas. Vehicles are prohibited on the Old Jupiter Grade.

d. The use of tracked vehicles, buggies, airboats, motorcycles, and all-terrain vehicles is prohibited.

e. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

f. No deer shall be dismembered until checked at a check station.

g. Dogs are prohibited except bird dogs and retrievers may be used for hunting during the small game season.

h. Centerfire and rimfire rifles are prohibited.

i. Horses may be used only on designated equestrian trails and named or numbered roads.

j. Persons shall enter and exit the area only at designated entrances.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, ~~7-1-05~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Rules Relating to Freshwater Fish

RULE CHAPTER NO.: 68A-23

RULE TITLE: Bag Limits, Length Limits, Open Season:

Freshwater Fish 68A-23.005

PURPOSE AND EFFECT: The proposed rule amendment eliminates the black crappie minimum length regulation, which has failed to improve the quality of fishing on Lake Monroe. The proposed rule allows anglers to take black crappie in accordance with the general statewide regulations for this species (no minimum length limit), which simplifies regulations and should increase angling effort for this species on the lake.

SUMMARY: The proposed rule eliminates the 12-inch minimum length limit on black crappie in Lake Monroe.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.005 Bag Limits, Length Limits, Open Season: Freshwater Fish.

(1) through (7) No change.

(8) In that portion of the state south and east of the Suwannee River to the line established by reference to certain counties in subsection (9) below, bag or length limits or areas closed to fishing are as follows:

(a) Black bass – no person shall kill or possess any black bass that is less than 14 inches in total length.

(b) Striped bass and sunshine bass – the daily aggregate bag limit of striped bass and sunshine bass shall be 20, no more than 6 of which may be more than 24 inches total length.

(c) Fishing is prohibited in Silver Glen Springs in Lake and Marion counties and in Salt Springs in Marion County and within 50 yards of the springs. Fishing is prohibited from the headwaters of Rainbow Springs to a point one mile downstream on Rainbow River within Marion County.

~~(d) Lake Monroe: no person shall kill or possess any black crappie less than 12 inches in total length.~~

~~(d)(e)~~ No person shall kill or possess any black bass in the following areas:

1. In Wildcat Lake within the boundaries of the Ocala National Forest.

2. In the St. Johns River Water Management Area, in Indian River County (commonly known as Farm-13 and including the Stickmarsh).

3. In the St. Johns River Water Management-owned area formerly known as the S.N. Knight Farm in Indian River County.

~~(e)(f)~~ Edward Medard Reservoir, Hillsborough County: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

~~(f)(g)~~ In waters adjoining Saddle Creek Fish Management Area, Polk County, confined by Morgan Combee Road, U.S. Highway 92 and Fish Hatchery Road, no person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass.

~~(g)(h)~~ Lake Weohyakapka (Walk-in-Water), Polk County, including all contiguous residential waterways, Weohyakapka (Walk-in-Water) Creek north to the point located 100 yards south of State Road 60, and Tiger Creek west to the point 100 yards west of Walk-in-the-Water Rd.: No person shall kill or possess any black bass that is 15 inches or more in total length and less than 24 inches in total length. No person shall take in any one day more than 3 black bass of which only one may be 24 inches or longer.

~~(h)(i)~~ Lake Okeechobee: No person shall kill or possess any black bass that is 13 inches or more in total length and less than 18 inches in total length. Lake Okeechobee is defined as any point lakeward of a boundary line delineated by the following points:

Intersection of St. Rd. 78 and U.S. 441, U.S. 441 SE to St. Rd. 5 (“80”)

St. Rd. 5 (“80”) to St. Rd. 25 (U.S. 27)

St. Rd. 25 (U.S. 27) to St. Rd. 78

St. Rd. 78 to U.S. 441

Including:

Harney Pond Canal (C-41) north of St. Rd. 78 to South Florida Water Mgmt. District (SFWMD) structure S-71 Indian Prairie Canal (C-40) north of St. Rd. 78 to SFWMD structure S-72. All of Taylor Creek and Nubbin Slough in Okeechobee County C-38/Kissimmee River south of SFWMD structure S-65E to St. Rd. 78.

(9) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, Formerly 39-23.05, Amended 2-27-86, 5-10-87, 3-1-88, 4-13-88, 7-1-89, 4-11-90, 7-1-92, 8-23-92, 4-20-93, 7-1-94, 9-15-94, 4-1-96, 7-1-98, 10-20-98, Formerly 39-23.005, Amended 7-1-00, 7-1-01, 7-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Darrell Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004



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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules Relating to Freshwater Fish 68A-23

RULE TITLE: RULE NO.:

Sale and Transportation of Freshwater Fish 68A-23.009

PURPOSE AND EFFECT: The proposed rule makes technical changes to Fish and Wildlife Conservation Commission (Commission) rules relating to culture, transportation, and sale of freshwater game fish produced by registered aquaculturists to consolidate and simplify Commission rules and reduce duplication of regulatory roles between the Commission and the Department of Agriculture and Consumer Services.

SUMMARY: The proposed rule amendment specifies that the aquaculture certificate of registration number be included in the bill of lading for freshwater game fish shipped as aquaculture products and provides that registered aquaculturists may culture and sell game fish, except members of the genus Micropterus, as food.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding the proposed rule.

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.0225, 372.65 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.009 Sale and Transportation of Freshwater Fish.

(1) No person shall sell, purchase, attempt to purchase or sell, or transport any freshwater game fish unless otherwise authorized by specific rule of the Commission. Any person transporting game fish in excess of legal possession limits shall possess documentation that said fish have been acquired legally and are being legally transported.

(a) Holders of valid fishing licenses or persons exempt from such licenses may transport their legal possession limit.

(b) No common carrier shall knowingly transport or receive for transportation any freshwater game fish unless such shipment is accompanied by a bill of lading showing the name of the shipper, aquaculture certificate of registration number issued by the Department of Agriculture and Consumer Services if an aquaculture product, total weight of each species of fish shipped, and the date of the shipment.

~~(2)(e)~~ Persons possessing a valid aquaculture certificate of registration from the Department of Agriculture and Consumer Services as required in Section 597.004, F.S.:

(a) May sell and transport live game fish produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display.

(b) Game fish commonly called panfish as defined in Rule 68A-1.004, F.A.C., may be sold live as bait provided fish are less than four inches in total length.

(c) Game fish, except members of the genus *Micropterus*, may be cultured and sold as food.

~~(3)(2)~~ Freshwater non-game fish may be taken and sold as provided by law and these rules.

~~(4)(3)~~ No person shall sell or possess for the purpose of sale any freshwater fish without having in his possession a bill of sale or other documentary evidence showing the name and address of the supplier of any such fish.

~~(5)(4)~~ The foregoing shall not prohibit the sale or purchase of mounted specimens of lawfully taken freshwater fish.

~~(6)(5)~~ Any person transporting fish or frogs for a holder of any commercial license issued under provisions of Section 372.65, F.S., shall be in possession of documentation that such license has been issued and is valid.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 8-1-79, Amended 6-21-82, 7-1-84, Formerly 39-23.09, Amended 9-30-86, 4-11-90, 6-20-90, 4-12-98, Formerly 39-23.009, Amended 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Darrell Scovell  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive  
Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 2, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 23, 2004

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating to Freshwater Fish	68A-23
RULE TITLES:	RULE NOS.:
Regulations Governing Establishment and Operation of Game Fish Aquaculture Facilities	68A-23.0091
Regulations Governing Game Fish Aquaculture Processing Facilities	68A-23.0092

PURPOSE AND EFFECT: The proposed repeal of these two rules reduces duplication of regulations between the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services relating to establishment and operation of game fish aquaculture facilities to provide consistent services to the aquaculture industry.

SUMMARY: Rule 68A-23.0091, F.A.C., governing establishment and operation of game fish aquaculture facilities, is repealed. Rule 68A-23.0092, F.A.C., governing game fish aquaculture processing facilities, is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.0225, 372.65 FS.

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-23.0091 Regulations Governing Establishment and Operation of Game Fish Aquaculture Facilities.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 6-20-90, Amended 6-20-95, 7-1-98, Formerly 39-23.0091, Repealed \_\_\_\_\_.

68A-23.0092 Regulations Governing Game Fish Aquaculture Processing Facilities.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.0225, 372.65 FS. History—New 6-20-90, Amended 4-4-91, 7-1-98, Formerly 39-23.0092, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Darrell Scovell

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 2, 2004

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating to Reptiles	68A-25
RULE TITLE:	RULE NO.:
Feeding or Enticement of Alligators or Crocodiles Unlawful	68A-25.001

PURPOSE AND EFFECT: The purpose of this proposed new rule is to include in Fish and Wildlife Conservation rules the substance of Section 372.667, Florida Statutes, relating to the feeding or enticement of alligators or crocodiles, since such matters are within the Fish and Wildlife Conservation Commission’s constitutional authority. The effect of adopting this new rule will be to allow the repeal of the statute.

SUMMARY: Subsection (1) of proposed new Rule 68A-25.001, F.A.C., prohibits the feeding of alligators or crocodiles, with exceptions for such animals legitimately kept in captivity or being baited by control personnel. Subsection (2) defines the term “maintained in captivity.”

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Beach Front Road, Panama City, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.001 Feeding or Enticement of Alligators or Crocodiles Unlawful.

(1) No person shall intentionally feed, or entice with feed, any wild American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*), unless otherwise provided by this Title. However, the provisions of this section shall not apply to:

(a) Those persons feeding alligators or crocodiles maintained in protected captivity for educational, scientific, commercial, or recreational purposes.

(b) Fish and Wildlife Conservation Commission personnel, persons licensed or otherwise authorized by the commission, or county or municipal animal control personnel when relocating alligators or crocodiles by baiting or enticement.

(2) For the purposes of this section, the term “maintained in protected captivity” means held in captivity under a permit issued by the Fish and Wildlife Conservation Commission pursuant to s. 372.921 or s. 372.922, F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Col. Julie Jones

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Local Laws

RULE TITLES:

RULE NOS.:

St. Johns County, Use of Nets

68B-3.006

Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act

68B-3.008

PURPOSE AND EFFECT: The purpose of this proposed new rule and rule amendment is to include in a new rule the substance of Section 370.0821, Florida Statutes, relating to the state’s preemption of the authority to regulate the taking of saltwater fish and the use of nets in St. Johns County. This effort also deletes references to statutes in Rule 68B-3.008, F.A.C., which statutes have been or will be repealed. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule and rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: Subsection (1) of proposed new Rule 68B-3.006, F.A.C., prohibits the use of any net other than a cast net, landing or dip net, or push net within specified areas of St. Johns County. Subsection (2) prohibits the use of any net other than a cast net, landing or dip net, or push net other than during daylight hours between May 1 and September 15 each year inshore and within 1/4 mile of the coastline in St. Johns County. These provisions currently reside in Section 370.0821, Florida Statutes.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-3.006 St. Johns County, Use of Nets.

(1) The use of any net other than a hand thrown cast net, landing or dip net, or push net is prohibited in the following areas of St. Johns County and adjacent saltwaters:

(a) Within a 1-mile, 360-degree radius of a point situated in the center of the A1A bridge across Matanzas Inlet.

(b) In the waters of Salt Run, St. Augustine Inlet, the Matanzas River, North River, or the Intercoastal Waterway, or water adjacent to any of the aforementioned waters, lying north of the Mickler-O'Connell Bridge, south of the Vilano Beach Bridge across the Intercoastal Waterway (North River), and inland of a line drawn from headland to headland across the mouth of St. Augustine Inlet.

(c) On the Atlantic Ocean beaches, and beach areas, within 1 mile north and 1 mile south of the center of St. Augustine Inlet, and within 1 mile seaward of such beaches, and a line drawn from headland to headland across the mouth of St. Augustine Inlet.

(d) On the Atlantic Ocean beaches, and beach areas, within 2 miles north and 2 miles south of the center of the St. Augustine Beach Pier, and within 1 mile seaward of such beaches and beach areas.

(2) No net except for a hand thrown cast net, landing or dip net, or push net shall be used after the hours of sunset and before sunrise between May 1 and September 15 of each year in the salt waters of St. Johns County or within 1/4 mile seaward of the Atlantic Ocean beaches and coast thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_

68B-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.

(1) through (2) No change.

(3) This section intended to readopt certain provisions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as a Commission rule. As of the effective date of this section, the aforesaid Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as readopted, shall read as follows:

(a) through (e) No change.

(f) Except as provided in this paragraph, shrimp harvest in Volusia County shall be conducted pursuant to Chapter 68B-31, F.A.C., ~~and Sections 370.15 and 370.156, Florida Statutes.~~ The following requirements shall apply to shrimp harvest in all waters of Volusia County landward of the Colregs Demarcation Line:

1. Only recreational and live bait shrimp production shall be allowed in this area.

2. Wing nets, each with a perimeter no greater than 26 feet, landing or dip nets, push nets, and cast nets shall be the only form of allowable gear for live bait shrimp production in this area.

3. No person harvesting shrimp in this area shall conduct such harvest from a vessel under power.

4. Live bait shrimp production using wing nets is prohibited in this area from March 1 through June 30 of each year.

(g) through (h) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History--New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96, 7-30-97, Formerly 46-3.008, Amended 10-16-02, 1-1-05, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLES: Gear Definitions RULE NOS.: 68B-4.002

Food Fish: Gear and Other Restrictions; Use of Explosives to Kill Fish Prohibited; Certain Uses of Frame Nets Prohibited; Stop Netting Prohibited; Possession of Certain Proscribed Nets Prohibited; Use of Chemicals Prohibited 68B-4.0083

Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited 68B-4.012

Limitation on Use of Spotter Planes 68B-4.013

Saltwater Fish Traps 68B-4.020

PURPOSE AND EFFECT: The purpose of these proposed new rules and rule amendments is to include in existing and new rules the substance of Sections 370.08, 370.11, and 370.1105, Florida Statutes, relating to net gear prohibitions and restrictions and use of explosives and chemicals to harvest fish, limitations on the take and use of food fish, and fish trap regulations, respectively. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rules and rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: Rule 68B-4.002, F.A.C., is amended to include a definition of the term "trap" for purposes of Title 68B, F.A.C. Proposed new Rule 68B-4.0083, F.A.C., requires that food fish caught with nets and not kept be returned to the water and not deposited on land; prohibits the taking of food fish for purposes of making oil, fertilizer, or compost; allows the taking of nonfood fish with a purse seine, but prohibits the taking of food fish with such gear; defines the term "food fish;" prohibits the use of dynamite, lime, or explosives to kill fish; prohibits the attachment of certain nets from any state road bridge or associated structure; prohibits stop nets; prohibits the possession of any net in a county where the use of such net is prohibited, but provides exceptions for specified gear and for nets being transported pursuant to Rule 68B-4.0082, F.A.C.; and prohibits the use of any poison, drug, or chemical to harvest fish, except as authorized by special activity license issued pursuant to Rule 68B-8.014, F.A.C. Rule 68B-4.012,

F.A.C., is amended to delete reference to Section 370.08, Florida Statutes. Rule 68B-4.013, F.A.C., is amended to delete reference to Section 370.08(3), Florida Statutes, and to insert the appropriate reference to FWC rule. Proposed new Rule 68B-4.020, F.A.C., prohibits the use of any trap in state waters other than an authorized blue crab trap, spiny lobster trap, stone crab trap, black sea bass trap shrimp trap, shrimp trap, pinfish trap, or fresh water fish trap and prohibits sale of any saltwater fish caught in other than an allowed trap.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-4.002 Gear Definitions.

As used in Title 68B, F.A.C., unless otherwise defined:

(1) through (15) No change.

(16) "Trap" means a device used for taking marine species, in the form of an enclosure that provides a means for such species to enter and a means by which exit from the device is prevented.

~~(17)~~(16) “Trap puller” means any mechanical device used to retrieve or capable of retrieving a trap used to harvest marine life. An anchor winch at or near the bow of a vessel is not considered a trap puller.

~~(18)~~(17) “Underwater breathing apparatus” means any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

~~(19)~~(18) “Wing”, with reference to a seine, means a panel of netting on one or both ends of the seine, which panel has a larger mesh than the main body of the seine and is used to guide fish into the main body of the seine.

~~(20)~~(19) The term “net” or “netting” shall be broadly construed to include all manner or combination of mesh or webbing or any other solid or semi-solid fabric or other material used to comprise a device that is used to take or harvest marine life.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 1-1-89, Amended 11-26-92, 1-1-97, 4-27-98, Formerly 46-4.002, Amended 12-2-99, 7-1-04, 7-15-04.

68B-4.0083 Food Fish: Gear and Other Restrictions; Use of Explosives to Kill Fish Prohibited; Certain Uses of Frame Nets Prohibited; Stop Netting Prohibited; Possession of Certain Proscribed Nets Prohibited; Use of Chemicals Prohibited.

(1)(a) All persons taking food fish from any of the waters of this state by use of seines, nets, or other fishing devices and not using any of such fish because of size or other reasons shall immediately release and return such fish alive to the water from which taken and no such fish may be placed or deposited on any bank, shore, beach or other place out of the water.

(b) No person shall take any food fish from Florida waters for the purpose of making oil, fertilizer, or compost therefrom. Purse seines may be used for the taking of nonfood fish for such purposes.

(c) No person may take food fish within or without the waters of the state with a purse seine, purse gill net, or other net using rings or other devices on the lead line thereof, through which a purse line is drawn, or pound net, or have any food fish so taken in his or her possession for sale or shipment. The provisions of this paragraph shall not apply to shrimp nets or to pound nets or purse seines when used for the taking of tuna or menhaden fish only.

(d) For purposes of this rule, the term “food fish” shall include mullet, trout, redfish, sheepshead, pompano, mackerel, bluefish, snapper, grouper, black drum, jack crevalle, and all other fish generally used for human consumption.

(2) No person may throw or cause to be thrown, into any of the waters of this state, any dynamite, lime, other explosives or discharge any firearms whatsoever for the purpose of killing

fish therein. The landing ashore or possession on the water by any person of any fish that has been damaged by explosives is prima facie evidence of violation of this section.

(3) Except as may be authorized by rules of the Commission, it is unlawful for any person, while fishing or attempting to fish for any marine species, to attach or otherwise secure a frame net, trawl net, trap net, or similar device to any state road bridge or associated structure situated over any saltwater body or to use more than one such net or device while fishing from such bridge or structure. The term “frame net” shall have the meaning ascribed in subsection 68B-31.006(8), F.A.C., and shall not include any cast net, landing or dip net, or any similar hand-held device.

(4) It is unlawful for any person to obstruct any river, creek, canal, pass, bayou or other waterway in this state by placing or setting therein any screen, net, seine, rack, wire or other device, or to use, set, or place any net or seine or similar device of any kind, either singularly or in rotation or one behind another in any manner whatsoever so as to prevent the free passage of fish.

(5) No person shall possess in any county of this state any fishing net, the use of which for fishing purposes in such county is prohibited by Special Act or rule of the Commission. Such possession shall be evidence of a violation of this subsection by both the owner thereof and the person using or possessing said net. The provisions of this subsection shall not apply to shrimp nets, to pound nets or to purse seines when used in taking menhaden fish, to seines used exclusively for taking herring, or to legal beach or haul seines used in the open Gulf of Mexico or Atlantic Ocean, if the possession of such nets is not prohibited in the county where found. This subsection shall also not apply to nets being lawfully transported pursuant to Rule 68B-4.0082, F.A.C.

(6) It is unlawful for any person to place poisons, drugs, or other chemicals in the marine waters of the state for the purposes of harvesting any marine life, unless that person has obtained a special activity license pursuant to Rule 68B-8.014, F.A.C.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.

68B-4.012 Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited.

(1) Powerheads.

(a) No person shall use any powerhead to harvest any fish in state waters. Powerheads may be possessed while diving in state waters for the purpose of personal protection.

(b) The possession of any fish that has been harvested with a powerhead, aboard a vessel fishing or at rest in state waters, shall constitute a violation of this subsection.

(c) The term “harvest” for purposes of this subsection means the catching or taking of a fish by killing or wounding it, followed by a reduction of such fish to possession.

~~(d) This subsection shall not be construed to effect the repeal of subsection (5) of Section 370.08, Florida Statutes.~~

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-26-92, Amended 7-15-96, 1-1-97, Formerly 46-4.012, Amended 7-1-01,\_\_\_\_\_.

**68B-4.013 Limitation on Use of Spotter Planes.**

Beginning January 1, 1993, no person shall harvest any marine fish in any waters of the state with the aid of any spotter plane, except for those species allowed to be harvested with a purse seine pursuant to paragraph 68B-4.0083(1)(c), F.A.C., Section 370.08(3), Florida Statutes.

Specific Authority 370.027(2) FS. Law Implemented 370.025, 370.027 FS. History—New 11-26-92, Amended 9-30-96, Formerly 46-4.013, Amended \_\_\_\_\_.

**68B-4.020 Saltwater Fish Traps.**

(1) It is unlawful for any person to fish with, set, or place in the waters of the state any trap other than those listed in this subsection.

(a) A blue crab trap authorized by and used according to the requirements of Rule Chapter 68B-45, F.A.C.

(b) A spiny lobster trap authorized by and used according to the requirements of Rule Chapter 68B-24, F.A.C.

(c) A stone crab trap authorized by and used according to the requirements of Rule Chapter 68B-13, F.A.C.

(d) A black sea bass trap authorized by and used according to the requirements of paragraph 68B-14.005(1)(b), F.A.C.

(e) A shrimp trap authorized by and used according to the requirements of paragraph 68B-31.007(2)(e), F.A.C.

(f) A pinfish trap not exceeding 2 feet in any dimension, with a throat or entrance not exceeding 3 inches in height by 3/4 inch in width.

(g) A trap authorized for the harvest of freshwater fish by Rule Chapter 68A-23, F.A.C.

(2) It is unlawful for any person land, take, sell, or offer for sale any saltwater fish caught in state waters by any trap other than a trap specified in subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: STATEWIDE NET GEAR SPECIFICATIONS; SOAKING REQUIREMENTS; DEFINITIONS; CAST NET SPECIFICATIONS

RULE NO.: 68B-4.0081

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide clarification and codify within Commission rules portions of Section 370.093, F.S., a statute implementing the prohibitions of Article X, Section 16 of the Florida Constitution, and to adopt net measurement procedures and net construction specifications. The effect of the rule amendment will be to reduce confusion, assist industry and law enforcement with standardized net specifications to assure nets used in the waters of the State of Florida are in compliance with the provisions of the Florida Constitution and Florida Statutes.

SUMMARY: Paragraph (1) is amended to incorporate provisions of Section 370.093, F.S., in rule which define “net” or “netting” as all manner or combination of mesh or webbing or any solid or semisolid fabric or other material used to comprise a device used to take marine life. Paragraph (2)(a) is amended to incorporate provisions of Section 370.093, F.S., which prohibit the use of gill or entangling nets. Paragraphs (2)(b) and (c) are added to incorporate provision of Section 370.093, F.S., which identify types of netting material that are prohibited; implement provisions of Article X, Section 16 of the Florida constitution limited the size of nets in nearshore and inshore waters to 500 square feet. Paragraph (2)(d) is added to consolidate language which limits mesh size to a maximum of 2” stretch; exempt gear which is allowed by other rules outside nearshore and inshore waters; and substitute rule references to “seine” with “net” to clarify that the net specifications in the rule apply to all nets other than cast nets, dip nets, shrimp, purse seines, jellyfish paired trawls or calico scallop otter trawls. Additionally, paragraph (2)(d) specify that a net with a mesh size larger than two inches stretched mesh is considered an entangling net. Paragraph (2)(e) is amended to clarify that soak times do not apply to shrimp trawls, purse seines, jellyfish paired trawls, or calico scallop otter trawls and substitute rule references to “seine” with “net”. Paragraph (3)(b) is added to provide measurement procedures for

determining the mesh area of a rectangular-shaped net that is constructed consistently throughout. Paragraph (3)(d) is amended to clarify provisions of Article X, Section 16 of the Florida constitution which prohibit connecting nets. Paragraph (3)(e) is added to establish the maximum number of meshes per foot of corkline and establish that nets constructed with more meshes per foot of corkline than allowed are entangling nets.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications.

(1) This rule is intended to implement prohibitions and restrictions of Article X, Section 16 of the Florida Constitution. As used there and in this rule, the term "net" or "netting" shall be broadly construed to include all manner or combination of mesh or webbing or any other solid or semisolid fabric or other material used to comprise a device that is used to take or harvest marine life.

(2)(+) The following gear specifications shall apply in all state waters:

(a) The use or placement in the water of any gill or entangling nets of any size is prohibited. No person shall fish with, set, or place in Florida waters any gill or entangling net.

(b) Any net constructed wholly or partially of monofilament or multistrand monofilament material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered an entangling net prohibited by Article X, Section 16 of the Florida Constitution, and this rule, unless otherwise authorized by rule of the Commission. The term "multistrand monofilament" does not include braided or twisted twines made of nylon, cotton, linen, or polypropylene.

(c) No person shall take or harvest, or attempt to take or harvest, any marine life in Florida waters with any net that is larger than 500 square feet in mesh area that has not been authorized by rule of the Commission. The use of a shrimp trawl, purse seine, jellyfish paired trawl, or calico scallop otter trawl that is larger than 500 square feet in mesh area, outside nearshore and inshore waters, shall be considered so authorized for purposes of this paragraph.

(d) No person shall fish with, set, or place in the water any net, other than a cast net, landing or dip net, jellyfish paired trawl, or calico scallop otter trawl with a mesh size greater than 2 inches stretched mesh. Any such net, with a mesh size greater than 2 inches stretched mesh shall be considered an entangling net for purposes of paragraph (a).

(e)(b) No person shall soak a net beach or haul seine for more than one hour, beginning when the first mesh is placed in the water and ending when the first mesh is retrieved back aboard the vessel or on shore. Once the first mesh is retrieved, the net seine operation shall be continuous until the net is completely removed from the water. This prohibition shall not apply to shrimp trawls, purse seines, jellyfish paired trawls, or calico scallop otter trawls.

(3)(2) The following net gear specifications shall apply in nearshore and inshore Florida waters:

(a) No person shall fish with, set, or place in the water any net with a mesh area greater than 500 square feet.

(b) The mesh area of a net of uniform construction, other than a cast net or net in the form of an elongated bag, is determined by multiplying the maximum length by the maximum width of the net. The maximum length of such a net is determined by multiplying the number of meshes along the corkline of the net by the bar measurement of the mesh in the net. The number of meshes along the corkline is determined by counting the number of meshes per tie and multiplying that by the total number of ties along the corkline. The maximum width, or depth, of such a net is determined by multiplying the number of meshes between the corkline and leadline of the net by the bar measurement of the mesh in the net. If a net, other than a cast net or net in the form of an elongated bag, is constructed in a nonuniform manner, the mesh area shall be determined by adding together the mesh area of the component parts.



~~(c)(b)~~ No more than two nets shall be fished with, set, or placed in the water from a single vessel at any one time. No more than one net shall be fished with, set, or placed in the water by any person not on a vessel.

~~(d)(e)~~ No person shall connect, tie, or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding the 500 square feet limit specified in paragraph (a). Two nets sharing the same corkline or leadline with a combined mesh area exceeding 500 square feet shall be considered connected and a violation of Article X, Section 16 of the Florida Constitution and this rule.

~~(d) Beginning January 1, 1998, No person shall fish with, set, or place in the water any seine with a mesh size larger than 2 inches stretched mesh.~~

(e) No net may have more meshes attached per foot of corkline or leadline than 14 divided by the bar measurement of the mesh in the net. A net with more than this number of meshes attached per foot of corkline or leadline shall be considered an entangling net for purposes of this rule and Article X, Section 16 of the State Constitution.

~~(4)(3)~~ Cast Nets.

(a) The Fish and Wildlife Conservation Commission finds that the maximum specifications established for cast nets in paragraph (b) are appropriate to allow the largest cast nets that can be reasonably, practically, and effectively thrown by hand to take marine species in nearshore and inshore Florida waters, within the 500-square foot limit imposed by Article X, Section 16(b) of the State Constitution.

(b) No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) greater than 14 feet. No more than two cast nets shall be fished in such waters from a single vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended 12-2-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Col. Julie Jones and Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Licenses, Endorsements, and Permits

68B-13.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in an existing rule the substance of Section 370.13(3), Florida Statutes, relating to depredation permits, and strike archaic language from the rule. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUMMARY: The language of existing subsection (2) of Rule 68B-13.006, F.A.C., referring to issuance of permits to collect and possess whole stone crabs for certain purposes in accordance with Section 370.10(2), Florida Statutes, is stricken and replaced with provisions for the issuance of depredation permits to aquaculture producers.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-13.006 Licenses, Endorsements, and Permits ~~for Experimental, Scientific and Exhibitional Purposes.~~

(1)(a) Except as provided in subsection 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to Section 370.06, Florida Statutes.

(b) Until July 1, 2002, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 2000-2001 fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2001. Failure to renew by September 30, 2001, shall lead to the deactivation of the holder's endorsement.

(2) Notwithstanding the requirements of paragraph (1)(a) and subsections (1) and (2) of Rule 68B-13.010, F.A.C., any aquaculture producer, as defined in Section 597.0015(2), Florida Statutes, authorized to produce marine aquaculture products and engaged in the culture of shellfish may possess and use up to 75 stone crab traps for the sole purpose of taking destructive or nuisance stone crabs within 1 mile of the producer's aquaculture shellfish beds if they first obtain a depredation permit from the Commission. Stone crabs taken under this subsection may not be sold, bartered, exchanged, or offered for sale, barter, or exchange. In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 8-5-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

RULE NO.:

Regulation and Prohibition of Certain

Harvesting Gear: Allowable Gear,

Incidental Bycatch, Violation

68B-14.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in new rules the substance of Section 370.1105, Florida Statutes, with respect to the regulation of black sea bass traps. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUMMARY: Paragraph (2)(b) of Rule 68B-14.005, F.A.C., is amended to include in the rule a prohibition against use of black sea bass traps in South Florida and specifications for the allowable size of such traps. References to statutory provisions expected to be repealed are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap, which shall only be used north of Latitude 27° North meeting the requirements of Section 370.1105(1)(e), Florida Statutes. ~~Additionally,~~ Each such trap shall comply with the following specifications:

1. The outer dimensions do not exceed 2 feet in height, 2 feet in width, and 2 feet in depth, and the throat or entrance does not exceed 5 inches in height and 2 inches in width at its narrowest point.

2. A biodegradable panel shall be part of each trap used to take black sea bass. ~~For purposes of Section 370.1105(1)(e), Florida Statutes,~~ A black sea bass trap shall be considered to have a “biodegradable panel” or a “degradable panel” if one of the following methods is used in construction of the trap:

a. The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

b. The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

c. The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

d. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

e. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. “Untreated pine” means raw pine wood that has not been treated with any preservative

or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

f. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

g. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

~~3.2.~~ Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

a. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

b. A circular vent, 2 inches (5.1 cm) in diameter.

c. A square vent with sides of 1.75 inches (4.4 cm) measured inside the square.

(c) 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 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW.: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLES: RULE NOS.:  
 Special Recreational Crawfish License 68B-24.0035  
 Bag Limit 68B-24.004

PURPOSE AND EFFECT: The purpose of this proposed new rule and rule amendment is to include in Fish and Wildlife Conservation Commission rules the substance of Section 370.063, Florida Statutes, relating to the Special Recreational Crawfish License. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule and rule amendment will be to allow the repeal of the affected statute.

SUMMARY: Proposed new Rule 68B-24.0035, F.A.C., specifies criteria for issuance and renewal of the special recreational crawfish license. This license was created by Section 370.063, Florida Statutes, which is expected to be repealed, and will no longer be issued or renewed beginning with the 2012-2013 license year. Subsection (3) of Rule 68B-24.004, F.A.C., is amended to replace a statutory reference with a reference to rule, include a requirement that the special bag limit is not applicable during the 2-day sport season, and delete unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-24.0035 Special Recreational Crawfish License.

(1) A special recreational crawfish license is required to harvest spiny lobster from state waters in excess of the bag limit established for recreational harvesters in subsection (1) Rule 68B-24.004, F.A.C., but not in excess of the special bag limit established in subsection (3) of that rule.

(2) A special recreational crawfish license will be issued and renewed pursuant to the following criteria:

(a) Each person applying for a license shall submit a completed form (Form DMF-SL2400 (3-05), incorporated herein by reference) provided by the Commission, together with the fee required by Section 370.063, Florida Statutes.

(b) No license will be issued to a person who did not possess a crawfish trap number (crawfish endorsement) and a saltwater products license during the 1993-1994 license year.

(c) A license will not be issued to a person who has a crawfish endorsement at the time of application.

(d) A special recreational crawfish license is not valid unless the holder also possesses a valid recreational crawfish permit required by Section 372.57(8)(d), Florida Statutes.

(e) Each applicant must agree to file quarterly reports with the Commission detailing the amount of spiny lobster harvested by the licenseholder in the previous quarter together with the amount harvested by other recreational harvesters aboard the licenseholder's vessel. The Commission will not renew the special recreational crawfish license of any licenseholder who has not complied with this reporting requirement.

(f) Each license issued must be renewed by June 30 of that license year for the following license year. Licenses that are not so renewed shall expire, and may be reissued by the Commission to new applicants otherwise qualified under this rule. A special recreational crawfish license is not transferable.

(g) The number of licenses issued in any license year shall not exceed the number issued for the 1994-1995 license year (520 licenses). Beginning with the 2012-2013 license year and every year thereafter, no special recreational crawfish license will be issued or renewed by the Commission.

(3) No person issued a special recreational crawfish license may also possess a crawfish endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

68B-24.004 Bag Limit.

(1) through (2) No change.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit – No person who possesses a valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Rule 68B-24.0035, F.A.C. Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in subsection 68B-24.005(1), F.A.C., more spiny lobster than the amounts specified below for the respective fishing seasons; provided, however, when one or more persons possessing a valid special recreational crawfish license are aboard a single vessel in or on state waters, together with any number of regular recreational harvesters, no more than the specified amount of spiny lobster for the applicable fishing season shall be possessed aboard such vessel. The specified bag limit is not applicable during the 2-day sport season established in subsection (2).

- (a) 2003-2004 – 50.
- (b) 2004-2005 – 45.
- (c) 2005-2006 – 40.
- (d) 2006-2007 – 35.
- (e) 2007-2008 – 30.
- (f) 2008-2009 – 25.
- (g) 2009-2010 – 20.
- (h) 2010-2011 – 15.
- (i) 2011-2012 – 10.

(j) Beginning with the 2012-2013 season and for each season thereafter, ~~no Special Recreational Crawfish Licenses shall be issued or renewed.~~ all recreational harvesters shall be subject to the bag limit specified in subsection (1).

(4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95, Formerly 46-24.004, Amended 7-9-02, 7-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tampa Bay

RULE TITLE:

RULE NO.:

Old Tampa Bay: Repeal of Local Laws;

Prohibition of Certain Gear

68B-25.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete a reference to the shrimp trap regulations in Section 370.15, Florida Statutes, which statute will be repealed. Regulation of shrimp traps is a matter are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: Reference to Section 370.15(5), Florida Statutes, is deleted from paragraph 68B-25.003(2)(f), F.A.C., and replaced with reference to Fish and Wildlife Conservation Commission shrimping regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-25.003 Old Tampa Bay: Repeal of Local Laws; Prohibition of Certain Gear.

(1) No change.

(2) No person shall harvest any fish in and on the waters of Old Tampa Bay north of the Gandy Bridge, including any creek or bayou emptying into such waters, except with the following gear:

(a) through (e) No change.

(f) A shrimp trap specifically allowed by Rule 68B-31.007, F.S. s. 370.15(5), Florida Statutes.

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 1-1-90, Formerly 46-25.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Sponges

RULE TITLE:

RULE NO.:

Commercial Sponge Size Limit

68B-28.0035

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in Rule 68B-28.0035, F.A.C., the substance of Section 370.17(2), Florida Statutes, relating to the size of hooks that may be used to harvest commercial sponges. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: A reference to Section 370.17(3), Florida Statutes, is deleted from Rule 68B-28.0035, F.A.C., the current language of which is numbered subsection (1). A new subsection (2) is added to the rule to impose a 5-inch hook size requirement for the commercial sponge fishery.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-28.0035 Commercial Sponge Size Limit.

~~(1) Notwithstanding the provisions of Section 370.17(3), Florida Statutes,~~ No person shall harvest in or from the waters of the state, possess while in or on the waters of the state, land, or sell any commercial sponge, or piece thereof, measuring, when wet, less than 5 inches in greatest dimension, measured across the top of the sponge.

(2) Any hook used to remove a commercial sponge from the bottom shall have a width of 5 inches. The use of a hook with a width larger or smaller than 5 inches is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-13-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004  
 BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLES:	RULE NOS.:
Definitions	68B-31.006
Statewide Recreational Shrimping Restrictions	68B-31.007
Statewide Live Bait Shrimp Production Restrictions	68B-31.008
Statewide Food Shrimp Production Restrictions	68B-31.009
Southeast Region: Food Shrimp Production Closed Area (Portion of Monroe County)	68B-31.0136
East Coast: Night Trawling Prohibited; Exception	68B-31.0157
Northwest Region Closed Areas; Repealed Special Acts	68B-31.018
Regulation of Shrimp Fishing in Tampa Bay; License Requirements	68B-31.019

PURPOSE AND EFFECT: The purpose of these proposed new rules and rule amendments is to include in rules of the Fish and Wildlife Conservation Commission the regulations contained in Sections 370.1105, 370.15 and 370.1535, Florida Statutes, relating to the state’s shrimp fishery. This effort also corrects references to statutes in Rule Chapter 68B-31, F.A.C., which statutes have been or will be repealed. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rules and rule amendment will be to allow the repeal of the affected statutes.

SUMMARY: Subsection (12) of Rule 68B-31.006, F.A.C., is amended to delete reference to Section 370.15, Florida Statutes, and to delete obsolete language. Paragraph (1)(e) of Rule 68B-31.007, F.A.C., is amended to provide specifications for shrimp traps used by recreational shrimpers. Subsection (6) of Rule 68B-31.008, F.A.C., is amended to delete reference to Section 370.15, Florida Statutes, and conform language to that deletion. Subsection (5) of Rule 68B-31.009, F.A.C., is amended to delete an obsolete provision and add language providing an accurate reference to food shrimp licensing provisions of Section 370.153, Florida Statutes. Proposed new Rule 68B-31.0136, F.A.C., describes a food shrimping closure area in Monroe County in the Southeast Region that was previously closed by statute. Proposed new Rule 68B-31.0157,

F.A.C., closes waters of the Atlantic Ocean to nighttime shrimp trawling from September through May each year. A new subsection (9) is added to Rule 68B-31.018, F.A.C., to close an area of Santa Rosa Sound to food shrimp production, which area was previously closed by statute. Proposed new Rule 68B-31.019, F.A.C., establishes licensing requirements for Tampa Bay food shrimp producers, which requirements were previously contained in Florida Statutes.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-31.006 Definitions.

As used in Rules 68B-31.005, F.A.C., through the remainder of the chapter:

(1) through (11) No change.

(12) “Live bait shrimp producer” means any person harvesting shrimp for the purpose of delivering and selling that shrimp alive for use as bait pursuant to a valid saltwater products license with a restricted species endorsement and, additionally, in the Northeast Region, a live bait shrimp production license issued as provided in Section 370.15(6) or 370.153(3)(a), Florida Statutes, in addition to a valid saltwater

~~products license with a restricted species endorsement. Beginning January 1, 2001, the saltwater products license must include a restricted species endorsement.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 3-16-93, 11-29-93, 10-3-94, 6-3-96, Formerly 46-31.006, Amended 6-1-99, 12-2-99, \_\_\_\_\_.

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

- (1) No change.
- (2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:
  - (a) through (d) No change.
  - (e) Shrimp traps not exceeding 36 inches in length (from the rear of the heart to the leading edge of the trap), 24 inches in width (between the leading edges of the trap, or heart opening), and 12 inches in height and not containing external or unattached wings, weirs or other devices intended to funnel shrimp to the trap heart.

1. A shrimp trap meeting these specifications, regardless of configuration, shall not be considered a pound net.

2. The user’s name and address must be securely affixed to each trap; any trap lacking proper identification will be confiscated by the Commission.

3. No more than four shrimp traps shall be used at any one time.

4. Unattended shrimp traps are prohibited on or attached to beaches, causeways, seawalls, bridges, or any other structures open for use by the public. Any such trap which is not attended by the person whose name is affixed to the trap will be considered abandoned and may be seized meeting the requirements of Section 370.15(3), Florida Statutes.

- (f) No change.
- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended 12-2-99, \_\_\_\_\_.

68B-31.008 Statewide Live Bait Shrimp Production Restrictions.

Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall comply with the requirements specified in this rule.

- (1) through (5) No change.
- (6) Each person harvesting shrimp in or on the waters of the state as a live bait shrimp producer shall possess a ~~valid license issued as provided in Section 370.15(6) or 370.153(3)(a), Florida Statutes, and a valid saltwater products license with a restricted species endorsement. Persons~~

harvesting shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties as a live bait shrimp producer must also possess a valid license for such purpose issued as provided in Section 370.153, Florida Statutes. Beginning January 1, 2001, the saltwater products license must include a restricted species endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 10-3-94, 1-1-96, Formerly 46-31.008, Amended 12-2-99, 2-28-02, \_\_\_\_\_.

68B-31.009 Statewide Food Shrimp Production Restrictions.

The following requirements shall apply to each person harvesting shrimp in or on the waters of the state as a food shrimp producer. Each such person shall also comply with the regional food shrimp production requirements of Rules 68B-31.010 through 68B-31.015, F.A.C., and the area or seasonal closures in the remainder of the chapter.

- (1) through (4) No change.
- (5) ~~Beginning January 1, 2001,~~ Each person harvesting shrimp in or on the waters of the state as a food shrimp producer shall possess a valid saltwater products license with a restricted species endorsement. Persons harvesting shrimp within the inland waters of Nassau, Duval, St. Johns, Putnam, Flagler, or Clay Counties as a food shrimp producer must also possess a valid license for such purpose issued as provided in Section 370.153, Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 6-3-96, 7-16-96, Formerly 46-31.009, Amended 12-2-99, \_\_\_\_\_.

68B-31.0136 Southeast Region: Food Shrimp Production Closed Area (Portion of Monroe County).

Harvest of food shrimp is prohibited in all waters within the following described area: Begin at a point of latitude 24°41'54" North and longitude 81°40'30" West near Snipe Point in Monroe County; thence go North 35°53'16" West approximately 9 nautical miles to a point of approximate latitude 24°41'55" North and longitude 81°46'15" West, 3 marine leagues seaward of Snipe Point; thence easterly and northerly following a line which is 3 marine leagues seaward of the mean low-water line of the seawardmost points in Florida Bay and the Gulf of Mexico to a point at latitude 26°00'00" North and approximate longitude 81°56'30" West; thence east to a point on the mean high-water line at latitude 26°00'00" North and approximate longitude 81°44'06" West; thence southerly and easterly along the mean high-water line of the Florida mainland to its intersection with the westerly right-of-way of the U.S. Highway 1 bridge in Long Sound; thence follow the westerly and northern right-of-way of U.S. Highway 1 to a point on Saddlebunch Key latitude 24°37'06" North and approximate longitude 81°36'42" West; thence on a straight line to the point of beginning.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New \_\_\_\_\_.



68B-31.0157 East Coast: Night Trawling Prohibited: Exception.

No person shall harvest or attempt to harvest shrimp in or from Florida waters in any county whose coastal boundary borders solely on the Atlantic Ocean by use of a trawl during night hours except during the months of June, July, and August.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

68B-31.018 Northwest Region Closed Areas; Repealed Special Acts.

(1) through (8) No change.

(9) It is unlawful to engage in food shrimp production in the following area: that portion of Santa Rosa Sound lying in Escambia, Santa Rosa, and Okaloosa Counties and between Brooks Bridge as the east boundary and Bascule Bridge in Santa Rosa County as the west boundary.

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 7-16-96, Formerly 46-31.018, Amended \_\_\_\_\_.

68B-31.019 Regulation of Shrimp Fishing in Tampa Bay: License Requirements.

(1) No person shall operate as a food shrimp producer in any waters of Tampa Bay unless such person has procured from the Fish and Wildlife Conservation Commission a dead shrimp production permit issued pursuant to this rule.

(2) No permit will be issued and no permit will be renewed except those permits issued in the base year of 1992. A food shrimp production permit will be renewed and issued to persons qualified pursuant to the following criteria:

(a) Each applicant for renewal shall make application prior to June 30 each year on a form provided by the Commission (DMF-SL3100 (3-05), Food Shrimp Production Permit Application, incorporated herein by reference).

(b) One permit is required for each vessel used for food shrimp production in the waters of Tampa Bay. A permit shall be renewable only by an individual who is the principal owner of the vessel or of the business entity owning the vessel and utilizing the permit. No more than three permits shall be issued to any individual.

(c) Each application shall be accompanied by fees as provided in s. 370.1535, Florida Statutes.

(d) Each applicant for renewal shall make application prior to June 30 each year, and shall hold any other license or registration required to operate a commercial fishing vessel in Tampa Bay on the date of application.

(e) The number of permits outstanding in any one year shall not exceed the number issued in 1992.

(f) No permit shall be transferable by any method, including devise or inheritance, and a permit shall be renewable only by the initial holder thereof.

(3) All permits not renewed pursuant to section (2) by June 30 in each year for any reason shall expire and shall not be renewable under any circumstances.

(4) No person harvesting food shrimp from Tampa Bay shall sell such shrimp to any person unless such seller is in possession of a food shrimp production permit issued pursuant to this rule. Except for purchases from other wholesale dealers, no wholesale dealer, as defined in Section 370.07(1)(a)3., F.S., shall purchase food shrimp harvested in Tampa Bay, unless the seller produces his or her food shrimp production permit prior to the sale of the shrimp.

(5) The operator of any vessel used in Tampa Bay for food shrimp production shall possess while in or on the waters of the bay and produce upon the request of any duly authorized law enforcement officer a current food shrimp production permit issued for the vessel pursuant to this rule.

(6) Each person harvesting shrimp in Tampa Bay pursuant to the permit required by this section shall comply with all rules of the Commission regulating such harvest.

(7) For purpose of this section, "Tampa Bay" means all the waters of the bay east and north of the Sunshine Skyway Bridge (U.S. 19 and Interstate 275).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tarpon

RULE TITLES:

RULE NOS.:

Tarpon Tags: Required for Possession;	
Report; Annual Issuance; Taxidermy;	
Limitation on Number of Tags Issued	
Annually; Limitation on Number of	
Tags Issued to Professional Fishing Guides	68B-32.003
Bag Limit and Gear Restriction	68B-32.004
Sale Prohibited, Transport Regulated	68B-32.006

PURPOSE AND EFFECT: The purpose of these proposed new rule and rule amendments is to include in new rules the substance of Sections 370.11 and 372.5704, Florida Statutes, as they relate to tarpon regulation and the tarpon tag program. This effort also deletes references to these two statutes, which will be repealed. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rule and rule amendments will be to allow the repeal of the affected statutes.

SUMMARY: New subsections (1), (2), and (3) are inserted into Rule 68B-32.003, F.A.C., to require a tarpon tag to be secured to each tarpon harvested or possessed in Florida; require a report be submitted within a specified period of time after landing such a tarpon; provide for annual issuance of tags through tax collectors and audit reports of unused tags; and provide exceptions to the tag requirements for taxidermists meeting certain requirements. Rule 68B-32.004, F.A.C., is amended to add a two tarpon daily bag and possession limit for the species. Proposed new Rule 68B-32.006, F.A.C., prohibits sale of tarpon and establishes requirements for lawful transport of tarpon.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-32.003 Tarpon Tags: Required for Possession; Report; Annual Issuance; Taxidermy; Limitation on Number of Tags Issued Annually; Limitation on Number of Tags Issued to Professional Fishing Guides.

(1) No person shall take, kill, or possess any tarpon, unless such person has purchased a tarpon tag and securely attached it through the lower jaw of the fish. Within 5 days after the landing of a tagged tarpon, the person possessing it shall submit a form to the Commission (Form DMF-SL3200 (3-05), incorporated herein by reference) indicating the length, weight, and physical condition of the tarpon and the date and location where the fish was caught. Additional tags may be denied to any person or guide who fails to provide the required information.

(2) Tarpon tags are valid for the period beginning July 1 each year and continuing through June 30 of the following year or until used, whichever occurs first. Before August 15 of each year, each tax collector shall submit to the Commission all unused tags for the previous license year along with a written audit report as to the number of unused tags, on forms provided by the Commission (Form DMF-SL3210 (3-05), incorporated herein by reference). Tarpon tags are nontransferable, except for those distributed by professional fishing guides pursuant to subsection (5).

(3) Subsection (1) shall not apply to anyone who immediately returns a tarpon uninjured to the water at the place where the fish was caught. The prohibition of possession of an untagged tarpon in subsection (1) shall not apply to a taxidermist who removes the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

(4)(1) In any license year, the total number of tarpon tags issued pursuant to Section 370.062, Florida Statutes, shall not exceed 2,500.

(5)(2) Each professional fishing guide may purchase tarpon tags for subsequent transfer to individual customers; provided, however, that the total number of tags issued during any license year to professional fishing guides shall not exceed 1,250.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-30-88, Amended 11-1-89, 10-1-90, 12-4-91, 11-26-92, 11-29-93, 1-1-95, 1-1-96, 11-27-96, 11-12-97, 11-16-98, Formerly 46-32.003, Amended \_\_\_\_\_.

68B-32.004 Bag Limit and Gear Restriction.

(1) No person shall harvest more than two tarpon per day or possess more than two tarpon at any time while in or on the waters of the state.

(2) The harvest or attempted harvest of any tarpon in or from state waters by spearing, snagging, or snatch hooking is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-98, Formerly 46-32.004, Amended 3-28-04,

68B-32.006 Sale Prohibited, Transport Regulated.

(1) No person shall sell, offer for sale, barter, exchange for merchandise or services, transport for sale or exchange within or without the state, offer to purchase or purchase any tarpon.

(2) Except as provided in subsection (4), any one person may only transport or ship up to two tarpon, within or without the state, as personal baggage.

(3) Except as provided in subsection (4), no common carrier shall knowingly receive for transportation or transport within or without the state, more than two tarpon.

(4)(a) A lawful, established taxidermist may move or ship any reasonable number of tarpon as specimens for mounting at any given time and in any manner, provided that individual ownerships of the tarpon being moved or shipped by said taxidermist can be established through documentation made available to an officer of the law upon request at any time.

(b) Common carriers shall accept tarpon from a taxidermist when documentation of individual ownership(s) accompany the bill of lading or other papers controlling the shipment.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Bonefish

RULE TITLES:	RULE NOS.:
Definitions	68B-34.002
Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction	68B-34.003

PURPOSE AND EFFECT: The purpose of these rule amendments is to include in existing rules the substance of Section 370.1121, Florida Statutes, relating to the regulation of bonefish. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these rule amendments will be to allow the repeal of the affected statutes.

SUMMARY: Rule 68B-34.002, F.A.C., is amended to insert a new definition of the term “harvest for commercial purposes” for purposes of the rule chapter. An unnecessary definition of the term “spearing” is deleted. Subsection (4) of Rule 68B-34.003, F.A.C., is amended to replace a prohibition on spearing bonefish with a requirement that bonefish be taken by hook and line gear only. A new subsection (5) is added to the rule to prohibit harvest of bonefish for commercial purposes.

A STATEMENT OF ESTIMATED REGULATORY COST HAS NOT BEEN PREPARED REGARDING THESE PROPOSED RULES.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-34.002 Definitions.

(1) through (2) No change.

(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. “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).

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 \_\_\_\_\_.

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

(1) through (3) No change.

(4) The harvest or attempted harvest of any bonefish in or from state waters by spearing is prohibited except by use of hook and line gear.

(5) The harvest or possession of bonefish for commercial purposes is prohibited.

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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE TITLE: Size and Bag Limits; Prohibition of Sale RULE NO.: 68B-35.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement a 2-fish vessel possession limit for permit larger than 20 inches. The effect should be to protect spawning aggregations of these large permit.

SUMMARY: Paragraphs 68B-35.003(1)(a) and (2)(a), F.A.C., are amended to implement a 2-fish vessel possession limit for permit larger than 20 inches fork length.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-35.003 Size and Bag Limits; Prohibition of Sale.

(1) Size Limits –

(a) No person shall harvest in or from state waters, or possess while in or on state waters, any pompano or permit, with a fork length less than 11 inches, or greater than 20 inches, except that a person harvesting pursuant to the bag limit specified in paragraph (2)(a) of this rule may harvest and possess one pompano or permit greater than 20 inches in fork length. However, the possession of more than two (2) permit or pompano in any combination greater than 20 inches fork length

on any vessel is prohibited. No person shall purchase, sell, or exchange any pompano or permit with a fork length less than 11 inches, or greater than 20 inches.

(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.

(2) Bag Limits –

(a) Except for persons harvesting pompano commercially pursuant to the limits established by Rule 68B-35.005, F.A.C., or permit pursuant to a valid saltwater products license with a restricted species endorsement, ~~persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b), F.A.C.~~, no person shall harvest in or from state waters more than a total of 6 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 6 such fish. No more than one (1) of such pompano or permit may exceed 20 inches fork length. No more than two (2) permit or pompano in any combination exceeding 20 inches fork length shall be possessed onboard any vessel at any time.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day; however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimping and Trapping: Closed Areas and Seasons

RULE TITLES: RULE NOS.:  
Citrus-Hernando Shrimping and Trapping

Closed Areas and Seasons	68B-38.001
Southwest Florida Seasonal Shrimp Closures	68B-38.002
Taylor County Shrimp Closure	68B-38.003

PURPOSE AND EFFECT: The purpose of these rule amendments is to delete references to Sections 370.1105 and 370.15, Florida Statutes, which statutes will be repealed, and replace them with references to Commission rules. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these rule amendments will be to allow the repeal of the affected statutes.

SUMMARY: The definition of the term "trapping" in subsection (7) of Rule 68B-38.001, F.A.C., is amended to delete references to several Florida Statutes and replace them with a single reference to new Rule 68B-4.020, F.A.C., regarding trapping. Subsection (1) of Rule 68B-38.002 and subsection (4) of Rule 68B-38.003, F.A.C., are amended to delete obsolete references to a live bait shrimping license and substitute reference to the live bait shrimping rule of the FWC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-38.001 Citrus-Hernando Shrimping and Trapping Closed Areas and Seasons.

(1) through (6) No change.

(7) "Trapping" means deployment of any device for harvesting crabs, fish, or other animals, which device captures by entrapping such animals within its walls, including, but not limited to any trap authorized in Rule ~~68B-4.020, F.A.C. 68B-13.008, 68B-14.005, 68B-24.006, or 68B-45.004, or in Section 370.1105, Florida Statutes.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-89, Amended 2-24-98, Formerly 46-38.001, Amended 7-1-03, \_\_\_\_\_.

68B-38.002 Southwest Florida Seasonal Shrimp Closures.

(1) From October 1 of each year and continuing through May 31 of the following year, no person shall operate any trawl, except a trawl used for live bait shrimp production shrimping pursuant to Rule 68B-31.008, F.A.C. license issued by the Fish and Wildlife Conservation Commission as required by Section 370.15(8), Florida Statutes, within the following described area of state waters off the southwest coast of Florida:

Beginning with Bell Buoy No. 8 (Point H) in the Boca Grande ship channel; thence easterly to the northernmost extent of the Colregs Demarcation Line at the northern end of Cayo Costa; thence following the Colregs Demarcation Line southerly and easterly along the shorelines of and across the passes between Cayo Costa, North Captiva Island, Captiva Island, Sanibel Island, Estero Island, the unnamed island southwest of Black Island, Big Hickory Island, Little Hickory Island, and Wiggins Island to the point south of Wiggins Pass where the Colregs Demarcation Line meets 26°16.0' North Latitude; thence due west to Point Z, and following a continuous line from Point Z through points A, B, C, D, E, F and G; thence northwesterly to the point of beginning at Bell Buoy No. 8 (Point H). Points Z, A, B, C, D, E, F, and G are expressed as follows by latitude and longitude:

Point	North Latitude	West Longitude
Z	26°16.00'	81°58.50'
A	26°17.23'	81°55.55'
B	26°22.31'	81°59.00'
C	26°20.25'	82°04.39'
D	26°22.00'	82°10.79'
E	26°26.05'	82°15.55'
F	26°34.40'	82°18.90'
G	26°38.28'	82°16.92'

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 10-1-89, Amended 11-16-98, Formerly 46-38.002, Amended 6-1-99, \_\_\_\_\_.

68B-38.003 Taylor County Shrimp Closure.

(1) through (3) No change.

(4) A person operating as possessing a live bait shrimp producer shrimping license issued by the Fish and Wildlife Conservation Commission pursuant to Rule 68B-31.008, F.A.C. Section 370.15, Florida Statutes, may operate a trawl or trawls within the area described in subsection (3) if each of the following conditions is met:

(a) The person is harvesting live bait shrimp using no more than two roller frame trawls.

(b) Neither the upper or lower horizontal beam on a roller frame trawl so used is greater than 15 feet in length.

(5) No change.

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 1-1-91, Formerly 46-38.003, Amended 8-5-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crab

RULE TITLE: Regulation and Prohibition of RULE NO.:

Certain Harvesting Gear 68B-45.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to include in an existing rule the substance of Section 370.13, Florida Statutes, relating to blue crab depredation permits. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUMMARY: Subsection (9) of Rule 68B-45.004, F.A.C., is amended to provide for issuance of depredation permits to aquaculture producers to allow use of traps to take blue crabs within a specified distance from aquaculture operations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (8) No change.

(9)(a) Except as provided in paragraph (c), no person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding Section 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, 2005, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, 2005, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of

that person must request renewal of the blue crab endorsement before September 30 of each year. All provisions of Sections 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) Notwithstanding the requirements of paragraph (a), any aquaculture producer, as defined in Section 597.0015(2), Florida Statutes, authorized to produce marine aquaculture products and engaged in the culture of shellfish may possess and use up to 75 blue crab traps for the sole purpose of taking destructive or nuisance blue crabs within 1 mile of the producer's aquaculture shellfish beds if they first obtain a depredation permit from the Commission. Blue crabs taken under this subsection may not be sold, bartered, exchanged, or offered for sale, barter, or exchange.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, Formerly 46-45.004, Amended 6-1-99, 2-28-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Trap Retrieval and Trap Debris Removal

RULE TITLE: Definitions RULE NO.: 68B-55.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete reference to Section 370.1105, Florida Statutes, and various rules of the Commission relating to traps. The reference is being replaced by reference to proposed new Rule 68B-4.020, F.A.C., which will provide a list of allowable fish traps. The effect of adopting this and rule amendment will be to allow the repeal of the affected statute.

SUMMARY: The definition of the term "trap" in subsection (6) of Rule 68B-55.001, F.A.C., is amended to delete references to various Florida Statutes relating to trap fishing and substitute reference to a new FWC rule on traps.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

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

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

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

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, February 2-4, 2005

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-55.001 Definitions.

As used in this chapter:

(1) through (5) No change.

(6) "Trap" means legal harvesting gear as authorized in Rule 68B-4.020, F.A.C. defined in Rules 68B-13.008, 68B-24.006 and 68B-45.004, F.A.C.; Section 370.1105(1)(b) or 370.1105(1)(c), F.S.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Forms Incorporated by Reference

RULE NO.: 69O-203.210

PURPOSE, EFFECT AND SUMMARY: To facilitate applications for licensure of Discount Medical Plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 636.232 FS.

LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS.

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

TIME AND DATE: 9:30 a.m., January 27, 2005

PLACE: Room 601B, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Brown, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: david.brown@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

DISCOUNT MEDICAL PLAN ORGANIZATIONS

69O-203.210 Forms Incorporated by Reference.

(1) The following forms are incorporated herein by reference to implement the provisions of Chapter 636, Part II, Florida Statutes:



(a) The following forms which are hereby adopted:

FORM #	TITLE
1. OIR-CI-1606	APPLICATION FOR LICENSE DISCOUNT MEDICAL PLAN ORGANIZATION (DMPO)
2. OIR-CI-1423	BIOGRAPHICAL AFFIDAVIT

(b) The following forms as adopted in Chapter 690-136, F.A.C.:

FORM #	TITLE
1. OIR-CI-144	SERVICE OF PROCESS CONSENT & AGREEMENT
2. OIR-CI-903	INVOICE - REQUEST FOR PAYMENT OF FINGERPRINT CHARGES
3. OIR-CI-938	FINGERPRINT CARD INSTRUCTIONS
4. OIR-CI-1298	MANAGEMENT INFORMATION FORM - COMPLETE LIST OF OFFICERS, DIRECTORS, AND SHAREHOLDERS (10% OR MORE)

(2) All of the above referenced forms are available and may be printed from the Office's website: <http://fldfs.com>.

Specific Authority 636.232 FS. Law Implemented 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jovita Ashton, Bureau Chief, Life and Health Insurer Solvency, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Solvency, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

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

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Professional Surveyors and Mappers

RULE NO.: 61G17-2.006  
 RULE TITLE: Time for Compliance With Final Order; Probation

#### SECOND 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. 29, No. 39, September 26, 2003, issue of the Florida Administrative Weekly. A notice of Change was published in Vol. 30, No. 52, the December 23, 2004 Florida Administrative Weekly. This rule is being revised in response to comments received from the Joint Administrative Procedures Committee. Subparagraphs (4) and (4)(e) now read as follows:

(4) In cases where the Board imposes probation and/or suspension for violation of Chapter 455 or Chapter 472, Florida Statutes, or of the rules promulgated thereunder, the following conditions shall apply:

(e) If a licensee's license is suspended by the Board, and the suspension is stayed pending successful completion of the terms of the Final Order, then if the licensee successfully completes probation, the suspension shall terminate. However, if the licensee fails to comply with the requirements set forth in this rule or in the Final Order, then the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status until the licensee appears before the Board to demonstrate compliance with the Final Order.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Professional Surveyors and Mappers

RULE NO.: 61G17-9.007  
 RULE TITLE: Survey Review

#### SECOND 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. 29, No. 39, September 16, 2003, issue of the Florida Administrative Weekly, and a Notice of Change was published in Vol. 30, No. 52, of the December 23, 2004, Florida Administrative Weekly. The changes are being made based on comments from the Joint Administrative Procedures Committee.

Subparagraph (5) has been deleted from the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**  
**Board of Chiropractic Medicine**  
RULE NO.: 64B2-13.004  
RULE TITLE: Continuing Education  
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. 30, No. 44, of the October 29, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 10, 2004, voted to change several subsections of the rule. The changes are as follows:

1. Subsection (2) shall now read:
  - (2) Only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable.
2. Subsection (3) shall now read:
  - (3) Continuing education providers, including providers of continuing education in AIDS and risk management, seeking initial approval of continuing education courses by the Board shall pay a fee of \$250. Continuing education providers seeking renewal for the providership of approved courses shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education course:
    - (a) through (c) No change.
    - (d) Shall be taught by one or more speakers or lecturers with at least one of the following qualifications:
      1. A current faculty member of a chiropractic college or school maintaining a standard and reputability approved by the Board, or a current faculty member at a medical or osteopathic college or a university which college or university is accredited by, or has status with, an agency or its successor which is recognized and approved by the United States Office of Education or the Council on Post Secondary Accreditation; or
      2. No change.
3. Subsection (4) shall now read:

(4) When attending an approved course, a licensee must sign in and out each day and his or her attendance must be certified by the course's registrar and submitted to the Board as verification.

4. In addition, Section 456.025(7) shall be added to the Specific Authority and Law Implemented citations.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**  
**Board of Optometry**  
RULE NO.: 64B13-18.002  
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents  
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. 30, No. 21, of the May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to a public hearing held on this rule on November 19, 2004. This Notice of Change supercedes all language published in the previous Notice of change which appeared in the July 16, 2004, Florida Administrative Weekly. When changed the rule shall read as follows:

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination:

- (1) CYCLOPLEGIC AND MYDRIATICS
  - (a) Atropine Sulfate – 1%
  - (b) Phenylephrine HCl – 2.5%
  - (c) Cyclopentolate HCl – 0.5%
  - (d) Scopolamine HBr – 2%, 5%
  - (e) Homatropine HBr – 2%, 5%
  - (f) Tropicamide – 1%, 5%
  - (g) Paremyd.
- (2) LOCAL ANESTHETICS
  - (a) Tetracaine – 0.5%
  - (b) Proparacaine HCl – 0.5%
  - (c) Benozinate HCl – 0.4% (in combination with fluorescein and providone) – (fluress)
- (3) DIAGNOSTIC PRODUCTS
  - (a) Fluorexon – 0.35%
  - (b) Rose Bengal – 1%
- (4) ANTIBACTERIAL
  - (a) Erythromycin
  - (b) Bacitracin

- (c) Polymyxin (in combination)
- (d) Neomycin (in combination)
- (e) Gentamicin
- (f) Tobramycin – 0.3%
- (g) Gramicidin (in combination)
- (h) Ciprofloxacin HCl – 0.3% / ciprofloxacin ointment 0.3%
- (i) Trimethoprim – 1 mg/ml (in combination with Polymyxin B)
- (j) Ofloxacin – 0.3%
- (k) Levofloxacin – 0.05% (Quixin)
- (l) Gatifloxacin – 0.3% (Zymar)
- (m) Moxifloxacin – 0.5% (Vigamox)
- (n) Sodium Sulfacetamide – 10%
- (5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
  - (a) Mydrisone – 1.0%
  - (b) Prednisolone Acetate – 1.0%, 0.125%
  - (c) Prednisolone Sodium Phosphate – 1.0%
  - (d) Flurometholone – 0.25%, 0.1%
  - (e) Dexamthasone Phosphate – 0.1%
  - (f) Dexamthasone – 0.1%
  - (g) Fluorometholone Acetate – 0.1%
  - (h) Rimexolone – 1.0% (Vexol)
  - (i) Loteprednol – 0.5% (Lotemax)
  - (j) Loteprednol – 0.2% (Alrex)
  - (k) Diclofenac Sodium – 0.1%
  - (l) Ketorolac Tromethamine – 0.5%
- (6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS
  - (a) Cromolyn Sodium – 4.0%
  - (b) Leovcabastine hydrochloride – 0.05%
  - (c) Lodozaxide tromethamine – 0.1%
  - (d) Olopatadine – 0.1% (Patono)
  - (e) Nedocromil – 2% (Alocril)
  - (f) Ketotien – 0.025% (Zaditor)
  - (g) Azelastine – 0.05% (Optivar)
  - (h) Pemirolast – 0.1% (Alamast)
- (7) ANTIVIRAL AGENTS – Trifluridine – 1.0%
- (8) ANTI-GLAUCOMA AGENTS
  - (a) Beta Blockers
    1. Betaxolol HCl – 0.5%; 0.25%
    2. Levobunolol HCl – 0.5%
    3. Metipranolol HCl – 0.3%
    4. Timolo – 0.5%; 0.25%
    5. Carteolol HCl – 1.0%
  - (b) Miotics, Direct-acting
    1. Carbachol – 3.0%; 1.5%; 0.75%
    2. Pilocarpine HCl – 1%; 2%; 4%; 0.5%;
    3. Pilocarpine gel – 4%

- 4. Carbonic anhydrase – 2%
- (c) Prostaglandins
  1. Latanoprost – 0.005%
  2. Unoprostone (Rescula) – 0.15%
  3. Bimatoprost (Lumigan) – 0.03%
  4. Travoprost (Travatan) – 0.004%
- (d) Alpha2 Adrenergic Agonist
  1. Brimonidine (Alphagan) – 0.2%; 0.15%
  2. Apraclonidine (Iopidine) – 0.5%
- (e) Carbonic Anhydrase Inhibitors (CAI's)
  1. Brinzolamide (Azopt) – 1%
  2. Dorzolamide (Trusopt) – 2%
- (9) MISCELLANEOUS
  - (a) Hydroxypropyl Cellulose Ophth Insert
  - (b) Dapiprzole
  - (c) Cyclosporine emulsion – 0.05% (Restasis).

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

## Section IV Emergency Rules

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

### DEPARTMENT OF THE LOTTERY

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
 Instant Game Number 572, STRUCK BY LUCK 53ER04-86  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 572, “STRUCK BY LUCK,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-86 Instant Game Number 572, STRUCK BY LUCK.

(1) Name of Game. Instant Game Number 572, "STRUCK BY LUCK".

(2) Price. STRUCK BY LUCK lottery tickets sell for \$2.00 per ticket.

(3) STRUCK BY LUCK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning STRUCK BY LUCK lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any STRUCK BY LUCK lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> THELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY				



WIN ALL

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> THELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY				

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b> TICKET	<b>\$1.00</b> ONE	<b>\$2.00</b> TWO	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN	<b>\$20.00</b> TWENTY
<b>\$25.00</b> THY FIVE	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUN	<b>\$1,000</b> ONE THO	<b>\$10,000</b> TEN THO	

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either of the numbers in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a STRUCK BY LUCK lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a "WIN ALL" symbol in the "YOUR NUMBERS" play area shall be entitled to all ten prizes shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 572 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
			42 POOLS OF
			180,000 TICKETS
			PER POOL
\$2	\$2	10.00	756,000
\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	21.43	352,800
\$5	\$5	37.50	201,600
\$5	\$5	75.00	100,800
\$1 x 10 (MONEYBAG)	\$10	75.00	100,800
\$5 x 2	\$10	75.00	100,800
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$5 x 10 (MONEYBAG)	\$50	319.15	23,688
\$50	\$50	1,800.00	4,200
\$10 x 10 (MONEYBAG)	\$100	15,000.00	504
\$25 x 4	\$100	45,000.00	168
\$100	\$100	45,000.00	168
\$20 x 10 (MONEYBAG)	\$200	252,000.00	30
\$100 x 10 (MONEYBAG)	\$1,000	1,890,000.00	4
\$1,000	\$1,000	1,890,000.00	4
\$1,000 x 10 (MONEYBAG)	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 572 are 1 in 3.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 572, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a STRUCK BY LUCK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for STRUCK BY LUCK lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 12-17-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 574, DEUCES WILD  
 RULE NO.: 53ER04-87  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 574, “DEUCES WILD,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-87 Instant Game Number 574, DEUCES WILD.

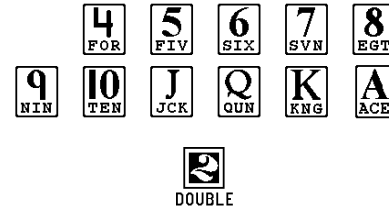
(1) Name of Game. Instant Game Number 574, “DEUCES WILD.”

(2) Price. DEUCES WILD lottery tickets sell for \$1.00 per ticket.

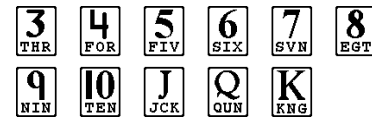
(3) DEUCES WILD lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning DEUCES WILD lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph

53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any DEUCES WILD lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “YOUR CARD” play symbols and play symbol captions are as follows:



(5) The “DEALER’S CARD” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	<b>\$20.00</b>
TICKET	ONE	FIVE	TEN	FIFTEEN	THENTY
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$2,500</b>
THY FIV	FIFTY	ONE HUN	TWO HUN FTY	FIV HUN	THY FIV HUN

(7) The legends are as follows:

PRIZE	YOUR CARD	DEALER'S CARD	GAME 1	GAME 2	GAME 3	GAME 4	GAME 5
-------	-----------	---------------	--------	--------	--------	--------	--------

(8) Determination of Prizewinners.

(a) A ticket having a card in the “YOUR CARD” play area of one game that beats the card in the “DEALER’S CARD” play area of the same game shall entitle the claimant to the corresponding prize shown for that game. A player may win more than one time on a ticket. The prizes are: TICKET, \$1.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, and \$2,500. A person who submits by mail a DEUCES WILD lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a “DOUBLE” symbol in the “YOUR CARD” play area of one game shall entitle the claimant to DOUBLE the corresponding prize shown for that game.

(9)The estimated odds of winning, value, and number of prizes in Instant Game Number 574 are as follows:

<u>GAME PLAY</u> <u>TICKET</u>	<u>WIN</u> <u>\$1 TICKET</u>	<u>ODDS OF</u> <u>1 IN</u>	<u>NUMBER OF</u> <u>WINNERS IN</u> <u>84 POOLS OF</u> <u>180,000 TICKETS</u> <u>PER POOL</u>
\$1	\$1	10.00	1,512,000
\$1 (DEUCE)	\$2	12.00	1,260,000
\$1 x 5	\$5	30.00	504,000
\$5 (DEUCE)	\$10	50.00	302,400
\$5 x 3	\$15	100.00	151,200
\$25	\$25	300.00	50,400
\$15 (DEUCE)	\$30	300.00	50,400
\$10 x 5	\$50	1,800.00	8,400
\$25 (DEUCE)	\$50	9,000.00	1,680
\$50	\$50	9,000.00	1,680
\$20 x 5	\$100	18,000.00	840
\$50 (DEUCE)	\$100	100,800.00	150
\$100	\$100	60,480.00	250
\$100 x 5	\$500	151,200.00	100
\$250 (DEUCE)	\$500	756,000.00	20
\$500	\$500	252,000.00	60
\$2,500	\$2,500	756,000.00	20
		1,512,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 574 are 1 in 3.93. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 574, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a DEUCES WILD lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for DEUCES WILD lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 12-17-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Super Bowl XXXIX Retailer Sales Incentive Program  
 RULE NO.: 53ER04-88

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the Super Bowl XXXIX Retailer Sales Incentive Program that will be conducted from December 20, 2004 through January 16, 2005.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-88 Super Bowl XXXIX Retailer Sales Incentive Program.

(1) From December 20, 2004, through January 16, 2005 (“incentive period”), the Florida Lottery will conduct the Super Bowl XXXIX Retailer Sales Incentive Program (“Incentive Program”) for Independent and Corporate Retailers. An Independent Retailer is defined as an account that has fewer than three distinct retail locations or has three or more distinct retail locations with less than \$500,000 in combined annual sales of Florida Lottery tickets. Retailers meeting this definition will be determined prior to the start of this incentive program and will be classified as an Independent Retailer for purposes of the incentive program. Corporate Accounts are defined as accounts that have a minimum of \$500,000 in annual sales of Florida Lottery tickets and three or more distinct Florida Lottery retail locations. Retailers meeting this definition will be determined prior to the start of this incentive program and will be classified as Corporate Accounts for purposes of the incentive program. Up to ten (10) Super Bowl XXXIX Retailer Grand Prize Packages and a total of \$30,000 in second and third place cash prizes will be awarded statewide among Independent and Corporate Retailers that demonstrate the highest percentage increase in on-line sales, excluding FLORIDA LOTTO™, in their assigned sales categories.

(2) Eligibility for Inclusion in the Incentive Program. To be eligible for inclusion in the Incentive Program, a retailer must:

(a) Have been an active retailer with recorded on-line sales during the week ending November 7, 2004; and

(b) Have recorded on-line sales during the period of November 22, 2004, through December 19, 2004 (“base period”).

(3) Sales Categories. For the incentive period, each Independent and Corporate Retailer location will be assigned to a sales category based upon its total Lottery on-line ticket sales, excluding FLORIDA LOTTO, for the base period as set forth below. Total on-line ticket sales for a retailer location with multiple terminals will be determined by totaling the retailer's on-line ticket sales, excluding FLORIDA LOTTO, of all terminals.

INDEPENDENT RETAILERS

Sales Category	Base Period On-line Ticket Sales
A	\$12,500.01 and greater
B	\$7,500.01 – 12,500.00
C	\$4,700.01 – 7,500.00
D	\$2,750.01 – 4,700.00
E	\$ 2,750.00 or less

CORPORATE RETAILERS

Sales Category	Base Period On-line Ticket Sales
A	\$9,000.01 and greater
B	5,500.01 – 9,000.00
C	\$4,000.01 – 5,500.00
D	\$2,750.01 – 4,000.00
E	\$2,750.00 or less

(4) At the end of the incentive period, each retailer's total on-line ticket sales for the incentive period, excluding FLORIDA LOTTO, will be compared to the retailer's total on-line sales for the base period, excluding FLORIDA LOTTO. For a retailer location with multiple terminals, the total on-line ticket sales for the incentive period, excluding FLORIDA LOTTO, will be determined by totaling the retailer's on-line ticket sales, excluding FLORIDA LOTTO, of all terminals. In each respective category within both the Corporate and Independent retailer classifications, the retailer with the highest percentage increase in total on-line sales, excluding FLORIDA LOTTO, will be the winner of a Super Bowl XXXIX Retailer Grand Prize Package ("Grand Prize Package"). The retailers with the second and third highest percentage increase in on-line sales in each respective category will receive cash prizes as set forth in subsection (5) below.

(5) Incentive Prize Structure.

The incentive prize structure for both the Independent and Corporate Retailer classifications is the same and is as follows:

Sales Category	Incentive Levels	Incentive Prize
A	1st Place (largest percentage increase)	Super Bowl Grand Prize Package, including \$2,500
	2nd Place (2nd largest percentage increase)	\$2,000
	3rd Place (3rd largest percentage increase)	\$1,000
B	1st Place (largest percentage increase)	Super Bowl Grand Prize

		Package, including \$2,500
	2nd Place (2nd largest percentage increase)	\$2,000
	3rd Place (3rd largest percentage increase)	\$1,000
C	1st Place (largest percentage increase)	Super Bowl Grand Prize Package, including \$2,500
	2nd Place (2nd largest percentage increase)	\$2,000
	3rd Place (3rd largest percentage increase)	\$1,000
D	1st Place (largest percentage increase)	Super Bowl Grand Prize Package, including \$2,500
	2nd Place (2nd largest percentage increase)	\$2,000
	3rd Place (3rd largest percentage increase)	\$1,000
E	1st Place (largest percentage increase)	Super Bowl Grand Prize Package, including \$2,500
	2nd Place (2nd largest percentage increase)	\$2,000
	3rd Place (3rd largest percentage increase)	\$1,000

Up to a total of thirty (30) prizes (fifteen (15) for Independent Retailers and fifteen (15) for Corporate Retailers) will be awarded.

(6) Grand Prize Package/Cash Prizes.

(a) A Grand Prize Package is comprised of the following:

1. Two thousand five hundred dollars (\$2,500) in cash;
2. Two (2) tickets to Super Bowl XXXIX, to be held in Jacksonville, Florida on February 6, 2005;
3. Hotel accommodations: room and tax only, one double occupancy room for the nights of February 3rd, 4th, 5th, and 6th, 2005;
4. Two (2) tickets to the Super Bowl XXXIX pre-game and post-game reception to be held on February 6, 2005, at the NFL® Corporate Hospitality Village;
5. Two (2) tickets to the Super Bowl XXXIX VIP Super Night of Lights Reception on Thursday night, February 3, 2005, in front of the Florida Times Union Performing Arts Center;
6. Two (2) tickets to the Super Bowl XXXIX Host Committee VIP Party on Friday, February 4, 2005 at the Florida Times Union Performing Arts Center;

7. Two (2) tickets to the Super Bowl XXXIX Host Committee VIP tent within the Shipyards Entertainment District valid for entry on Thursday, Friday and Saturday, February 3-5, 2005; and

8. Two (2) tickets to the NFL Experience – the NFL's Interactive Theme Park valid for entry to the park once during the period of February 3 – February 6, 2005.

(b) A second place prize is two thousand dollars (\$2,000) in cash.

(c) A third place prize is one thousand dollars (\$1,000) in cash.

(7) Payment of Incentives.

(a) Super Bowl XXXIX Retailer Grand Prize Packages will be awarded as follows:

1. Winners of a Grand Prize Package will be contacted in person by a Lottery representative following the incentive period and provided a Florida Lottery Super Bowl XXXIX Retailer Grand Prize Designation and Acceptance Form, DOL-444, revised 12/04, which must be completed by the retailer and submitted to the Lottery by January 21, 2005. The purpose of this form is for the retailer to acknowledge its prize award and to designate the recipient. Designated recipients must be twenty-one (21) years of age or older. The Lottery representative will return the signed form to Lottery Headquarters, and upon receipt, the prize package will be delivered to the designee. Florida Lottery Super Bowl XXXIX Retailer Grand Prize Designation and Acceptance Form DOL 444, revised 12/04, is incorporated herein by reference and may be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

2. A Grand Prize Package will include the items set forth in (6)(a) above. The value of a Grand Prize Package will be considered compensation to the retailers for Internal Revenue Service purposes. The approximate prize values are as follows:

a. Cash prize – \$2,500.00

b. Two (2) Super Bowl XXXIX tickets – \$1,100.00

c. Two (2) Corporate Hospitality Village tickets – \$1,100.00

d. Hotel room-four (4) nights – \$1,600.00.

e. Two (2) VIP Super Night of Lights Reception tickets – \$300.00

f. Two (2) Host Committee VIP Party tickets – \$980

g. Two (2) tickets to the Host Committee VIP Tent – \$600.00

h. Two (2) tickets to the NFL Experience – \$40.00

3. Any travel, meals, incidentals, tips or other personal expenses associated with any portion of the Grand Prize Package shall be the sole responsibility of the retailer or the retailer's designated prize recipient.

4. Cash will not be awarded in lieu of the non-cash portions of the Grand Prize Package, except as follows. In the event the Lottery is unable to obtain prizes as described above, the Lottery reserves the right to substitute an item that is as nearly equivalent as practicable or award a check for the value of the portion or portions of the prize package not obtained.

(b) Payment of second and third place cash prizes will be made to the winning retailers following the conclusion of the Incentive Program. The value of a second or third place prize will be considered compensation to the retailers for Internal Revenue Service purposes.

(8) Eligibility to Win an Incentive. To be eligible to win any of the incentives in the Incentive Program, the retailer must:

(a) Be in good financial standing at the time incentives are awarded. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties, or any other accounts receivable outstanding for more than 120 days. In the event a winning retailer is not in good financial standing at the time incentives are awarded, the next ranked, eligible retailer will be substituted for the ineligible retailer until all incentives are awarded or there are no other eligible retailers; and

(b) Remain active throughout the base and incentive periods. A retailer location that experiences a change of ownership, as defined in Rule 53ER00-21, during the incentive period shall not be included in the incentive program.

A retailer who is selected for award of a prize but whose Florida Lottery contract is terminated or inactivated subsequent to the incentive period and prior to the award of the prize, shall be awarded the prize provided said termination or inactivation was not due to violation of Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or Retailer Contract terms.

(9) Tiebreaker Provisions.

(a) If, within a sales category, two or more eligible retailers tie for the Grand Prize Package, the retailer having the highest volume of FLORIDA LOTTO ticket sales during the incentive period will be awarded the Grand Prize Package. The other retailer will be awarded the second place prize.

(b) If, within a sales category, two or more eligible retailers tie for a second place prize, the second and third place prizes will be combined and each of the tying retailers will be awarded an equal share of the combined prize and no separate third place prize will be awarded.

(c) If, within a sales category, two or more eligible retailers tie for a third place prize, each of the tying retailers will be awarded an equal share of the prize. This award is subject to the provisions of paragraph (9)(b) above.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 12-17-04.



THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: December 17, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a petition filed on December 16, 2004, on behalf of Cynthia E. Gregorio, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames and number of attempts imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on December 16, 2004, on behalf of Pritha R. Dhungana, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has received a petition filed on December 16, 2004, on behalf of Abdul Kani, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

**Section VI**

**Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
  - Financial Services Commission
  - Department of Veterans’ Affairs
  - Department of Highway Safety and Motor Vehicles
  - Department of Law Enforcement
  - Department of Revenue
  - Department of Education
  - Administration Commission
  - Florida Land and Water Adjudicatory Commission
  - Board of Trustees of the Internal Improvement Trust Fund
  - Department of Environmental Protection
- DATE AND TIME: January 19, 2005, 9:00 a.m.  
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Regular scheduled meeting of the Governor and Cabinet  
The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,

F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

---

**DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: January 24, 2005, 1:30 p.m.

PLACE: College Hall, Room 215, USF, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, Crosley Campus BR-589.

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: February 7, 2005, 1:30 p.m.

PLACE: College Hall, Room 215, USF, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Art in State Buildings Meeting, Crosley Campus BR-589.

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Wednesday, February 9, 2005, 10:00 a.m.

PLACE: Florida State Fairgrounds, Equestrian Center Pavilion, 4800 U.S. Highway 301, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly called meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing: Isadore Rommes, Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or by calling Isadore Rommes, (850)488-9790.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Isadore Rommes, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line, 1(800)955-8771.

The Florida **Department of Agriculture and Consumer Services** announces a general meeting of the Florida Agriculture and Horse Park Authority:

DATE AND TIME: Thursday, January 6, 2005, 10:00 a.m.

PLACE: Ocala/Marion County Chamber of Commerce, 110 East Silver Springs Boulevard, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Agriculture Center and Horse Park Authority, Inc.

For directions please call: (352)629-8051

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, January 13, 2005, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

Notice is hereby given that the Florida **Department of Agriculture and Consumer Services, Division of Food Safety** will conduct a public meeting of the Florida Food Safety and Food Security Advisory Council to which all interested persons are invited.

DATE AND TIME: January 19, 2005, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida, (850)488-0295

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of officers, adoption of operational guidelines, agency updates, priorities for the upcoming year.

THE PERSON TO BE CONTACTED REGARDING THIS MEETING IS: Dr. Marion F. Aller, Director, Division of Food Safety, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-0295.

An agenda of the meeting is available at no charge from the contact person listed above.

---

#### DEPARTMENT OF EDUCATION

The **Florida Education Foundation**, Development Committee announces a conference call meeting to which all interested persons are invited.

DATE AND TIME: January 12, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Regular Number (850)922-7892, Call-In number 1(800)416-4132 (You may begin calling the toll free number approximately one (1) minute prior to the actual schedule time. It takes two (2) callers to dial into the number to stop the ringing. As the other participants call the “meet me” number, you will hear a short busy signal and the person will then be connected.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to continue strategic planning and details for upcoming projects and to confirm plans for resource development in order to serve and support Florida students. Status reports will be given on the new domain name and website, as well as the upcoming Secondary Advisory Panel, hosted by Just Read, Florida! and the Foundation. Members are also asked to suggest items for discussion.

For more information contact: Diane McCain, Executive Director, (850)245-9632, e-mail: [diane.mccain@fldoe.org](mailto:diane.mccain@fldoe.org).

---

The **University of South Florida**, Louis De La Parte Florida Mental Health Institute announces the Medicaid Behavioral Health Pharmacy Management Program Executive Committee meeting to which all persons are invited.

DATE AND TIME: January 12, 2005, 10:30 a.m.

PLACE: Gold Standard Multimedia, 320 W. Kennedy Blvd., Suite 400, Tampa, Florida 33606

GENERAL SUBJECT MATTER TO BE CONSIDERED: A review of the status of program implementation and of plans to discuss the project with the Legislature.

---

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: January 13, 2005, 10:00 a.m. (CDT)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

---

The **Florida Community Colleges**, Risk Management Consortium announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, January 20, 2005, 8:00 a.m. – 1:30 p.m.

PLACE: Crowne Plaza, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Community Colleges Risk Management Consortium, 5700 S. W. 34th Street, Suite 1205, Gainesville, FL 32608, (352)955-2190, Ext. 6.

---

The **Florida Alliance for Assistive Services and Technology**, Inc. Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Wednesday, January 19, 2005, 8:30 a.m. – 5:00 p.m.

PLACE: Caribe Royale Resort Suites & Convention Center, 8101 World Center Drive, Orlando, FL 32821, (407)238-8421

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting. If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

---

#### DEPARTMENT OF TRANSPORTATION

NOTICE OF CHANGE – The **Commercial Motor Vehicle Review Board** announces a change in the location of a public meeting. The previous notice was published in Vol. 30, No. 51, Florida Administrative Weekly, dated December 17, 2004. The room location is changed from the third floor conference room (Room 348) to the fourth floor conference room (Room 479) as shown below:

DATE AND TIME: January 13, 2005, 8:30 a.m.

PLACE: Department of Transportation, Conference Room 479 (Fourth Floor), Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call: Rosa Seabrooks, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

The **Florida Wildflower Advisory Council** announces a teleconference meeting to which all persons are invited.

DATE AND TIME: Thursday, January 13, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Call In Number (850)487-9552, Suncom 277-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)414-5267, jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)414-5267, prior to the meeting.

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Board of Trustees of the Internal Improvement Trust Fund** are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### **STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 12, 2005, 9:00 a.m. – conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre at 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

A copy of the agenda may be obtained by writing: Keeta M. Ray, State Board of Administration, 1801 Hermitage Boulevard, Suite 600, Tallahassee, Florida 32308, (850)413-1248.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations should call James Linn, (850)488-4406, at least five (5) days prior to the meeting.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 18, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, at (850)413-6770, or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: January 18, 2005, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040604-TL – Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

DATES AND TIME: January 20-21, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on January 5, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring

some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Clearinghouse Committee to which all persons are invited.

DATE AND TIME: January 13, 2005, 10:00 a.m.

PLACE: Council Office, 2009 NW 67 Place, Suite A, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

Any person deciding to appeal any decision of the Council or its committees with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: January 20, 2005, 9:30 a.m.

PLACE: South Florida Water Management District, 1st Floor Conference Room, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)338-2550, at least five calendar days prior to the meeting.

Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: January 21, 2005, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: January 27, 2005, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

#### DEPARTMENT OF CORRECTIONS

Under authority of the Florida Criminal Justice Standards and Training Commission, the Florida **Department of Corrections**, Region XVI Criminal Justice Standards and Training Trust Fund Training Council announces a public meeting to which all interested persons are invited:

DATE AND TIME: January 5, 2005, 2:00 p.m.

PLACE: Florida Department of Corrections Headquarters Building, 2601 Blair Stone Road, 3rd Floor, Building A, Room A390, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XVI Training Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda for the above meeting may be obtained by writing: Gwendolen Colston, Room A331, Florida Department of Corrections, Office of Staff Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: January 11, 2005, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Young/Suwannee Bluff Ranchettes Inholding Tract, 10.4 acres +/- located in Gilchrist County, Florida..

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meetings/Tours which may be conducted by means of or in conjunction with communications technology. All persons are invited.

TOUR

DATE AND TIME: Thursday, January 6, 2005, 3:00 p.m.

PLACE: Provided by Silver Springs Natures Theme Park, 5656 E. Silver Springs Blvd., Silver Springs, FL 34488

PUBLIC MEETING

DATE AND TIME: Thursday, January 6, 2005, 6:00 p.m.

PLACE: Holiday Inn Ocala-Silver Springs, 5751 E. Silver Springs Blvd., Silver Springs, FL 34488

**PROJECTS AND LAND COMMITTEE BUSINESS MEETING**

DATE AND TIME: Friday, January 7, 2005, 8:00 a.m.

PLACE: Silver River Museum, 1445 N. E. 58th Avenue, Ocala, FL 34470

Followed by a tour of pertinent projects and/or properties beginning from the Marion County boat basin, Highway 40  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Public Meeting – Discussing District Programs and Projects;  
 Business meeting – To consider Governing Board Project and Lands Committee agenda items; Tours – To visit relevant projects and properties.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, Sonia Blake, Water Resources Department, (386)312-2330.

**NOTE:** In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, January 11, 2005 at 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100 West, Palatka, Florida. In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The **Southwest Florida Water Management District** (SWFWMD) announces the following cancellation meeting and notice of meeting that some members of the District’s Governing and Basin Boards may attend:

**HILLSBOROUGH COUNTY LEGISLATIVE DELEGATION MEETING** (Note: The following meeting, which replaced the December 17, 2004 meeting, has been CANCELLED and will be rescheduled at a later date.)

DATE AND TIME: Thursday, January 6, 2005, 9:00 a.m.

PLACE: Lowry Park Zoo Education Center, 1101 West Sligh Avenue, Tampa, FL

**PASCO COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Friday, January 7, 2005, 9:00 a.m.

PLACE: West Pasco Government Center, Little Road, New Port Richey, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Discussion of District legislative and funding priorities.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

**CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL**

DATE AND TIME: Monday, January 10, 2005, 5:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a TD Oversight Committee Meeting to which all persons are invited.

DATE AND TIME: January 11, 2005, 2:00 p.m. – completion

PLACE: Lake County Administrative Building, 315 West Main Street, 2nd Floor, Room 233, Tavares, FL 32778

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Review and report progress to the full Commission for services coordinated and provided by CTCs and subcontractors.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson’s request.

**REGIONAL TRANSPORTATION AUTHORITIES**

The **Hillsborough Area Regional Transit Authority** (HART), announces a Board of Directors Meeting to which all interested persons are invited to participate.

DATE AND TIME: Monday, January 10, 2005, 8:30 a.m.

PLACE: County Center, 601 E. Kennedy Boulevard, 26th Floor, Board Room B, Tampa, FL



**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Thursday, January 20, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Capital Circle Office Center, Shared Resource Center, Room 124, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, Elaine.womble@myflorida.com or call (850)922-2680.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: January 10, 2005, 2:00 p.m.

PLACE: Embassy Suites Hotel, 225 East Altamonte Drive, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Marie Elaine, Case No. 2004-001969

ARES Architectural Daum Caccese Kolany, Case No. 2004-049497

Christina Auer, Case No. 2004-046637

Lori Auer-Smith, Case No. 2004-046632

B&D Interiors, Case No. 2004-044526

Therese Bickford, Case No. 2004-003314

Michael Bissell, Case No. 2004-030164

W.R. "Buddy" Braren, III, Case No. 2004-043609

Rick Campbell, Case No. 2004-002071

Nadya Chapra, Case No. 2004-007571

Curl Interiors & Witness Design, Case No. 2003-092720

Christine Desiree Collection, Inc., Case No. 2004-038511

Jerry Daum, Case No. 2004-049487

Pascale Duwat, Case No. 2003-094635

Envirosapes, Case No. 2004-038841

Fabric Zoo, Case No. 2003-084820

Guillermo Gonzalez, Case No. 2001-07332

Scott Johnson, Case No. 2004-023795

Joseph Interiors, Case No. 2004-026359

Roger Kress, Case No. 2004-026328

Randall Marks, Case No. 2003-081766

Myler Church Building Systems, Case No. 2004-029718

Fred Prather, Case No. 2004-028461

RAR Architect, Inc., Case No. 2004-049472

Gregory Richardson, Case No. 2003-092782

Michael Richardson, Case No. 2001-09057

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: January 12, 2005, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)410-8045, Suncom 210-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following public meetings to which all persons are invited:

DATES AND TIMES: Thursday, January 27, 2005, 9:00 a.m. – Probable Cause Panel; Thursday, January 27, 2005, 11:00 a.m. or as soon thereafter – Rules Meeting; Thursday, January 27, 2005, 2:00 p.m. – Budget Meeting; Friday, January 28, 2005, 9:00 a.m. – Meeting of the Board

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public. However, there may be cases where probable cause was previously found which are to be reconsidered, and may be open to the public. The Rules Committee will meet to discuss the implementation of Committee Substitute/Senate Bill 2720, which requires an Ethics continuing professional education (CPE) course for CPA license renewal. The Budget Task Force will meet to discuss the Board of Accountancy budget. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. The rules, budget, and board meetings are open to the public.

A copy of any probable cause materials which are open to the public, along with the rules, budget and board agenda's may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

---

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Department of Environmental Protection** are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

---

#### DEPARTMENT OF HEALTH

The **Department of Health, Board of Psychology** announces a meeting of the board to which all persons are invited:

DATES AND TIMES: January 20, 2005, 3:00 p.m. or soon thereafter; January 21-22, 2005, 9:00 a.m. or soon thereafter

PLACE: The Tampa Renaissance Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

---

The **Department of Health**, Bureau of Onsite Sewage Programs announces a meeting of the Research Review and Advisory Committee to which all persons are invited.

DATE AND TIME: January 20, 2005, 9:30 a.m.

PLACE: This meeting will be conducted via telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including the second phase of the Manatee Springs Karst Study and the Taylor County Beaches Pathogen and Nutrient Source Assessment Study.

A copy of the agenda and the call-in phone numbers may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, e-mail: [Susan\\_Polangin@doh.state.fl.us](mailto:Susan_Polangin@doh.state.fl.us), (850)245-4070.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin, (850)245-4070, at least one week prior to the meeting.

---

The **Department of Health**, Diabetes Prevention and Control Program will hold their next Implementation Work Group meeting:

DATE AND TIME: Tuesday January 11, 2005, 12:30 p.m. – 4:30 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

If you would like to attend, have questions or require additional information, please contact: M.R. Street, (850)245-4330. All requests for special accommodations must be received by Friday, January 7, 2005 at 5:00 p.m. Eastern Time.

The Florida **Department of Health**, Office of Statewide Research, on behalf of the Biomedical Research Advisory Council (BRAC) announces a public meeting.

DATE AND TIME: Monday, January 10, 2005, 8:30 a.m. – 3:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual January planning meeting of the James and Esther King Biomedical Research Advisory Council (s. 215.5602, F.S.).

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12, Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2005, 4:00 p.m.

PLACE: Daytona Beach Service Center, 210 North Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Designation of ACT Corporation/Crisis Stabilization Unit as a Baker Act Receiving Facility.

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Kathy Walker, (386)947-4017, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

Negotiation sessions for the Community Based Care Services Contract between the **Department of Children and Family Services** and United for Families, Inc., will be held as follows:

DATE AND TIME: January 4, 2005, 10:30 a.m.

PLACE: Benton Building, 337 N. US Highway 1, Room 327D, Fort Pierce, FL 34950

The **Substance Abuse and Mental Health Office** of District 11 announces a contract negotiation meeting with Our Kids of Miami-Dade/Monroe, Inc.

DATE AND TIME: January 11, 2005, 1:00 p.m.

PLACE: 401 N. W. 2 Avenue, Suite North 1011, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be to discuss the contractual expectations of both parties in providing services to children and families.

For further information, please contact: Kate Prendiville, Program Administrator, Children's Mental Health, 401 N. W. 2nd Ave., Suite N-826, Miami, Florida 33128, (305)377-7582

#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2005, 2:00 p.m.

PLACE: State of Florida, Department of Environmental Protection Building, 2nd Floor Conference Room, 400 N. Congress Ave, West Palm Beach, FL 33401.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

#### **CLERK OF COURT OPERATIONS CONFERENCE**

The **Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 19, 2005, 1:30 p.m. – 5:00 p.m.

PLACE: Mirabel Room, Hyatt, Orlando International Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review budget amendments if needed, discuss performance measures and standards, and other budget issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223.

**CRIMINAL JUSTICE TRAINING STANDARDS AND TRAINING COMMISSION**

The **Criminal Justice Training Standards and Training Commission**, Region VIII, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 19, 2005, 2:00 p.m.

PLACE: South Florida Community College, Highlands Campus, 600 W. College Drive, Avon Park, Florida 33825

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve Minutes from December 2004 Meeting; Old Business; New Business, a. Region VIII Course Offerings, b. Region VIII Budget (2005-2006 Submission), c. CJSTC Rules; Training Issues; Other Issues; Adjournment.

A copy of the agenda may be obtained by writing: Lieutenant Craig C. Smith, Director, Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Ave H, N. E., Winter Haven, FL 33881

**SARASOTA COUNTY**

The **Sarasota County Government Public Works Division** announces a public hearing to which all persons are invited:

DATE AND TIMES: Tuesday, January 25, 2005, 5:00 p.m. – Open House; 7:00 p.m. – Formal Hearing

PLACE: Laurel Nokomis School, 1900 East Laurel Road, Nokomis, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of proposed improvements to Honore Avenue/Pinebrook Road Extension, Sarasota County PN 0222.

For project information please write: Robert Fakhri, P. E., Wilbur Smith Associates, 3277 Fruitville Road, Building C, Suite 2, Sarasota, Florida 34237.

Anyone needing public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should call: Randy Cimini, (863)533-7000.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

**NATIONAL COUNCIL ON COMPENSATION INSURANCE**

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: February 21, 2005, 11:00 a.m. – 5:00 p.m.

PLACE: Wyndham Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, Florida 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Lesley O’Brien, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3186.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Nilda C. Hernandez, Unit Owner, Condominium Association of Plaza Towers North, Inc., Docket Number 2004040806.

Condominium Association of Plaza Towers North, Inc., may compel a unit owner to provide a duplicate key to the owner’s unit under Section 718.111(5), Florida Statutes, for the Board’s unilateral access to the unit.

A copy of the Declaratory Statement, Docket Number 2004040806, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes.

NOTICE IS HEREBY GIVEN that Petition for Declaratory Statement, Lore M. and James D. Bruton, Unit Owners, Timberwoods Condominium Association, Inc., Docket Number 2004020324 was withdrawn.

A copy of the Order Closing File on the Petition for Declaratory Statement, Docket Number 2004020324, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Maison Grove Association, Inc., Docket Number 2004046737.

Because the declaration of condominium is ambiguous as to whether trees are limited common elements, the Petition for Declaratory Statement is denied.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2004046737, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**PUBLIC ANNOUNCEMENT OF  
A/E SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate and enter into a continuing contract for architectural services, in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: December 14, 2004

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NAME: Continuing Contract for Architectural Services.

1. Ebert Norman Brady Architects
2. Akel Logan Shafer Architects / Planners
3. Design Works Architects, PA

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION  
MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a continuing contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: December 15, 2004

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NAME: Continuing Contract for Construction Management Services.

1. C. Young Construction
2. W.G. Mills, Inc.
3. C.C. Borden Construction, Inc.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 S. Belcher Road, Largo, Florida until 2:00 p.m. local time, on February 8, 2005 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the construction of the following per the accompanying drawings and specifications:

Chiller Plant Modifications – Bid #05-968-568  
 Joseph Carwise Middle School  
 3301 Bentley Drive  
 Palm Harbor, FL 34684

Provide labor and materials to remove and dispose of current ice harvester machinery and associated hardware and provide and install new chiller and all associated hardware per plans and specifications. This project requires bonding.

A Pre-Bid Conference will be held at the project site on January 10, 2005 at 1:00 p.m. ATTENDANCE IS MANDATORY.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Winter Holiday: All Schools and Administrative Offices will be closed for the Winter Holidays from December 18, 2004 to January 2, 2005. Schools and Administrative Offices will re-open January 3, 2005.

Plans and specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 So. Belcher Road  
 Largo, FL 33773

Bonding and insurance are required for this project. The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. CLAYTON WILCOX	JANE GALLUCCI
SUPERINTENDENT OF SCHOOLS	CHAIRMAN
AND EX-OFFICIO SECRETARY	
TO THE SCHOOL BOARD	MARK C. LINDEMANN
	DIRECTOR, PURCHASING

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB)

For a

General Contractor/Building Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513 D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE FEBRUARY 15, 2005

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE: Repair and Replace Gymnasium Floor in Various Schools

DCPS PROJECT NO. M-88460

SCOPE OF WORK: Replace Gymnasium Floor at Stanton High School No. 153. Budgeted Not To Exceed \$150,000.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on January 20, 2005, 10:00 a.m., Stanton High School No. 153, 1149 West 13th Street, Jacksonville, Florida 32209. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50.00 at the office of:

Design Works Architects, PA  
 500 Wharfside Way  
 Jacksonville, Florida 32207

DCSB Point of Contact: Erika D. Harding, Project Supervisor, (904)858-6310

Contract documents for bidding may be examined at:

FW Dodge McGraw Hill Plan Room  
 Construction Bulletin

Construction Market Data, Inc.

National Association of Minority Contractors

MBE Participation Goal: Participation Goal Plan 10% Overall  
 The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358 or (904)390-2922, Fax (904)390-2265, e-mail: beaudoinr@educationcentral.org or faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**RESIDENTIAL CONSTRUCTION  
MITIGATION PROGRAM  
COMPETITIVE GRANT PROGRAM  
EXTENSION OF SUBMISSION DEADLINE  
TO JANUARY 13, 2005  
PRIORITY “D” DESIGNATED**

The Department of Community Affairs is providing you with notification of its intent to open the Fiscal Year 2004-2005 and 2005-2006 application cycle for competitive awards from the Residential Construction Mitigation Program. Funding for 2005-2006 is dependent upon Legislative appropriation for that year.

Due to the uncertainty of the Fiscal Year 2005-2006 Legislative Appropriations, the amount of funds available for this program cannot be determined at this time. Any awards for FY 2005-2006 will be contingent upon legislative appropriation.

Awards will be in two segments; SFY 2004-2005 and SFY 2005-2006. Projects may be for just one year or for two. Multi-year projects should be segmented so as to allow for the legislative appropriation process.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$200,000 per state fiscal year. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle.

The Department encourages all interested and eligible parties with projects that will enhance wind mitigation capabilities within the State of Florida to apply for awards during this open period in the following six categories.

**APPLICATION CATEGORIES:**

Applications are accepted in the following six categories:

1. Projects that will promote public education on wind mitigation and wind mitigation areas.
2. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans.
3. Projects that will promote market based, non-regulatory approaches to mitigation, including, but not limited to, training in regard to wind mitigation (construction) techniques, products and procedures.
4. Assistance to low and moderate income residents which promotes wind mitigation.
5. Projects which enhance program administration and identification, measurement and attainment of project goals.
6. Other projects that will further wind mitigation/RCMP objectives which have been designated by the Program as priorities as detailed in this Notice of Fund Availability/RFP. Priority points will be awarded only for projects that address the following priority areas.

**Priority Areas:**

- A) Projects which implement wind mitigation in the State/Local Mitigation Strategy and are clearly identified as projects which can be initiated and completed within the grant contract period. The applicant must provide a copy of the Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s).
- B) Projects which will provide for product testing, measurement or enhancements which will improve wind mitigation in residential structures.
- C) Projects that will address effectiveness of wind mitigation programs, projects and measures as related to hurricanes Charley, Frances, Ivan, Jeanne and related or subsequent wind events.
- D) Projects which promote residential wind mitigation through the code, trade or construction industries, including related or affiliated programs and organizations.

Applications addressing the above (A through D) priorities must be submitted under Project Category #6, “Other projects that will further wind mitigation/RCMP objectives which have been designated by the RCMP program as priorities in this Notice of Fund Availability”.

TO DOWNLOAD SECTION 215.559, F.S., APPLICATION PACKET AND related information please visit our website at <http://www.floridadisaster.org/brm/rcmp/index.htm>

Applications must be prepared in conformance with the application packet instructions. Applications must be received at the following address by January 13, 2005, no later than 4:00 p.m. (Eastern Standard Time):

Department of Community Affairs  
Division of Emergency Management  
Attention: RCMP  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

---

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

---

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

---

#### **DEPARTMENT OF HEALTH**

On December 17, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Thomas P. Toia, D.C. license number CH 2231. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On December 15, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jamal Hamad license number ME 82306. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On December 12, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Alfred Boyce, D.O. license number OS 3977. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On December 17, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Shelly Wolland, D.O. license number OS 005378. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---

On December 17, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Bach McComb, D.O. license number OS 7917. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

---



**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 13, 2004  
 and December 17, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-13.006	12/15/04	1/4/05		30/45
------------	----------	--------	--	-------

**Board of Veterinary Medicine**

61G18-23.002	12/14/04	1/3/05		30/46
--------------	----------	--------	--	-------

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

65E-14.001	12/13/04	1/2/05	30/28	
65E-14.002	12/13/04	1/2/05	30/28	
65E-14.005	12/13/04	1/2/05	30/47	30/47
65E-14.021	12/13/04	1/2/05	30/28	30/47
65E-14.022	12/13/04	1/2/05	30/28	30/47

**FLORIDA HOUSING FINANCE CORPORATION**

67-54.002	12/14/04	1/3/05	30/39	30/45
67-54.003	12/14/04	1/3/05	30/39	30/45
67-54.004	12/14/04	1/3/05	30/39	30/45
67-54.005	12/14/04	1/3/05	30/39	30/45
67-54.006	12/14/04	1/3/05	30/39	30/45
67-54.007	12/14/04	1/3/05	30/39	
67-54.008	12/14/04	1/3/05	30/39	
67-54.009	12/14/04	1/3/05	30/39	
67-54.010	12/14/04	1/3/05	30/39	30/45

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

68B-4.019	12/14/04	1/3/05	30/44	
68B-41.002	12/14/04	1/3/05	30/44	
68B-41.003	12/14/04	1/3/05	30/44	
68B-41.004	12/14/04	1/3/05	30/44	
68B-41.006	12/14/04	1/3/05	30/44	

**Manatees**

68C-22.013	12/16/04	1/5/05	30/22	30/45
68C-22.014	12/16/04	1/5/05	30/22	30/45
68C-22.016	12/16/04	1/5/05	30/22	30/45
68C-22.022	12/16/04	1/5/05	30/22	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

69I-20.001	12/14/04	1/3/05	30/37	
69I-20.0021	12/14/04	1/3/05	30/37	30/43
69I-20.0022	12/14/04	1/3/05	30/37	
69I-20.0023	12/14/04	1/3/05	30/37	
69I-20.0027	12/14/04	1/3/05	30/37	
69I-20.030	12/14/04	1/3/05	30/37	
69I-20.035	12/14/04	1/3/05	30/37	30/45
69I-20.036	12/14/04	1/3/05	30/37	30/45
69I-20.050	12/14/04	1/3/05	30/37	30/45
69I-20.071	12/14/04	1/3/05	30/37	
69I-20.072	12/14/04	1/3/05	30/37	
69I-20.073	12/14/04	1/3/05	30/37	
69I-20.074	12/14/04	1/3/05	30/37	
69I-20.075	12/14/04	1/3/05	30/37	
69I-20.076	12/14/04	1/3/05	30/37	
69I-20.077	12/14/04	1/3/05	30/37	
69I-20.078	12/14/04	1/3/05	30/37	
69I-20.079	12/14/04	1/3/05	30/37	
69I-20.080	12/14/04	1/3/05	30/37	

**Office of Insurance Regulation**

69O-137.001	12/17/04	1/6/05	30/41	
69O-138.001	12/17/04	1/6/05	30/41	