

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047
RULE TITLE: State Building Code Adopted

PURPOSE AND EFFECT: Implement limited changes to the building code that meet the criteria established by Section 553.73(7), F.S.

SUMMARY: Update to the electrical code including an exemption for residential pool pumps from the requirements for ground-fault circuit interrupters (GFCI); amendment deleting requirements for equipotential bonding for pools since it would be covered under the updated electrical code; amendment relating to interior designers, amendment clarifying that “opening protection” as it relates to alteration is limited to site built single-family detached residential structures and homes built prior to the implementation of the Florida Building Code; correction of a nail diameter that create conflict within the Code, amendment relating to underlayment standards for mitigation; amendment to update the energy code computer compliance tools to more accurately reflect code requirements, correct certain “bugs” and equipment baselines founds in their applications. Amendment to revise the energy code residential prescriptive compliance form for consistency with the code requirements and correct certain code implementation dates for equipment.

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

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

RULEMAKING AUTHORITY: 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida., Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

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 7 days before the workshop/meeting by contacting: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, ~~and~~ May 21, 2007, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2) through (3) No change.

Rulemaking Specific Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 2-17-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-13.0071
 RULE TITLE: Cost Effectiveness of Amendments to Energy Code

PURPOSE AND EFFECT: To adopt a reference document titled "Cost Effectiveness Test for Amendments to the Florida Energy Efficiency Code for Building Construction" for application to proposed modifications to the Florida Energy Efficiency Code for Building Construction.

SUMMARY: The rule establishes the criteria necessary to conduct cost effectiveness test to determine whether proposed increases in energy efficiency to residential and commercial buildings results in a positive net financial impact. The criteria consist of using the Energy Gauge USA as the energy analysis tool; the Present Value Benefit-to-Cost Ratio, Internal Rate of Return and Levelized Cost of Conserved Energy as the economic indicators of cost effectiveness; economic analysis assumptions; and evaluation methodology for energy conservation measures.

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

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

RULEMAKING AUTHORITY: 553.9061(3) FS.

LAW IMPLEMENTED: 553.9061(3) FS.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

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 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-13.0071 Cost Effectiveness of Amendments to Energy Code.

"The Cost Effectiveness Test for Amendments to the Florida Energy Efficiency Code for Building Construction", a document approved by the Florida Building Commission on June 9, 2009, is hereby adopted by reference. A copy of the document can be obtained from www.floridabuilding.org. Proposed amendments to the Florida Energy Efficiency Code for Building Construction shall demonstrate cost effectiveness applying the test herein adopted.

Rulemaking Authority 553.9061(3) FS. Law Implemented 553.9061(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.: 9B-62.002, 9B-62.003
 RULE TITLES: Definitions, Building Permit Surcharge Collection and Remittance

PURPOSE AND EFFECT: Account for electronic remittance of the surcharge in the rule and eliminate exclusions from the surcharge without statutory support.

SUMMARY: Account for electronic remittance of the surcharge in the rule and eliminate exclusions from the surcharge without statutory support.

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

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

RULEMAKING AUTHORITY: 553.721 FS.

LAW IMPLEMENTED: 553.721 FS.

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

DATE AND TIME: June 11, 2009, 10:00 a.m.

PLACE: Kelley Training Room, Third Floor, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-62.002 Definitions.

~~Rulemaking Specific Authority 553.721 FS. Law Implemented 553.721 FS. History—New 11-19-95, Repealed _____.~~

9B-62.003 Building Permit Surcharge Collection and Remittance.

~~(1) Operating Trust Fund Fee Collection. A surcharge of one-half cent per square foot shall be assessed on new construction and on additions, alterations, or renovations to existing buildings for which a county or municipality normally issues building permits and charges a permit fee. For new construction, the surcharge shall be computed on the under-roof floor space. For additions, the surcharge shall be computed on the under-roof floor space being added. For alterations or renovations, the surcharge shall be computed on the under-roof floor space for which the occupancy classification has changed or on the increase in conditioned or habitable space.~~

~~(2) Exclusions. The following are excluded from the Operating Trust Fund surcharge fee collections:~~

~~(a) Recreational vehicles;~~

~~(b) Mobile or manufactured homes, as defined by the United States Department of Housing and Urban Development, which are constructed in accordance with the Federal Mobile Home Construction and Safety Standards. However, when a mobile or manufactured home has an addition, alteration, or renovation which is subject to the locally adopted building code and meets the minimum requirements of subsection 9B-62.003(1), F.A.C., the addition, alteration, or renovation is not excluded;~~

~~(c) Accessory structures or buildings which do not have conditioned floor area. Examples of accessory structures include utility buildings and sheds, freestanding carports, boathouses, structures that solely house electrical and~~

~~mechanical equipment, non-residential farm buildings on farms, and temporary buildings or sheds used exclusively for construction purposes;~~

~~(d) Buildings for which permits are otherwise normally exempted from permit fees by the municipality or county.~~

~~(1)(3) Remittance of the Operating Trust Fund Surcharge Fees. All municipalities and counties that collect fees for the operating trust fund pursuant to Section 553.721, Florida Statutes, shall remit and report those funds, less 5% to be retained by the collecting agency, to the Department of Community Affairs no later than 30 days after the calendar quarter. Reports shall be submitted using the Building Code Information System website located, as specifically related to surcharge collection, at www.floridabuilding.org/sc/sc_default.aspx on Department Form 62, October 95, which is herein incorporated by reference and which is available from the Department.~~

~~(2) Form number 9B-62, Surcharge Detail, effective July 1, 2009, a screen shot from the Building Code Information System, is adopted by reference for use in conjunction with remittance of the surcharge. A paper copy of the screen shot is available by writing to the Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.~~

~~Rulemaking Specific Authority 553.721 FS. Law Implemented 553.721 FS. History—New 11-19-95, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:
9B-70.002

RULE TITLE:
Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To address needed clarifications in the structure of the rule, technical changes, qualifications for accessibility course accreditors, course auditing, and actions by the Commission for failure to comply with the requirements in law and rule.

SUMMARY: The rulemaking mostly adopts formatting changes and addresses other non-substantive matters. Complaints that must be investigated are restricted to those from substantively interested parties, and discipline for an accreditor allowing its qualifications to lapse is amended to

suspension until restoration rather than revocation. Forms and their location are updated and audit requirements are identified as a minimum authorizing the commission to conduct additional audits if needed.

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

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

RULEMAKING AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

DATE AND TIME: June 9, 2009, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites Tampa – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

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 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant

to Section 471.015, 481.213, or 481.311; Chapter 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. ~~When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses.~~ Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) A four year college degree or graduate degree in the field for which approval is sought;

(b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant; ~~or~~

(c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer; ~~or~~

(d) For an accreditor application submitted to accredit only accessibility courses, demonstrated proficiency acceptable to the Commission as a subject matter expert in the field of accessibility.

(2) Revocation of approval as an accreditor.

(a) Any accreditor shall have his/her approval status revoked for any of the following reasons:

1. Knowingly providing a fraudulent application to the Commission, when applying for accreditor status;

2. Suspension or revocation of a trade license submitted to the Commission as part of the initially approved accreditor application, which was not reported to the Commission at the time of suspension or revocation;

3. Failure to effectively and/or accurately accredit courses, specifically relating to the correctness of the course building code content references;

4. Failure to remove him/herself from any "conflict of interest" situations, such as accrediting ~~own~~ courses in which the accreditor has a financial interest; or

~~5. Accrediting courses in which the accreditor has a financial interest; and~~

~~5.6.~~ Failure of the accreditor to cooperate with a Commission ordered investigation.

(b) The Commission may suspend ~~revoke~~ the approval status of any accreditor based on any provision of paragraph (2)(a) of this rule subsection 9B-70.002, F.A.C., until such time as the accreditor demonstrates that the accreditor's status is currently in compliance with the requirements of this rule.

(c) The Commission shall initiate an investigation based on a written complaint submitted by any substantially affected party and containing substantial material evidence of a violation of this rule ~~by any substantially affected party.~~

(d) The Commission shall clearly post the status of an investigation on its website, the Florida Building Codes Information System, www.floridabuilding.org.

(3) Training Provider Registration and Requirements.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced building code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a) effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce pb ce.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b), effective January 1, 2009, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with the expertise in the field for which approval is sought.

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the accreditation approval status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System www.floridabuilding.org shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

(f) On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at www.floridabuilding.org that the

course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(4)(3) ~~Course Content and~~ Accreditor Review of Courses. ~~Accreditors shall review courses submitted by registered providers approved by the Department of Business and Professional Regulation to determine if the course accurately presents the technical and administrative responsibilities reflected in the current edition of the Florida Building Code, or future editions of the Code if the accreditor is reviewing a course revised to comply with an updated edition of the Florida Building Code in accordance with paragraph (4)(f) of this rule; or Florida Statutes or rules related to the Florida Building Code. Accreditors shall not mutually accredit each other's~~ ~~others'~~ courses. The accreditor shall determine if the course meets the following minimum criteria:

(a) Course ~~title and number~~ ~~Title/Number~~. The word "advanced" and, if appropriate, "internet" shall be in the title;

(b) Hours of ~~c~~credit;

(c) Name, address, telephone number and e-mail address of the provider;

(d) Course ~~d~~Description completely describing what the particular course is designed to address;

(e) Course ~~learning~~Learning ~~o~~Objectives;

(f) Course ~~t~~Time allotments for course content;

(g) Course ~~outline and instructional methods~~ ~~Outline~~ – detailed description of course content in sequence of how taught and methods used to teach that content. The following instructional methods are authorized, but are not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition to which the course relates;

(i) Course references cited in the outline;

(j) Method of ~~c~~Course ~~e~~Evaluations;

(k) A minimum of 50% of the actual training materials content shall be related to the Florida Building Code or Florida Statutes or rules related to the Florida Building Code;

(l) Course materials shall accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission; and

(m) Course materials provided to the ~~attendee student~~ shall be provided to the ~~a~~Accreditor.

~~(5)(4)~~ Course Accreditation by the Florida Building Commission. Accredited ~~c~~ourses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. ~~In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one~~ (1) course that will be made available to training providers.

~~(a)~~ Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org, and pay a registration fee of \$25.00.

~~(b)~~ Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

~~(c)~~ The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d) and shall be listed with expertise in the field for which approval is sought.

~~(d)~~ Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification from the Building Code Information System at www.floridabuilding.org and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

~~(e)~~ The Building Code Information System www.floridabuilding.org shall assign an accreditation number to the application upon submittal. The application shall be accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at

www.floridabuilding.org no later than 23 calendar days prior to the next scheduled meeting of the Florida Building Commission. The Commission shall finalize the accreditation process utilizing the Building Code Information System at www.floridabuilding.org and notify the provider and accreditor within 3 business days of the Florida Building Commission's action on the applications.

~~(f)~~ On or before the effective date of changes to the Florida Building Code, providers shall either designate on the Building Code Information System at www.floridabuilding.org that the course is not affected by the code changes or update the existing accredited courses affected by the code changes and submit for accreditation. If the course is not affected by the code changes, the course's status shall remain active. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses and courses in alternative formats to approved accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (f) hereof, except that only the revision submitted shall be subject to review and these courses shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

~~(6)(g)~~ The Commission shall audit a minimum of 2% of all accredited courses submitted for accreditation and of all courses submitted for reaccreditation. The courses selected for audit may not be those of only one provider or reviewed by only one accreditor. Any courses submitted for accreditation or re-accreditation determined to not accurately reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code shall be reported to the Commission for further action denied. All approved ~~a~~Advanced ~~b~~Building ~~c~~Code ~~c~~ourses must reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code. Any courses accredited and determined found by audit or any means to not ~~in~~accurately reflect the current or adopted Florida Building Code ~~e~~dition; or Florida Statutes or rules related to the Florida Building Code or accredited by an accreditor outside the approved areas of expertise shall have the accreditation revoked, the status of the course communicated to the respective licensing board or boards, and the provider will be required to file a new application for accreditation, ~~if the course would comply.~~

(7) In the event the Commission identifies areas or topics of advanced building code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are

available in the Commission’s budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

Rulemaking Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History–New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.6105	Limiting Conditions
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The District proposes amendments to Rules 40D-1.6105 and 40D-1.659, F.A.C., as part of an overall rulemaking effort to incorporate District forms by reference into the particular rule applicable to each individual form, instead of incorporating all forms into Rule 40D-1.659, F.A.C. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated. Rule 40D-1.659, F.A.C., will be maintained as a convenient listing of all District forms.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms will be re-numbered and revised to contain the specific rule citation in which each form will now be incorporated. Rule 40D-1.6105, F.A.C., is amended as to the form number and incorporation citation for the District’s permit transfer forms which are

mentioned in the Rule. Rule 40D-1.659, F.A.C., is amended to list the new form numbers and the incorporation rule citation for all District forms.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.0831(3), 373.116, 373.196(1), 373.196(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. LEG-R.043.00 (4/09) ~~04-10R-022 (7/01)~~, incorporated by reference in subsection 40D-4.351(1), F.A.C., or an Application to Transfer a Water Use Permit, Form No. LEG-R.002.0403 (4/09) ~~(09/07)~~, incorporated by reference in subsection 40D-2.351(1), F.A.C., as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District’s website at www.watermatters.org. or from the District offices.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History–Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05, 11-25-07,_____.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District's website at www.watmatters.org or from the District .

(1) GROUND WATER.

(a) APPLICATION FOR WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R.003.0100 (4/09) (4/05), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(b) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R.004.0204 (4/09) (9/07), incorporated by reference in subsection 40D-3.037(5), F.A.C.

(c) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.0100 (4/09) (2/07), incorporated by reference in paragraph 40D-2.101(5)(a), F.A.C.

(d) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL, FORM NO. LEG-R.040.00 (4/09) 41-10-410(1) REV. 9/04, incorporated by reference in subsection 40D-3.101(1), F.A.C.

(e) WELL COMPLETION REPORT, FORM NO. LEG-R.005.0100 (4/09) (4/05), incorporated by reference in paragraph 40D-3.411(1)(a), F.A.C.

(f) WELL GROUTING/ABANDONMENT FORM, FORM NO. LEG-R.041.00 (4/09) 41-10-410 (6/01), incorporated by reference in subsection 40D-4.531(5), F.A.C.

(g) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.016.0100 (4/09) (8/08), incorporated by reference in subsection 40D-3.101(1), F.A.C.

(h) SMALL GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY FORM NO. LEG-R.027.00 (3/09) WUP-1 FORM 46.20-002 (1/08), incorporated by reference in paragraph 40D-2.101(2)(c), F.A.C.

(i) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY, FORM NO. LEG-R.028.00 (3/09) WUP-2 FORM 46.20-003 (1/08), incorporated by reference in paragraph 40D-2.101(2)(b), F.A.C.

(j) INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER, FORM NO. LEG-R.029.00 (3/09) WUP-3 FORM 46.20-004 (1/08), incorporated by reference in paragraph 40D-2.101(2)(a), F.A.C.

(k) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – AGRICULTURE, FORM NO. LEG-R.030.00 (3/09) WUP-4 FORM 46.20-004 (09/07), incorporated by reference in subparagraph 40D-2.101(2)(a)1., F.A.C.

(l) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – INDUSTRIAL OR COMMERCIAL, FORM NO. LEG-R.031.00 (3/09) WUP-5 FORM 46.20-005 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)2., F.A.C.

(m) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – MINING OR AND DEWATERING, FORM NO. LEG-R.032.00 (3/09) WUP-6 FORM 46.20-006 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)3., F.A.C.

(n) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. LEG-R.033.00 (3/09) WUP-7 FORM 46.20-007 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)4., F.A.C.

(o) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – RECREATION OR AESTHETIC, FORM NO. LEG-R.034.00 (3/09) WUP-8 FORM 46.20-008 (12/98), incorporated by reference in subparagraph 40D-2.101(2)(a)5., F.A.C.

(p) WATER USE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.035.00 (3/09) 42-00-034 (3/00), incorporated by reference in paragraph 40D-2.331(2)(b), F.A.C.

(q) IRRIGATION WATER USE FORM – SEASONAL REPORT, NORTHERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. LEG-R.024.00 (4/09) WUP-14.1 (1/93), incorporated by reference in paragraph 40D-2.091(2)(f), F.A.C.

(r) IRRIGATION WATER USE FORM – ANNUAL REPORT, NORTHERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. LEG-R.025.00 (4/09) WUP-15 (1/93), incorporated by reference in paragraph 40D-2.091(2)(g), F.A.C.

(s) AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. LEG-R.042.00 (4/09) WUP-16 (8/90), incorporated by reference in paragraph 40D-2.101(5)(b), F.A.C.

(t) APPLICATION TO TRANSFER A WATER USE PERMIT, FORM NO. LEG-R.002.0403 (4/09) (09/07), incorporated by reference in subsection 40D-2.351(1), F.A.C.

(u) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.02-04 (4/09) (11/07), incorporated by reference in subsection 40D-2.101(6), F.A.C.

(v) ALTERNATIVE WATER SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.009.00 (09/07).

~~(v)(w)~~ NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(b), F.A.C.

~~(w)(x)~~ SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(c), F.A.C.

~~(x)(y)~~ PUBLIC SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.0100 (4/09) ~~(09/07)~~, incorporated by reference in paragraph 40D-2.101(6)(a), F.A.C.

~~(y)(z)~~ PUBLIC SUPPLY WELL INFORMATION AND CLASSIFICATION FORM, FORM NO. LEG-R.015.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-3.101(2)(b), F.A.C.

~~(z)(aa)~~ IRRIGATION WATER USE FORM – ANNUAL CROPS, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.017.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(b), F.A.C.

~~(aa)(bb)~~ IRRIGATION WATER USE FORM – ANNUAL RECREATIONAL/AESTHETIC/GOLF, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.018.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(c), F.A.C.

~~(bb)(cc)~~ IRRIGATION WATER USE FORM – SUMMER/FALL SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.019.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(d), F.A.C.

~~(cc)(dd)~~ IRRIGATION WATER USE FORM – WINTER/SPRING SEASONAL, SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.020.0100 (4/09) ~~(8/08)~~, incorporated by reference in paragraph 40D-2.091(2)(e), F.A.C.

~~(dd)~~ APPLICATION TO RENEW A SMALL GENERAL WATER USE PERMIT FOR AGRICULTURAL USE, FORM No. LEG-R.036.00 (3/09), incorporated by reference in paragraph 40D-2.101(2)(c), F.A.C.

~~(ee)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – AGRICULTURE ATTACHMENT, FORM No. LEG-R.037.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)1., F.A.C.

~~(ff)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – INDUSTRIAL OR COMMERCIAL ATTACHMENT, FORM No. LEG-R.038.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)2., F.A.C.

~~(gg)~~ SMALL GENERAL WATER USE PERMIT APPLICATION – RECREATION OR AESTHETIC ATTACHMENT, FORM No. LEG-R.039.00 (3/09), incorporated by reference in subparagraph 40D-2.101(2)(c)3., F.A.C.

(2) SURFACE WATER.

(a) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT, FORM 547.27/ERP (4/09) ~~(5/08)~~, incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

(b) STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY, FORM 547.27/SOC (4/09) ~~(Rev. 2/07)~~, incorporated by reference in subparagraph 40D-4.351(2)(a)1., F.A.C.

(c) PETITION FOR A FORMAL DETERMINATION OF THE LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS, FORM 547.27/FJDS (4/09) ~~(8/04)~~, incorporated by reference in paragraph 40D-4.042(2)(a), F.A.C.

(d) NOTICE OF INTENT TO CONSTRUCT A MINOR SILVICULTURAL SURFACE WATER MANAGEMENT SYSTEM PURSUANT TO SECTION 40D-400.500, F.A.C., FORM 547.27/NOI (4/09) ~~(2/06)~~, incorporated by reference in subsection 40D-400.500(3), F.A.C.

(e) PERMIT APPLICATION FOR SITE CONDITIONS ASSESSMENT, FORM 547.27/SCA (4/09) ~~(6/06)~~, incorporated by reference in subsection 40D-40.044(1), F.A.C.

(f) MITIGATION BANK PERFORMANCE BOND TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/PB (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(a), F.A.C.

(g) MITIGATION BANK IRREVOCABLE LETTER OF CREDIT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/ILC (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(b), F.A.C.

~~(h)~~ MITIGATION BANK STANDBY TRUST FUND AGREEMENT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/S-B/CIFA ~~(2/99)~~.

(h)(i) MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/CIFA (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(c), F.A.C.

(i)(j) MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE PERPETUAL MANGEMENT FINANCIAL RESPONSIBILITY, FORM MB/PMFA (4/09) ~~(2/99)~~, incorporated by reference in paragraph 40D-4.091(6)(d), F.A.C.

~~(k)~~ MITIGATION BANK STANDBY TRUST FUND AGREEMENT TO DEMONSTRATE PERPETUAL MANAGEMENT FINANCIAL ASSURANCE, FORM MB/S-B/PMFA (2/99).

~~(j)~~(4) NOTIFICATION AND REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT, FORM NO. LEG-R.043.00 (4/09) 04.10R-022 (7/01), incorporated by reference in paragraph 40D-4.351(1)(a), F.A.C.

~~(k)~~(m) STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE FORM NO. LEG-R.044.00 (4/09) 04.10R-023 (6/02), incorporated by reference in subsection 40D-4.351(3), F.A.C.

~~(l)~~(n) GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUTPARCEL CONSTRUCTION WITHIN PERMITTED COMMERCIAL/INDUSTRIAL PROJECTS, FORM NO. LEG-R001.0100 (4/09) (2/05), incorporated by reference in subparagraph 40D-4.331(2)(a)2., F.A.C.

~~(m)~~(o) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.0100 (4/09) (03/08), incorporated by reference in paragraph 40D-4.331(2)(b), F.A.C.

(3) OTHER.

(a) ELECTRONIC TRANSACTION AGREEMENT, FORM LEG-R.014.00 (4/08)

(b) FACILITATING AGRICULTURAL RESOURCE MANAGEMENT SYSTEMS PROGRAM FUNDING APPLICATION FORM, FORM LEG-R.22.0100 (4/09) (8/08), incorporated by reference in subsection 40D-26.201(2), F.A.C.; and

(c) METER ACCURACY VERIFICATION FORM, FORM NO. LEG-R.021.01 00 (4/09) (07/08), incorporated by reference in paragraph 40D-2.091(2)(a), F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337, F.S. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50, F.S. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications and Forms Incorporated by Reference
40D-2.101	Content of Application
40D-2.351	Transfer of Permits

PURPOSE AND EFFECT: The District proposes to amend Rules 40D-2.091, 40D-2.101, 40D-2.351, F.A.C., to incorporate by reference forms used for water use permitting-related purposes into the water use permitting rules instead of into Rule 40D-1.659, F.A.C. Proposed amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-2.091, F.A.C., is amended to adopt an updated Water Use Permit Information Manual Part B, "Basis of Review," sections of which are revised to identify the revised District forms. Amendments also incorporate irrigation and other forms used for reporting water use permit monitoring information to the District. Rule 40D-2.101, F.A.C., is amended to incorporate by reference optional forms used in submitting information as part of a water use permit application as well as forms specifically required to be used for permits within the Southern Water Use Caution Area. Rule 40D-2.351, F.A.C., is amended to incorporate by reference the form used for transferring a water use permit.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference ~~into this Chapter~~, and are available from the District's website at www.watmatters.org or from the District upon request:

(a)~~(1)~~ Water Use Permit Information Manual Part B, "Basis of Review" (_____) ~~(03-26-09)~~; and

(b)~~(2)~~ Water Use Permit Information Manual Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations" (01-20-09); ~~and~~

(2) The following forms for reporting information to the District are hereby incorporated by reference, and are available from the District upon request:

(a)~~(3)~~ Meter Accuracy Verification Form, Form No. LEG-R.021.01~~00~~ (4/09) ~~(07/08)~~;

(b) Irrigation Water Use Form – Annual Crops, Southern Water Use Caution Area, Form No. LEG-R.017.01 (4/09);

(c) Irrigation Water Use Form – Annual Recreation/Aesthetic/Golf, Southern Water Use Caution Area, Form No. LEG-R.018.01 (4/09);

(d) Irrigation Water Use Form – Summer/Fall Seasonal, Southern Water Use Caution Area, Form No. LEG-R.019.01 (4/09);

(e) Irrigation Water Use Form – Winter/Spring Seasonal, Southern Water Use Caution Area, Form No. LEG-R.020.01 (4/09);

(f) Irrigation Water Use Form – Seasonal Report, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.024.00 (4/09); and

(g) Irrigation Water Use Form – Annual Report, Northern Tampa Bay Water Use Caution Area, Form No. LEG-R.025.00 (4/09).

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, _____.

40D-2.101 Content of Application.

(1) through (4) No change.

(5) Optional Application Forms. The following forms may be used by applicants in support of permit applications, are hereby incorporated by reference and are available from the District's website at www.watmatters.org or from the District offices:

(a) Proposed Well Construction Location and Design Form, Form No. LEG-R.006.01 (4/09); and

(b) Agricultural Water Allotment Form, Form No. LEG-R.042 (4/09).

(6) Southern Water Use Caution Area Application Forms. In addition to the permit application and information forms identified in subsections (1)-(5) above, all applicants for permits in the Southern Water Use Caution Area (SWUCA) shall submit the "Supplemental Form – Southern Water Use Caution Area," Form No. LEG-R.007.02 (4/09) incorporated herein by reference. Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for the intended water use type as described in Chapters 3 and 4 of the Water Use Permit Information Manual, Part B "Basis of Review." All SWUCA application and supplemental information forms may be obtained from the District's website at www.watmatters.org or from District offices:

(a) Public Supply Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.012.01 (4/09);

(b) Net Benefit Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.010.01 (4/09); and

(c) Southern Water Use Caution Area Ground Water Replacement Credit Application, Form No. LEG-R.011.01 (4/09).

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History–Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, 1-1-03, Formerly 16J-2.06, Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, 11-25-07, 9-10-08, _____.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal

control of such water withdrawal facilities or such land. The applicant shall request such transfer using the "Application to Transfer a Water Use Permit," Form No. LEG-R.002.0403 (4/09) (~~09/07~~) incorporated herein by reference. Copies of the form can be obtained from the District's website at www.watermatters.org, or from District offices. The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, 11-25-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-3.037	Rules, Publications and Agreements Incorporated by Reference
40D-3.101	Content of Application
40D-3.411	Well Completion Report
40D-3.531	Abandoned Well Plugging

PURPOSE AND EFFECT: The District proposes to amend Rules 40D-3.037, 40D-3.101, 40D-3.411, 40D-3.531, F.A.C., to incorporate by reference forms used in well construction-related activities into the rules for well construction instead of into Rule 40D-1.659, F.A.C. Proposed amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated. SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-3.101, F.A.C.,

is amended to incorporate by reference the renumbered forms used in applying for a well construction permit. Rule 40D-3.411, F.A.C., is amended to incorporate by reference a renumbered well completion report form. Rule 40D-3.531, F.A.C., is amended to incorporate a renumbered well grouting/abandonment form.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.109, 373.206, 373.207, 373.209, 373.306, 373.308, 373.309, 373.313, 363.316, 373.323, 373.324, 373.333 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (11-25-07), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (1-17-05), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District. The regulations can be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) The Department's Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002) are hereby incorporated by reference and made a part of this rule. Both documents can be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the District upon request.

(3) Well Construction Forms are incorporated by reference into Rule 40D-3.101 ~~40D-1.659~~, F.A.C., and are available from the ~~District upon request and from the~~ District’s website at www.watermatters.org or from the District’s offices.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) is incorporated by reference and is available from the District upon request.

(5) The Application for Water Well Contractor’s License, Form No. LEG-R.003.01 (4/09) and Application for Renewal of a Water Well Contractor’s License, Form No. LEG-R.006.01 (4/09) are hereby incorporated by reference and are available from the District’s website at www.watermatters.org. or from the District offices.

Rulemaking Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History–New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09,_____.

40D-3.101 Content of Application.

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled “State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well₁”; Form No. LEG-R.040.00 (4/09), incorporated herein adopted by reference in ~~Rule 40D-1.659, F.A.C.~~ Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2, and Figure 2.1, F.A.C., shall include the form entitled “Well Verification For All Non-Domestic Use Wells Located in the Most Impacted Area of the Southern Water Use Caution Area₂”; Form No. LEG-R.016.01 (4/09), incorporated herein adopted by reference in ~~Rule 40D-1.659, F.A.C.~~ Copies of all forms incorporated in this Rule can be obtained from the District’s website at www.watermatters.org. or from the District offices.

(2) A permit applicant seeking to drill a public supply well shall submit:

(a) A completed well permit application, as set forth in subsection (1) above, signed and accompanied by an applicable permit fee;

(b) A completed ~~Southwest Florida Water Management District~~ “Public Supply Well Information and Classification Form₃”; Form No. LEG-R.015.01 (4/09), incorporated herein adopted by reference in ~~Rule 40D-1.659, F.A.C.~~; and

(c) Four sets of site plans signed, sealed and dated by a licensed professional engineer. Applicants for permits on existing projects may submit pre-existing site plans or detailed legal plats.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History–Readopted 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07, 8-19-08,_____.

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District’s receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled “Well Completion Report₁”; Form No. LEG-R.005.01 (4/09), incorporated herein adopted by reference in ~~Rule 40D-1.659, F.A.C.~~, within 30 days of the expiration of the permit. Copies of the Well Completion Report form can be obtained from the District’s website at www.watermatters.org. or from District offices.

(b) through (d) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History–Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07, 8-19-08,_____.

40D-3.531 Abandoned Well Plugging.

(1) The form entitled “State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well₁”; adopted by reference in Rule 40D-3.101 ~~40D-1.659~~, F.A.C., shall be submitted to the District and a Well Construction Permit shall be issued prior to the abandonment of any well, including an incomplete well.

(2) through (4) No change.

(5) The “Well Grouting/Abandonment Form₂”; Form No. LEG-R.041.00 (4/09) incorporated herein adopted by reference in ~~Rule 40D-1.659, F.A.C.~~, will be used to document the well abandonment. Copies of this form can be obtained at the District’s website at www.watermatters.org. or from District offices.

Rulemaking Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07, 8-19-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.042	Formal Determination of Wetlands and Other Surface Waters
40D-4.091	Publications, Forms and Agreements Incorporated by Reference
40D-4.101	Content of Application
40D-4.331	Modification of Permits
40D-4.351	Transfer of Permits
40D-4.381	General Conditions

PURPOSE AND EFFECT: The District proposes amendments to incorporate by reference the forms relating to Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be renumbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-1.101, F.A.C., is amended to incorporate by reference a renumbered joint application for environmental resource permit/authorization to use state owned submerged lands/federal dredge and fill permit form. Rule 40D-4.331, F.A.C., is amended to identify and incorporate by reference the applicable forms to be used for modifying an environmental resource permit. Rule 40D-4.351, F.A.C., is amended to incorporate by reference forms used for transferring an environmental resource permit and for submitting a statement of inspection for proper operation and maintenance of permitted projects. Rule 40D-4.381, F.A.C., is amended to reference the statement of completion form now adopted in Rules 40D-4.351 and 40D-4.042, F.A.C., is amended to incorporate by reference the form petition for a formal determination of the landward extent of wetlands and surface waters. Rule 40D-4.091, F.A.C., is amended to incorporate by reference the mitigation bank forms adopted by the District and to identify where other agency materials incorporated by reference may be obtained.

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

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

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.149, 373.171, 373.414, 373.421(2) FS.

LAW IMPLEMENTED: 373.0361, 373.042, 373.114, 373.171, 373.403, 373.409, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.416(1), 373.416(2), 373.421(2), 373.426, 373.429, 373.441 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) No change.

(2) To petition for a formal determination, the petitioner must submit to the District the following:

(a) Five copies of a Petition for a Formal Determination of the Landward Extent of Wetlands and Surface Waters, Form No. 547.27/FJDS (4/09) which is incorporated herein adopted by reference into Rule 40D-1.659, F.A.C., including copies of all items required by that form. This form can be obtained from the District's website at www.watmatters.org or from District offices.

(b) A non-refundable formal determination fee as specified in Rule 40D-1.607, F.A.C.

(3) through (8) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History—New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, 7-29-02, 2-27-03, _____.

40D-4.091 Publications, Forms and Agreements Incorporated by Reference.

The following documents are hereby incorporated by reference and are applicable to ~~into~~ this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~June 22, 2008~~. This document is available from the District's website at www.watmatters.org or from the District upon request.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Southwest Florida Water Management District and Department of Environmental

Protection, dated July 1, 2007. This document is available from the District's website at www.watmatters.org or from the District upon request.

(3) Chapter 62-344, F.A.C., Delegation of Environmental Resource Program to Local Governments (8/29/1995), available from the Florida Department of Environmental Protection at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005, available from the District upon request.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95, effective March 24, 2008, available from the District upon request.

(6) Mitigation Bank Form Documents. The following forms are incorporated herein by reference and are available from the District's website at www.watmatters.org, or from the District upon request:

(a) Mitigation Bank Performance Bond to Demonstrate Construction and Implementation Financial Assurance, Form MB/PB (4/09);

(b) Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction and Implementation Financial Assurance, Form MB/ILC (4/09);

(c) Mitigation Bank Trust Fund Agreement to Demonstrate Construction and Implementation Financial Assurance, Form MB/CIFA (4/09); and

(d) Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Responsibility, Form MB/PMFA (4/09).

Rulemaking Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

40D-4.101 Content of Application.

(1) Applications for Environmental Resource Permits required by this chapter shall be filed with the District in accordance with the requirements of this chapter and Chapter 40D-1, F.A.C. The application shall consist of:

(a) The information required in subsection 373.413(2), F.S.;

(b) Five copies of the Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form No. 547.27/ERP (4/09), incorporated herein by reference identified in Chapter 40D-1, F.A.C., with applicable supplements, sections A through K, copies of which can be obtained from the District's website at www.watmatters.org or from the District offices;

(c) Five copies of drawings, calculations, environmental and construction information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed;

(d) The appropriate fee as specified in Chapter 40D-1, F.A.C.; and

(e) Such other information as is reasonably necessary to determine that the surface water management system meets the conditions of this chapter.

(2) through (6) No change.

(7) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.413 FS. History—Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(1), (2), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 12-16-97, 2-27-03, 9-10-08,_____.

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or Short Form modification:

(a) Formal modifications.

1. Except for those projects meeting the criteria for Short Form modifications in subsection (b), an alteration of the design of the surface water management system shall be reviewed in accordance with the same criteria as new applications pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C. Application for a formal modification of an Environmental Resource Permit shall be made using the same forms as are used for initial permit applications and which are incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects, District Form No. LEG-R.001.0100 (4/09) (2/05), incorporated herein adopted by reference in Rule 40D-1.659, F.A.C. A copy of the form can be obtained from the District's website at www.watmatters.org, or from the District offices.

3. No change.

(b) Except for projects identified in paragraph subsection (2)(a), applications to modify a permit may be made by submittal of an “Environmental Resource Permit Modification Short Form,” Form No. LEG-R.013.01 (4/09) incorporated herein adopted by reference in Rule 40D-1.659, F.A.C., a copy of which can be obtained from the District’s website at www.watermatters.org or from District offices, provided the requested modification does not:

1. Substantially alter the permit authorization,
 2. Increase the authorized off-site discharge,
 3. Impact the environmental features of the project,
 4. Decrease the required retention/detention,
 5. Decrease the required flood control elevations for roads or buildings, or
 6. Decrease pollution removal efficiency.
- (3) through (4) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History–Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, 12-24-07, 1-8-08, 5-12-08,_____.

40D-4.351 Transfer of Permits.

(1) Transfer of Ownership.

(a) A permittee shall notify the District within 30 days of any sale, conveyance or any other transfer for a permitted surface water management system or the real property at which the system is located. Submittal of a completed “Notification and Request for Transfer of Environmental Resource Permit,” Form No. LEG-R.043.00 (4/09), incorporated herein by reference is required. The form can be obtained from the District’s website at www.watermatters.org or from District offices.

(b) through (d) No change.

(2) Conversion to Operation Phase.

(a) In order to convert an Environmental Resource Permit from the construction phase to the operational phase, the permittee shall submit the following:

1. A completed The Statement of Completion and Request for Transfer to Operation Entity, Fform 547.27/SOC (4/09), incorporated herein by reference, copies of which can be obtained from the District website at www.watermatters.org or from the District offices identified in Chapter 40D-1, F.A.C.; and

2. Documentary evidence of satisfaction of permit conditions, other than long-term monitoring.

(b) through (d) No change.

(3) Operation Phase Inspection Requirements. Permittees required to conduct and report on periodic inspection of the permitted system shall submit a Statement of Inspection for Proper Operation and Maintenance, Form No. LEG-R.044.00

(4/09), incorporated herein by reference. Copies of the form can be obtained from the District’s website at www.watermatters.org or District offices.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History–New 10-1-84, Amended 6-29-93, 10-3-95, 7-22-03, 2-1-05, 5-4-05, 12-24-07,_____.

40D-4.381 General Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40D-40, F.A.C.

(a) through (l) No change.

(m) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form adopted by reference in Rule 40D-4.351 40D-1.659, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

(n) through (x) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History–Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 10-11-01, 2-19-04, 12-24-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-26.201
RULE TITLE: Program Application

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt and incorporate by reference a revised Facilitating Agricultural Resource Management Systems (FARMS) project application form.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures

Committee, District forms are being incorporated into the specific rule which addresses use of that form. Accordingly, Rule 40D-26.201, F.A.C., is amended to reference a revised Facilitating Agricultural Resource Management Systems application form which is revised to reference Rule 40D-26.201, F.A.C., instead of Rule 40D-1.659, F.A.C., as the rule into which the form is incorporated by reference. This change necessitates a new form number and effective date for the form.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0831(3), 373.196(1), 373.1961(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-26.201 Program Application.

(1) No change.

(2) Applicants for funding shall submit to the District the information required on District Form LEG-R.22.0100 (4/09) (~~8/08~~) adopted and incorporated by reference in this rule. This form is available from the District's website at www.watermatters.org or from the District upon request.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0831(3), 373.196(1), 373.1961(3) FS. History—New 1-5-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-40.044	General Permit for Site Conditions Assessment
40D-40.112	Content of Application for General Permits
40D-40.331	Modification of Permits
40D-40.381	General Conditions

PURPOSE AND EFFECT: The District proposes amendments to incorporate by reference the forms relating to general Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be re-numbered and revised to contain the specific citation to the rule in which the form will now be incorporated. **SUMMARY:** Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Forms are renumbered and revised to contain the specific rule citation in which each form is now incorporated. Rule 40D-40.044, F.A.C., is amended to incorporate by reference the form to be used in applying for a site conditions assessment permit. Rules 40D-40.112 and 40D-40.381, F.A.C., are amended to cite Rule 40D-4.101, F.A.C., instead of Rule 40D-1.659, F.A.C., as the rule incorporating the ERP application form. Rule 40D-40.331, F.A.C., is amended to cite Rule 40D-4.331, F.A.C., as the rule incorporating the Modification Short Form.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416, 373.416(1), 373.419, 373.429 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.044 General Permit for Site Conditions Assessment.

(1) This general permit identifies and documents the boundaries of certain existing topographic and environmental site conditions within the applicant's project area that are measurably associated with waters, as described in the application. To obtain a site conditions assessment permit, an applicant must submit five complete copies of a Permit Application for Site Conditions Assessment, Form 547.27/SCA (4/09), which form is incorporated herein by reference, and all requested supporting information. Copies of the form can be obtained from the District's website at www.watermatters.org or at District offices.

(2) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History--New 7-23-96, Amended 9-26-02,_____.

40D-40.112 Content of Application for General Permits.

(1) To apply for a general permit, including an application for a general permit for minor surface water management systems, the applicant shall file with the District the application form identified and adopted by reference in paragraph 40D-4.101(1)(b) Rule 40D-1.659, F.A.C.

(2) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 10-16-96, 9-26-02, 2-19-04, 9-10-08,_____.

40D-40.331 Modification of Permits.

A request for modification to extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) In accordance with Rules 40D-4.091, 40D-4.331, 40D-40.040, 40D-40.112, 40D-40.301 and 40D-40.302, F.A.C., for general construction and operation permits and as applicable for all site conditions assessment permits; or

(2) By submittal of a Modification Short Form application incorporated adopted by reference in paragraph 40D-4.331(2)(b), Rule 40D-1.659, F.A.C., for general construction and operation permits provided the requested modification does not exceed the conditions of paragraph 40D-4.331(2)(b), F.A.C.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, 9-26-02, 5-12-08,_____.

40D-40.381 General Conditions.

The general permits issued pursuant to this chapter shall be subject to the following limiting conditions;

- (1) No change.
- (2) No change.
- (a) through (b) No change.

(c) A site conditions assessment permit is the first phase of a construction permit. A site conditions assessment permit shall neither authorize construction, alteration, operation or maintenance of any surface water management system nor imply approval of any such activities in, on or over any wetlands or other surface waters, or elsewhere. At the time of application for modification of a site conditions assessment permit to a construction permit for a project area, the permittee shall submit a copy of the deed or other evidence or ownership, evidence of an easement or other documents evidencing authorization to perform the proposed work as provided in the environmental resource permit application form incorporated by reference in paragraph 40D-4.101(1)(b) Chapter 40D-1, F.A.C.

- (3) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 9-26-02, 8-3-03, 2-19-04, 5-4-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-400.491	Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone
40D-400.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

PURPOSE AND EFFECT: The District proposes amendments to incorporate by reference the forms relating to noticed general Environmental Resource Permits (ERPs) into the ERP rules instead of into Rule 40D-1.659, F.A.C. The amendments are part of an overall rulemaking effort to incorporate District forms into the particular rule applicable to each individual

form. The effect is to make District rules identifying forms available for public use consistent with requirements for incorporating materials by reference. Forms will also be re-numbered and revised to contain the specific citation to the rule in which the form will now be incorporated.

SUMMARY: Currently, all District forms are incorporated by reference into Rule 40D-1.659, F.A.C. In response to comments from the Joint Administrative Procedures Committee, amendments are proposed to incorporate District forms and other materials into the specific rule which addresses the particular form or material. Rule 40D-400.491, F.A.C. is amended to cite paragraph 40D-4.351(2)(a), F.A.C., as the rule adopting by reference the Statement of Completion form. Rule 40D-400.500, F.A.C., is amended to incorporate by reference the form and instructions for applying for a noticed general permit for a minor silvicultural surface water management system.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4660

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-400.491 Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone.

A general permit is hereby granted to increase the height of an existing earthen embankment used for the impoundment of water at sand and limestone mining facilities, provided:

(1) through (6) No change.

(7) Within 30 days after completion of construction of the permitted activity, the permittee submits a written notice of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, to the permitting agency, in accordance with the Statement of Completion and Request for Transfer to Operation Entity form as adopted by reference in paragraph 40D-4.351(2)(a) Rule 40D-1.659, F.A.C.

Rulemaking Specific Authority 373.044, 373.118, 373.414 FS. Law Implemented 373.413, 373.419 FS. History--New 1-24-02, Amended _____.

40D-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

(1) through (2) No change.

(3) The Application shall include the information contained in the Application Procedure for a Noticed General Permit for a Minor Silvicultural Surface Water Management System and Notice of Intent to Construct a Minor Silvicultural Surface Water Management System Pursuant to Rule 40D-400.500, F.A.C., Form 547.27/NOI (4/09), which document is incorporated herein by reference and can be obtained from the District's website at www.watermatters.org, or from District offices appropriate District form identified in Chapter 40D-1, F.A.C.

(4) No change.

(5) In order to qualify for this general permit, the systems identified in subsection (4) of this section must meet the following performance standards:

(a) through (g) No change.

(h) In addition to the performance standards set forth in paragraphs (a)-(g) above, the applicant, in undertaking the activities authorized herein, must utilize the best management practices set forth in the "Silviculture Best Management Practices Manual" (2008) (~~2003~~) published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, which is incorporated herein by reference and can be obtained from the Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(i) No change.

(6) No change.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History--New 10-3-95, Amended 5-4-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-15.003 RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes to amend the rule to reorganize existing advertising rules.

SUMMARY: Existing advertising rules will be reorganized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-15.003 Advertising.

(1) Section 481.321(5), Florida Statutes, requires that each registered landscape architect, corporation or partnership display its certificate of registration number in any newspaper, telephone directory or other advertising medium. The term "other advertising medium" shall be deemed to include business cards, stationery, magazines, billboards, proposals, contracts, job site signs. The term "other advertising medium" shall not be deemed to include articles of clothing and other promotional novelty items.

(2) A landscape architect or his firm may advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing in the telephone directory, however, shall not mislead the public into believing that the phone number and address given is capable of delivering landscape architectural services to the public at that location if in fact the phone number or address listed is not a landscape architectural office. Any marketing office or a construction, field or project office must be clearly identified as such.

Rulemaking Specific Authority 481.306 FS. Law Implemented 481.321 FS. History—New 12-6-89, Formerly 21K-15.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-15.005
RULE TITLE: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect's Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify office supervision requirements.

SUMMARY: Office supervision requirements will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321(3), (5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-15.005 Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect's Office.

(1) Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have a landscape architect duly registered with the Board of Landscape Architecture ~~within that office~~ in full authority and responsible charge, having direct knowledge and supervisory control over such work.

~~(2) A landscape architectural office which is in a construction field or project office or is part of an expanded area for the production of landscape architectural documents, is not considered to be offering landscape architectural services to the public, and therefore, does not need a separate landscape architect assigned directly to such office.~~

~~(3) A landscape architect shall not be required to be assigned to a marketing office. A marketing office is defined as an office of a landscape architectural firm wherein no production of drawings, specifications reports or other professional work occurs and is intended solely for the purpose of advertising or marketing a landscape architectural firm's services to the public. The only client contact permitted at a marketing office by non-registered persons is providing the firm's qualifications and capabilities. Any other activities including entering into contracts between the landscape architect and the client or the beginning of conceptual drawings shall require the presence of a registered landscape architect at the office site.~~

~~(4) A landscape architect or his firm may advertise in any medium, including the telephone directory yellow pages, even if no office is physically present in the area of the advertisement. Such advertisement or listing in the telephone directory, however, shall not mislead the public into believing that the phone number and address given is capable of delivering landscape architectural services to the public at that location if in fact the phone number or address listed is not a landscape architectural office. Any marketing office or a construction, field or project office must be clearly identified as such.~~

~~(5) All firms shall notify the Board of Landscape Architecture of the location of all marketing offices and the individuals who will be assigned to such office within sixty (60) days of such an assignment. All firms shall notify the Board office of the location of all full service offices and the name of the landscape architect assigned to serve within the office. The Board must be notified of any change of the landscape architect to be assigned to each office.~~

~~Rulemaking Specific Authority 481.306 FS. Law Implemented 481.321(3), (5) FS. History--New 11-17-92, Formerly 21K-15.005, Amended 11-18-07,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The Board proposes the rule amendment to require the state pilot associations to change their current methodology for computing the gross pilotage assessment from 8/10 of one percent to one percent.

SUMMARY: The rule amendment will revise language to change the state pilot associations' current methodology for computing the gross pilotage assessment from 8/10 of one percent to one percent.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared. The Commission determined the proposed rule will have an impact on small business.

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

RULEMAKING AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131, 310.185 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state one percent (1%) ~~eight tenths of one percent (.8%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) In order to insure compliance with the requirements of subsection (1), each pilot or the entity of which the pilot is a member shall, on an annual basis, not later than April 15, beginning with the fiscal year ending December 31, 1980:

(a) Submit to the Department a statement prepared by a certified public accountant showing the gross amount of pilotage earned during the previous year; or

(b) Submit to the Department the first page of the Federal Income Tax return filed by the pilot or entity for the previous year. If the income tax return discloses income other than pilotage, there must also be submitted any other schedules necessary to reconcile the amount of pilotage earned with the amount of the assessment submitted to the Department. In the event that the pilot or the entity of which the pilot is a member fails to submit either a statement prepared by a certified public accountant or the first page of the appropriate Federal Income Tax return and other required schedules, the Department shall hire certified public accountants to audit the pilot or the entity of which the pilot is a member for the purpose of determining the gross amount of pilotage earned during the previous year. The cost of such an audit will be borne by the pilot or the entity of which the pilot is a member.

Rulemaking Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History–New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 8-1-07, 12-16-07, 7-1-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-37.001
RULE TITLE: Performance Standards and Measurable Outcomes

PURPOSE AND EFFECT: The Board proposes the rule amendment to update standards and measurable outcomes for Florida Engineers Management Corporation.

SUMMARY: Standards and measurable outcomes for Florida Engineers Management Corporation will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 471.038(3)(m) FS.

LAW IMPLEMENTED: 471.038(3)(m) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation (“FEMC”), the following performance standards and measurable outcomes are adopted:

(1) through (10) No change.

(11) FEMC shall maintain the Board’s web page and update the web page within 14 days of the date the updates go into effect. ~~Administrative complaints shall be posted no later than 30 days after the recommendation by the probable cause panel.~~ All final orders involving active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Rulemaking Specific Authority 471.038(3)(m) FS. Law Implemented 471.038(3)(m) FS. History–New 11-12-02, Amended 4-8-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment is intended to delete credit for serving on the Medical Advisory Committee since the Committee no longer exists.

SUMMARY: The proposed rule amendment deletes subsection (8) of the rule since the Medical Advisory Committee no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendment will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.
(1) through (7) No change.

~~(8) In addition to the continuing medical education credits authorized above, any volunteer physician who serves as a member of the Medical Advisory Committee as a consultant for at least one full weekend of case reviews shall receive 15 hours of risk management continuing medical education credit toward license renewal for the biennium during which the work was performed.~~

(9) through (11) renumbered (8) through (10) No change.

Rulemaking Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, 5-6-08, 11-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004 RULE TITLE: Manner of Application

PURPOSE AND EFFECT: The purpose and effect is to incorporate the updated application form.

SUMMARY: The updated application form is incorporated.

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

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

RULEMAKING AUTHORITY: 456.033, 463.006(1)(b), (2) FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128, (Revised 8/08) DPR-OPA-0001 effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at <http://www.doh.state.fl.us/optometry>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(8), F.A.C., the examination fee as specified in subsection 64B-1.016, F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(1) or (2), F.A.C. No application shall be deemed complete which does not set forth all the information required by said form and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) through (5) No change.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.013(7), 456.003, 463.006 FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: 64J-1.0201
RULE TITLE: EMS Instructor Qualifications

PURPOSE AND EFFECT: The purpose of this rule is to define standards for EMS instructors teaching courses within a Florida-certified primary EMS training center. The proposed rule will ensure that any individual teaching emergency medical technicians and paramedics, in a Florida-approved training program has at least the required minimum qualifications. This will enhance the quality of education students receive and enhance the quality of EMS professionals graduating and seeking employment in EMS. The effect will be a new rule section as listed above.

SUMMARY: Currently there are no emergency medical services (EMS) instructor qualifications established in rule. The purpose of the rule is to establish minimum EMS instructor qualifications. The proposed rule will ensure that any individual teaching emergency medical technicians and paramedics, in a Florida approved training program, has at least the required minimum qualifications. This will enhance the quality of education students receive and enhance the quality of EMS professionals graduating and seeking employment in EMS.

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

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

RULEMAKING AUTHORITY: 401.27, 401.2715 FS.

LAW IMPLEMENTED: 401.27, 401.2715 FS.

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

DATE AND TIME: June 9, 2009, 3:00 p.m. – 4:00 p.m. Eastern Standard Time (EST)

PLACE: Florida Department of Health, 4025 Esplanade Way, 3rd Floor, Room 301, Tallahassee, FL 32399

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

Toll free conference number: 1(888)808-6959; Conference code: 1454440

REQUEST FOR HEARING MUST BE RECEIVED IN WRITING TO: Lisa Walker, Government Analyst II at the address below.

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 24 hours before the workshop/meeting by contacting: Alexander Macy, Administrative Assistant I, Bureau of EMS, (850)245-4440, ext. *2735, or by email at: Alexander_Macy@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Walker, Government Analyst II, Bureau of EMS, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399; phone: (850)245-4440, ext. 2733; or email Lisa_Walker2@doh.state.fl.us. NOTE: If you have written comments that you wish to be added to the record please send them to Lisa Walker before the hearing so your comments may be read into the record.

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-1.0201 EMS Instructor Qualifications.

(1) To be eligible for approval as an EMS Training Program, an applicant must ensure, with supporting documentation, that each instructor has met the standards listed below for their instructor position(s) as listed in the school's Emergency Medical Services Training Program's DH Form 1698, December 2008, Application for Approval of an Emergency Medical Services (EMS) Training Program, which is incorporated by reference in subsection 64J-1.020(2), F.A.C., and is available from the department, as defined by subsection 64J-1.001(9), F.A.C., or at <http://www.fl-ems.com>.

(2) Any lead or adjunct instructor currently teaching in a Florida-approved EMS Training Program that does not qualify for an exemption at the time of implementation of this rule may continue in their role and will have two years to complete the required coursework for the level of instruction they are employed.

(3) Emergency Medical Services (EMS) Instructors.

(a) Program Directors, Levels A and B.

1. Must have successfully completed Levels A and B coursework listed in Table I and Table II as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition, or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

2. Have a minimum of a Bachelor's degree from an institution whose accreditation is recognized by the United States Department of Education.

3. Program Directors who do not possess a Bachelor’s degree and are employed by a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2014 to obtain their Bachelor’s degree.

4. Be certified as a Florida paramedic, in good standing with the department, with at least four years field level provider experience in the prehospital environment with an Advanced Life Support (ALS) provider.

5. Must have a minimum of two years teaching experience as a Level B instructor.

(b) Lead Instructors, Program Coordinators, Levels A and B.

1. Has successfully completed the Levels A and B instructor coursework listed in Table I and Table II and as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

2. Be certified as a Florida paramedic in good standing with the department, with at least four years field level provider experience in the pre-hospital environment with an ALS provider.

3. Have a minimum of an Associate’s degree from an institution whose accreditation is recognized by the United States Department of Education.

4. Lead instructors who do not possess an Associate’s degree and are teaching in a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2013 to obtain their Associate’s degree.

5. Must have at least two years teaching experience in EMS education.

(4) Adjunct Faculty.

(a) Must have successfully completed the Level A coursework listed in Table I as identified in the National Guidelines for Educating EMS Instructors, August, 2002 edition, or has qualified for one of the exemptions in subsection 64J-1.0201(5), F.A.C.

(b) For First Responder or Emergency Medical Technician Training Programs, must be certified as a Florida emergency medical technician-basic in good standing with the department.

(c) For Paramedic Training Programs, must be certified as a Florida paramedic in good standing with the department or be a licensed Registered Nurse in good standing and have at least three years of field provider experience with an ALS provider.

(d) Adjunct instructors must possess a minimum of an Associate’s degree from an institution whose accreditation is recognized by the United States Department of Education.

(e) Adjunct instructors who do not possess an Associate’s degree and are employed by a Florida-approved EMS Training Program at time of implementation of this rule will have until July 1, 2011 to obtain their degree.

Table I EMS Instructor Course Curriculum

EMS instructor course objectives will be consistent with the National Guidelines for Educating EMS Instructors, August, 2002 edition.

Level A: Instructor Qualifications for Adjunct Faculty: Including Didactic, Laboratory, and Clinical Instructors.

Course	Hours of Instruction
Introduction/Course Objectives	30 minutes
Module 2: Roles and Responsibilities	2 hours
Module 5: Ethics	2.5 hour
Module 6: The Learning Environment	2 hours
Module 7: Learning Styles	3 hours
Module 8: Domains of Learning	3 hours
Module 9: Goals and Objectives	3 hours
Module 11: Presentation Skills	2 hours
Module 12: Evaluation Techniques	3 hours
Module 15: Motivation	2 hours
Module 17: Teaching Psychomotor Skills	4 hours
Module 18: Affective/Cognitive Domains	3 hours
Module 20: Remediation (Practical exercises)	3 hours
Module 21: Cultural Awareness	2 hours
Practical Teaching Presentation	5 hours
Total Class Hours	40 Hours

Table II EMS Instructor Course Curriculum

Level B: Instructor Qualifications for Program Coordinators and Lead Instructors

Prerequisites: Completion of Level A Coursework or qualify for an exemption listed in subsection 64J-1.0201(5), F.A.C.

Course	Hours of Instruction
Module 10: Lesson Plans	1 hour
Module 26: Pediatric Education	1 hour
Module 13: Facilitation Techniques	1 hour
Module 14: Communication and Feedback	2 hours
Module 16: Teaching Thinking Skills (Critical)	2 hours
Module 19: Discipline	1 hours
Module 22: Teaching Resources	1 hour
Module 3: Administrative Issues	1 hour
Module 4: Legal Issues In EMS Education	1 hour
Module 23: Research	1 hour
Creating Learning Objectives & Lesson Plans	3 hours
Total Class Hours	15 Hours

(5) Exemptions.

(a) Program Directors, Program Coordinators, Lead Instructors, Course Coordinators, and Adjunct faculty who have attained any of the following criteria prior to the implementation of this rule are exempt from both Levels A and B coursework:

1. Individuals with a Bachelor’s degree or higher from an institution whose accreditation is recognized by the United States Department of Education with 4 years teaching experience in EMS education and 2 years experience as a Program Coordinator/Director are exempt from Levels A and B coursework.

2. Individuals with an Associate of Science degree from an institution is recognized by the United States Department of Education 8 years teaching experience in EMS education and a minimum of 5 years experience as a Program Coordinator are exempt from Levels A and B coursework.

3. Physicians licensed under Florida Statute 458 and/or 459 are exempt from Levels A and B coursework.

4. Completion of Fire Service Instructor Course Delivery and Fire Service Instructor Course Design (80 hours) or Florida certification in Fire Instructor II or III with 2 years teaching experience in EMS education are exempt from Levels A and B coursework.

5. Individuals with current certification as a Florida Department of Law Enforcement (FDLE) Instructor (80 hour course) with 2 years teaching experience in EMS education are exempt from Levels A and B coursework.

(b) Program Directors, Program Coordinators, Lead Instructors, Course Coordinators, and Adjunct faculty who have attained any of the following prior to the implementation of this rule are exempt from Level A coursework:

1. Individuals with an Associate in Science Degree from an institution whose accreditation is recognized by the United States Department of Education with 6 years teaching experience in EMS education are exempt from level A coursework.

2. Individuals with a Associate in Science Degree from an institution whose accreditation is recognized by the United States Department of Education plus 20 contact hours of educational/instructor courses with 2 years teaching experience in EMS education are exempt from Level A coursework.

3. Individuals who have successfully completed the National Association of EMS Educator’s Instructor Course or obtained National Instructor Level I (National EMS Instructor certification) are exempt from Level A coursework. Individuals with National Instructor level II are exempt from Level A and B coursework.

(c) Subject matter experts are exempt from all certification levels provided they do not provide greater than five percent of the total hours of instruction in either the didactic, laboratory, or clinical portions of the programs contact hours.

(d) These exemptions will only remain in effect until July 1, 2013.

Rulemaking Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John C. Bixler, Paramedic, RN, BSN, Chief, Bureau of EMS, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Surgeon General Ana Viamonte Ros, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008, Vol. No. 34/24; December 24, 2008 Vol. No. 34/52

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.:	RULE TITLE:
64J-2.010	Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To revise the number of trauma center slots in Trauma Service Area One.

SUMMARY: The proposed rule revises the number of trauma center slots in Trauma Service Area One from two to three, and increases the statewide total number of trauma center slots from 42 to 43.

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

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

RULEMAKING AUTHORITY: 395.505 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.405 FS.

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

DATE AND TIME: Thursday, June 11, 2009, 10:00 a.m. Central Time/11:00 a.m. Eastern Time

PLACE: Okaloosa County Health Department, Auditorium, 221 Hospital Drive, N.E., Ft. Walton Beach, FL 32358

DIRECTIONS: Please contact Tammy Brown at (850)833-9240.

If a hearing is requested, the hearing will also be held via conference call for individuals who cannot attend in person. The conference call number is: (888)808-6959 and conference code: 2354440. Updates on the status of the hearing will be posted on the Office of Trauma website at: <http://www.doh.state.fl.us/demo/Trauma/notices.htm>.

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 2 days before the workshop/meeting by contacting: Janet Collins (850)245-4444, ext. 2775. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.010 Apportionment of Trauma Centers within a Trauma Service Area (TSA).

(1) through (2) No change.

(3) The number of trauma center positions for each TSA is as follows:

TSA	Counties	Trauma Centers
1	Escambia; Okaloosa; Santa Rosa; Walton	3
2	Bay; Gulf; Holmes; Washington	1
3	Calhoun; Franklin; Gadsden; Jackson; Jefferson; Leon; Liberty; Madison; Taylor; Wakulla	1
4	Alachua; Bradford; Columbia; Dixie; Gilchrist; Hamilton; Lafayette; Levy; Putnam; Suwannee; Union	2
5	Baker; Clay; Duval; Nassau; St. Johns	2
6	Citrus; Hernando; Marion	1
7	Flagler; Volusia	2
8	Lake; Orange; Osceola; Seminole; Sumter	3
9	Pasco; Pinellas	3
10	Hillsborough	2
11	Hardee; Highlands; Polk	3
12	Brevard; Indian River	2
13	DeSoto; Manatee; Sarasota	3
14	Martin; Okeechobee; St. Lucie	1
15	Charlotte; Glades; Hendry; Lee	2
16	Palm Beach	2
17	Collier	1
18	Broward	3
19	Dade; Monroe	6
	TOTAL	43 4342

(4) No change.

Rulemaking Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.405 FS. History—New 12-10-92, Formerly 10D-66.1075, Amended 6-9-05, 12-18-06, Formerly 64E-2.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements
68A-6.002	Categories of Captive Wildlife
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements
68A-6.0024	Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee
68A-6.0025	Sanctuaries; Retired Performing Wildlife Identification
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.0071	Record Keeping and Reporting Requirements

PURPOSE AND EFFECT: The purpose and effect of this rule is to address the possession, housing and transportation of captive wildlife. The proposed rules will clarify record keeping, documentation of experience, and housing

requirements for the possession of captive wildlife. The proposed rules will address changes in classification of captive wildlife and public contact with captive wildlife. Additionally, the proposed new rule establishes requirements for the operation of captive wildlife sanctuaries.

SUMMARY: These rules address classification of wildlife; possession, transportation and housing of captive wildlife; public contact with captive wildlife; record keeping requirements; and captive wildlife sanctuaries.

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3711, 379.3761, 379.3762 FS.

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-6.0011 Possession of Wildlife in Captivity; Permit Requirements.

(1) No change.

(2) The provisions of this chapter shall not apply to entities operating solely as research facilities, which are registered and regulated as such in accordance with Animal Welfare Act (7 U.S.C. 2131, et. seq.) and regulations promulgated thereunder, provided the following requirements are met:

(a) Such facilities must maintain on premises a detailed research proposal which shall state with particularity the research objectives, methodology, and study duration, and outline planned safeguards to assure proper containment of the wildlife. Maintain an annual record of progress toward the research project objectives. Such research proposal and record of progress shall be available for inspection upon request of Commission personnel.

(b) Such facilities housing wildlife must maintain such wildlife in cages or enclosures which meet the structural requirements as specified in Rule 68A-6.003, F.A.C.

(3) The provisions of this chapter shall not apply to persons possessing the following non-native wildlife species exclusively for the purpose of production of meat, skins or hides, feathers or progeny thereof, and not for personal possession or public display or exhibition:

(a) through (d) No change.

(e) Bison.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History–New 6-21-82, Amended 7-5-84, Formerly 39-6.011, Amended 6-1-86, 5-10-87, 4-13-88, 12-19-89, 7-1-90, 4-20-93, Formerly 39-6.0011, Amended _____.

68A-6.002 Categories of Captive Wildlife.

(1) The Commission hereby establishes the following categories of wildlife including their taxonomic successors and subspecies thereof:

(a) Class I:

1. through 2. No change.

3. Gibbons and Siamangs (family Hylobatidae) (~~genus *Hylobates*~~)

4. through 5. No change.

6. Baboons (*genus Papio* ~~*Papio*~~)

~~7. Siamangs (*genus Symphalangus*)~~

8. through 17. renumbered 7. through 16. No change.

~~17.48- Cape buffalos and Gaur (family Bovidae) (*Syneerus caffer caffer*)~~

~~18.49- Crocodiles (except dwarf and Congo) (family *Crocodylidae* ~~*Crocodylidae*~~)~~

20. through 22. renumbered 19. through 21. No change.

22. Hyenas and Aardwolf (family *Hyaenidae*)

23. Cougars, panthers (*Puma concolor*)

24. Cheetahs (*Acinonyx jubatus*)

(b) Class II:

1. through 3. No change.

4. Guenons (*genus Cercopithecus* ~~*Ceropithecus*~~)

5. Patas monkeys (*genus Erythrocebus*)

6. Vervet, Grivet or Green monkeys (*genus Chlorocebus*)

~~7.5- Bearded Sakis (*genus Chiropotes* and *Pithecia*)~~

- 8.6. Guereza monkeys (*genus Colobus*)
7. Celebes black apes (*genus Cynopithecus*)
- 9.8. Idris (*genus Indri*)
- 10.9. Macaques and Celebes black apes (*genus Macaca*)
- 11.40. Langurs (*genus Presbytis*)
11. through 15. renumbered 12. through 16. No change.
16. Cougars, panthers (*Puma concolor*)
17. Bobcats (*Lynx rufus*)
18. Cheetahs (*Acinonyx jubatus*)
- 18.49. Caracals (*Caracal caracal*)
20. through 24. renumbered 19. through 23. No change.
- 24.25. Wolves, coyotes, jackals (family Canidae) (~~*Canis latrans*~~)
26. Gray wolves (*Canis lupus*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
27. Red wolves (*Canis niger*) (including wolf x domestic hybrids which are 25 percent or less domestic dog)
28. Asiatic jackals (*Canis aureus*)
29. Black-backed jackals (*Canis mesomelas*)
30. Side-striped jackals (*Canis adustus*)
31. through 37. renumbered 25. through 31. No change.
38. Hyenas (all species) (*family Hyaenidae*)
- 32.39. Dwarf crocodiles (*Osteolaemus tetraspis*)
- 33.40. Alligators, caimans (except American alligator) (family Alligatoridae)
41. through 42. renumbered 34. through 35. No change.
36. Giraffe and Okapi (family Giraffidae).
37. Tapir (family Tapiridae).
38. Wild cattle; forest, woodland and aridland antelope; and similar species of non-native hoofstock (family Bovidae)
Such non-native hoofstock to include: Forest buffalo, Banteng, Anoa, Waterbuck, Wildebeest, Hartebeest, Eland, Kudu, Nilgai, Bongo, lechwe, Roan and Sable antelope, Sitatunga, Bontebok, Blesbok, Topi, Kob, Addax, Oryx, Gemsbok, and other wild species of the family Bovidae which are of similar size, habits and nature.
- (c) No change.
- (d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be substantially indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.
- (2) through (4) No change.
- (5) Persons possessing Class III wildlife as personal use wildlife shall obtain a no-cost permit from the Executive Director. American alligators shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rule 68A-9.002, F.A.C., Section 379.3751 or 379.3761, F.S.

(6) Fox, skunks, bats, raccoons, or white tail deer taken from the wild shall not be possessed as personal use wildlife and shall be possessed only in accordance with permits issued under Rules 68A-9.002 and 68A-9.006, F.A.C., or Section 379.3761, F.S.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History--New 8-1-79, Amended 12-3-79, 6-4-81, 6-21-82, Formerly 39-6.02, Amended 6-1-86, 7-1-90, 7-1-92, 9-15-96, Formerly 39-6.002, Amended _____.

68A-6.0021 Possession or Transfer of Class I Wildlife as Personal Use Wildlife; ~~Transfer of Wildlife.~~

(1) Any Class I wildlife possessed for personal use on August 1, 1980, shall be eligible for a permit in accordance with the provisions for Class II wildlife. Any Class II wildlife possessed as personal use wildlife in accordance with 379.3762, F.S., that is uplisted to Class I upon the effective date of Rule 68A-6.002, F.A.C., shall be eligible for a permit in accordance with the provisions of Class II wildlife. No other Class I wildlife shall be transferred or kept for personal use.

(a) All Class I wildlife possessed for personal use in accordance with the provisions for Class II Wildlife, shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

1. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

2. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen name or number, gender and age) must be maintained in the possessors records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with Section 379.3761, F.S., and authorizing possession of such wildlife.

(b) Effective Date: All permanent identification requirements in this rule shall not take effect until January 1, 2010.

(2) ~~It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. The recipient's name, address and the permit or license~~

number if required shall be entered in the transferor's records and made available for inspection upon request of Commission employees for a period of one year after the transfer.

(2)(3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 379.3711, 379.372, 379.3761, 379.3762 FS. History—New 6-21-82, Formerly 39-6.021, Amended 6-1-86, 4-11-90, Formerly 39-6.0021, Amended _____.

68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity: Permit Requirements.

(1) No change.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

(a) through (b) No change.

(c) Honey possums, sugar gliders, ~~brush-tailed possums~~

(d) through (v) No change.

(3) through (4) No change.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

All applicants shall qualify for permits as follows:

(a) through (b) No change.

(c) Experience Requirement for Class I permits:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological ~~family order~~ (except ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

2. For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

a. A description of the specific experience acquired.

b. The dates and times the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience; One of these references of which must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization or a representative of a professional organization or governmental institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.

d. No change.

3. through 4. No change.

(d) Experience and examination requirements for Class II permits:

1. Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in subparagraphs 68A-6.0022(5)(c)1.-4., F.A.C., above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 ~~100~~ hours of substantial practical experience (with documentation and compliance procedures as noted in subparagraphs 68A-6.0022(5)(c)1.-4., F.A.C., above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

2. The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

3. The above requirements shall not apply to applicants for permits to possess American alligators in accordance with Section 379.3751, F.S.

4. The above requirements shall not apply to applicants for permits to possess species of the family Bovidae in accordance with Sections 379.3711 and 379.3712, F.S.

(e) Any licensed corporation applying for a permit or authorized to possess Class I or Class II wildlife must have qualified personnel responsible for the care of such wildlife. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in subparagraphs 68A-6.0022(5)(c)1.-4. and (d)1., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified person.

(f) Any person authorized pursuant to Section 379.3761, F.S., to exhibit or sell Class I wildlife shall obtain and maintain a current and valid USDA license, where applicable, pursuant to the Animal Welfare Act and Animal Welfare Regulations of Title 9CFR. Such USDA license shall be obtained within 180 days of initial licensing by the Florida Fish and Wildlife Conservation Commission. Failure to obtain and maintain a

current and valid USDA license may result in denial or revocation of any Class I authorizations issued by the Florida Fish and Wildlife Conservation Commission.

(6) No change.

(7) Disaster and Critical Incident Plans: Applicants for permits to possess wildlife in captivity as authorized pursuant to Sections 379.3761 or 379.303, F.S., or the provisions of this chapter shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06/09 02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application or renewal; and Part B shall be retained in the permittee's files on file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining captive wildlife in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with Class I or Class II wildlife. In this instance Part B must accompany the Class I or Class II wildlife while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00, 1-1-08,_____.

68A-6.0023 General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements.

(1) No change.

(2) Caging Requirements:

(a) All wildlife possessed in captivity shall, except when supervised and controlled in accordance with subsection (3) hereof, be maintained in cages or enclosures constructed and maintained in compliance with the provisions of Rules 68A-6.003, ~~and 68A-6.004, and 68A-6.007~~, F.A.C.

(b) No change.

(c) All cages or enclosures less than 1,000 square feet shall be covered at the top to prevent escape (except paddocks, reptile enclosures and habitats specified below). Class I or Class II wildlife shall not be kept in uncovered enclosures that are less than 1,000 square feet, except as specified in Rule

68A-6.004, F.A.C. All outdoor enclosures for non-native venomous reptile species and reptiles of concern shall be topped with close-meshed wire or an equivalent barrier to provide additional security as specified in Rule 68A-6.007, F.A.C. For the purpose of this section, the following definitions apply:

1. Paddocks: Areas enclosed by fencing, railing or other Commission-approved structures which allow animals to graze or browse.

2. Reptile enclosures: Areas encompassed by smooth walls or other Commission-approved materials which provide safe keeping of venomous and non-venomous snakes, crocodilians and other reptiles.

3. Open air habitats or moated areas: Areas enclosed by Commission-approved fences, walls, or moats which provide safe keeping of species specified in Rule 68A-6.004, F.A.C.

(d) Caging considered unsafe or otherwise not in compliance herewith shall be reconstructed or repaired within 30 days after notification of such condition. In the event such condition results in a threat to human safety or the safety of the wildlife maintained therein, the wildlife maintained therein shall, at the direction of the Commission, be immediately placed in an approved facility, at the expense of the permittee, owner, or possessor, until such time as the unsafe condition is remedied. In instances where wildlife is seized or taken into custody by the Commission, said permittee, owner, or possessor of such wildlife shall be responsible for payment of all expenses relative to the animal's capture, transport, boarding, veterinary care, or other costs associated with or incurred due to such seizures or custody. Such expenses shall be paid by said permittee, owner, or possessor upon any conviction or finding of guilt of a criminal or noncriminal violation, regardless of adjudication or plea entered, of any provision of Chapter ~~379 372~~ or 828, F.S., or rules of the Commission, or if such violation is disposed of under Section 921.187, F.S. Failure to pay such expenses shall be grounds for revocation or denial of permits to such individuals to possess wildlife.

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, all wildlife shall be teathered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife, except as follows:

(a) Public contact exhibition.

1. General: All wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary

precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

2. Class I wildlife shall only be permitted to come into physical contact with the public in accordance with the following:

a. Full contact: For the purpose of this section, full contact is defined as situations in which an exhibitor or employee handler maintains proximate control and supervision, while temporarily surrendering physical possession or custody of the animal to another. Full contact with Class I wildlife is authorized only as follows:

I. Class I cats (Felidae only) that weigh not more than twenty-five (25) pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than twenty-five pounds;

III. Gibbons and siamangs not less than four (4) months of age and not more than two (2) years of age;

IV. Elephants as approved in Rule 68A-6.0042, F.A.C.

b. Incidental contact: For the purpose of this section, incidental contact is defined as situations in which an exhibitor or employee handler maintains control, possession and supervision of the animal while permitting the public to come into contact with it. Incidental contact with Class I wildlife is authorized only as follows:

I. Class I carnivores except cheetahs and cougars that weigh not more than 40 pounds;

II. Chimpanzees, orangutans, and gorillas that are not less than six (6) months of age and weigh not more than 40 pounds;

III. Gibbons and siamangs that are not less than four (4) months of age: no maximum poundage or age limit;:

IV. Elephants;

V. Incidental contact with other Class I wildlife must be approved in writing by the Commission prior to the use of the wildlife for incidental contact with the public. Factors to be considered when approving such contact are found in subparagraph (3)(a)1.

3. Public contact or handling intervals for Class I wildlife shall be limited as to frequency, intensity, and duration so that such handling will not adversely affect the health, welfare, or safety of the animals, nor expose the public to injury.

(4) through (5) No change.

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of

all changes in inventory including births, deaths, acquisitions and sales or transfers of all wildlife. Such records shall be open to inspection upon request by commission personnel.

(a) Records of births or deaths must include the date of the birth or death and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch or litter.

(b) Records of acquisition must include the date of acquisition; quantity and species of wildlife acquired; name and complete address of the supplier and permit or license identification number of the supplier where applicable.

(7) It shall be unlawful for any person to buy, sell, or transfer any wildlife to or from an unpermitted entity within Florida. No person shall sell or transfer wildlife without documenting such sale or transfer. The record of sale or transfer must be entered in the transferor's records and made available for inspection upon request of Commission personnel for a period of three years after the sale or transfer.

(a) Records of sale or transfer shall include the date of sale or transfer; quantity and species of wildlife sold or transferred; name and complete address of the recipient; and permit or license identification number of the recipient where applicable.

(b) Records of sale or transfer are not required for wildlife that may be possessed for personal use without a permit as specified in paragraphs 68A-6.0022(2)(a)-(v), F.A.C., unless such record keeping requirements are otherwise regulated by other rules of the Commission.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.304, 379.303 FS. History—New 7-1-90, Amended 2-1-98, Formerly 39-6.0023, Amended _____.

68A-6.0024 Commercialization of Wildlife; ~~Public Contact~~; Bonding or Financial Responsibility Guarantee.

(1) Because the possession of wildlife in accordance with Section 379.3761, F.S., is commercial in nature any person permitted to possess wildlife per Section 379.3761, F.S., shall demonstrate consistent and sustained commercial activity in the form of exhibition or sale of such authorized wildlife. Consistent and sustained commercial activity may be demonstrated by the following examples of business procedures including, but not limited to:

(a) A regular media advertising campaign, or Internet Web site;

(b) Signs, billboards or flyers advertising commercial wildlife services or operations;

(c) Regular business hours during which the premises is open for commercial activity.

(d) Written business is conducted on printed letterhead, indicating the name of the company or business;

(e) Documented exhibition of wildlife to the public, with or without a charge;

(f) Sale of wildlife including any lesser acts thereof as defined in Rule 68A-1.004, F.A.C.

(1) through (2) renumbered (2) through (3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.374, 379.305, 379.304, 379.303 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.372, 379.373, 379.374, 379.305, 379.304 FS. History—New 2-1-08, Amended _____.

68A-6.0025 Sanctuaries; Retired Performing Wildlife and Identification.

(1) Only a corporation that is licensed in accordance with Section 379.3761, F.S., and exempt from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code, may operate a wildlife sanctuary for captive wildlife. For the purposes of this section a “wildlife sanctuary for captive wildlife” is defined as a facility established for the sole purpose of providing lifetime care for unwanted or infirmed captive wildlife. Such wildlife sanctuary for captive wildlife shall be operated in compliance with the provisions of Chapter 68A-6, F.A.C., and this section.

(a) Each wildlife sanctuary for captive wildlife must maintain and have available for inspection proof of current status as a Florida registered not-for-profit corporation and proof of current exemption from taxation under section 501(a) of the Internal Revenue Code and described in sections 501 (c)(3) and 170(b)(1)(A)(vi) of such code.

(b) Acts which perpetuate the commercial trade in wildlife, including the trade, sale, offering for trade or sale, breeding except as authorized herein, or buying of captive wildlife or parts thereof, by any such wildlife sanctuary for captive wildlife are prohibited.

(c) Full or incidental contact between the public and such captive wildlife as defined in subparagraphs 68A-6.0023(3)(a)2.-3., F.A.C., is prohibited.

(d) All wildlife maintained by such sanctuary for captive wildlife shall be permanently identified by means of tattoo, brand, passive integrated transponder (PIT tag), photographic identification, or other method that clearly and permanently identifies that particular specimen so as to be distinguished from other specimens of the same species.

1. For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, etc.) to enable that particular specimen to be distinguished from other specimens of the same species.

2. Record of identification including PIT tag numbers where applicable, along with information about the specimen being identified (species, method of identification, specimen

name or number, gender and age) must be maintained in the possessors records for as long as the specimen is possessed. Such records shall be made available for inspection, upon request, of commission personnel. A copy of such record shall be provided to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, upon annual renewal of the license issued in accordance with Section 379.3761, F.S., and authorizing possession of such wildlife.

(e) Rare, endangered or otherwise protected specimens of wildlife may be transferred for breeding purposes in instances where such breeding program clearly enhances the survival potential of the species.

(f) Any sanctuary exhibiting Class I wildlife as listed in Rule 68A-6.002, F.A.C., must meet the bonding or financial responsibility guarantee requirements of paragraphs 68A-6.0024(3)(a)-(f), F.A.C.

(2) Any person licensed in accordance with Section 379.3761, F.S., who possesses performing wildlife that due to its age or physical condition may no longer perform, may retain such retired performing wildlife for the purposes of providing lifetime care for said wildlife. Such retired performing wildlife shall be permanently identified and records maintained and submitted as prescribed in paragraphs (1)(d)1.-2., above.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921 FS. History—New _____.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

(a) No change.

(b) All cages or enclosures constructed of chain link or other approved materials shall be well braced and securely anchored at ground level to prevent escape by digging or erosion. Cages shall be constructed using metal clamps, ties or braces of equivalent strength as the material required for cage construction for the particular species. Cages or enclosures using the ground as flooring must meet the following requirements:

1. For enclosures housing wildlife that exhibits a behavior of digging or burrowing: Enclosures shall have a footer or bottom apron constructed of concrete, chainlink or equivalent strength material as specified in this rule for the housing of such wildlife. The footer must be a depth of 3 feet. In the instance of a bottom apron, the bottom apron must be securely attached to the bottom of the enclosure fencing or wall and extend inward into the enclosure a minimum of 3 feet. The bottom apron must be buried to prevent injury to the captive wildlife in the enclosure.

2. For enclosures affected by erosion: Measures must be taken to stop the erosion. Such measures may include, but are not limited to, a footer or bottom apron as described above or other measures capable of ensuring the structural integrity of the enclosure and preventing the escape of the captive wildlife.

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notification of escapes: Any person authorized to possess any Class I wildlife as listed pursuant to Rule 68A-6.002, F.A.C., must report any escapes from the primary caging or enclosures or the approved facility location; or other enclosure, cage, leash or other constraint when wildlife is away from such approved facility location, to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement. Such reporting shall occur immediately upon discovery of the escape. Any person authorized to possess Class I wildlife shall maintain a list of the current contiguous land owners or neighbors in Part B of the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 (06/09 02-06), as required in subsection 68A-6.0022(7), F.A.C. Such list shall include the name, address and contact phone number for contiguous land owners or neighbors. For the purposes of this section a "contiguous land owner or neighbor" shall mean the current resident for all properties sharing a common boundary with the facility location. The entire width of a dedicated roadway shall be considered sharing a common boundary in instances of a dedicated roadway between neighboring properties.

- (b) No change.
- (c) Facility requirements:
 - 1. through 4. No change.
 - 5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

- a. through f. No change.
- g. Cape Buffalos and Gaur (family *Bovidae*) (~~*Syncerus caffer caffer*~~)
- h. Hyenas and Aardwolf (family *Hyaenidae*)

(d) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements of subparagraphs (2)(c)1.-4., as listed above:

- 1. through 3. No change.

4. Non-human primates: Uakaris (*genus Cacajao*), Bearded Sakis (*genus Chiropotes and Pithecea*), and Guenons (*genus Cercopithecus*) not including Patas monkeys (*genus Erythrocebus*). De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(e) Any Class I or Class II wildlife exempt from meeting the facility requirements of subparagraphs (2)(c)1.-4., of this rule must meet the following:

- 1. through 3. No change.
- (f) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3761, 379.3762 FS. History--New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08, 1-8-08,_____.

68A-6.004 Standard Caging Requirements for Captive Wildlife.

(1) No captive wildlife shall be confined in any cage or other enclosure which contains more individual animals, or is smaller in dimension than as specified in this section, or is not equipped as specified in this section, except as defined in Rule 68A-6.0041, F.A.C., or as authorized in accordance with the following:

Requests for deviations from standard caging or enclosure requirements may be granted to allow for different size configuration (length, width and height) if the required square footage is adequate and if the locomotory needs of the animal(s) are not compromised. Wet or dry moats may be substituted for the required fencing for retaining some species of wildlife. Any proposed deviations from the standard caging or enclosure requirements, or proposals to use wet or dry moats to substitute for fencing, or proposals to use open air habitats except as provided herein, must be approved in writing by the Commission prior to the use of the cage or enclosure for housing animals.

- (2) through (3) No change.
- (4)(a) through (c) No change.
- (d) Pandas (red).
- 1. through 3. No change

In addition to the requirements for this section, each cage or enclosure shall be provided with an environment or devices that allows for temperature regulation necessary to ensure the well-being of the species. Each cage or enclosure shall have an accessible device to provide physical stimulation or

manipulation compatible with the species. Such device shall be noninjurious, and may include, but is not limited to, climbing apparatus, foraging/browse items, pools of water, etc.

(e) through (q) No change.

(5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended 1-1-08, _____.

68A-6.0041 Exceptions to Standard Caging Requirements for Captive Wildlife.

Wildlife may be temporarily housed in cages or enclosures smaller than the sizes set forth in Rule 68A-6.004, F.A.C., only under the following circumstances:

(1) through (2) No change.

(3) The standard caging requirements, as defined in Rule 68A-6.004, F.A.C., except for the fencing requirements, shall not apply to facilities possessing ratites (ostriches, rheas, emus, and cassowaries) for propagation purposes only and not for public exhibition or as personal pets. Facilities possessing bison for propagation purposes only and not for public exhibition or as personal pets are exempt from the standard caging requirements, as defined in Rule 68A-6.004, F.A.C.

(4) Newborn and juvenile mammals may be temporarily kept in enclosures below the standard caging requirements and are exempted from the facility multi-unit/land requirements: of subparagraphs 68A-6.003(2)(e)1.-2. 68A-6.0022(5)(e), F.A.C., and structural strength requirements, Rule 68A-6.003, F.A.C., as follows:

(a) through (b) No change.

(5) through (9) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.303, 379.3711FS. History—New 7-1-90, Amended 7-1-92, 2-1-98, Formerly 39-6.0041, Amended _____.

68A-6.005 Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals.

(1) This rule section applies to all Class I, all Class II and all Class III animals except those listed in subsection 68A-6.0022(2), F.A.C.

(2)(+) General requirements for transporting wildlife in vehicles. No vehicle shall be used in transporting any wildlife except as follows:

(a) through (f) No change.

(g) Wildlife must be transported in a cage or enclosure. The cage or enclosure must be labeled "Live Animal" and list the number of specimens and common and scientific name of the wildlife. For wildlife that is transported in a trailer or compartment of a trailer, a label stating "Live Animal" must be affixed to the trailer access or loading door and the list. The list containing the number of specimens and common and scientific name of the wildlife must be maintained in the vehicle. The animal's cage or enclosure shall be as follows:

1. Be of sufficient strength and security to prevent escape.

2. The cage or enclosure shall be large enough to ensure that each specimen has sufficient space to turn, stand erect, and lie naturally. Provided, however that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons. Elephants shall be tethered during transport (except nursing young).

(h) through (i) No change.

(2) through (3) renumbered (3) through (4) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304 FS. History—New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.05, Amended 5-10-87, 2-1-98, Formerly 39-6.005, Amended _____.

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern.

(1) Any person who keeps, possesses, exhibits or sells any venomous reptiles or reptile of concern shall comply with Sections 379.372, 379.373, 379.374, 379.305, 379.304, and 379.303, and 379.3761, F.S., and the provisions of this rule. The following reptiles, including their taxonomic successors, any subspecies or hybrids thereof, are designated as reptiles of concern:

(a) through (c) No change.

(d) Amethystine or Scrub python (*Morelia amethystinus* spp.) (all species exceeding 12 feet in length upon maturity)

(e) through (f) No change.

(2) No change.

(3) Experience requirements: Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for

which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

- a. A description of the specific experience acquired.
- b. The dates the experience was obtained and the specific location(s) where acquired.
- c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience. One of these references of which must be licensed by the commission for venomous reptiles of the same family for which the applicant is seeking authorization or a representative of a professional organization or governmental institution. Examples of such organizations or institutions include, but are not limited to, universities, public service agencies, zoological associations, herpetological societies and veterinarians.
- d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. through 3. No change.

4. Any licensed corporation authorized to do business in Florida may apply for a permit or other authorization to possess venomous reptiles. Such corporation must have qualified personnel responsible for the care of such venomous reptiles. The corporation must provide documentation of experience for at least one person. Such person shall comply with the requirements defined in paragraphs 68A-6.007(2)(a)-(b) and subparagraphs (3)(a)1.-3., F.A.C., above. Such documentation of experience shall be submitted to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, and subject to approval upon initial application and upon each instance of change in qualified personnel.

(b) No change.

(4) Facility requirements: All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in cages, cases, pits or enclosures of the following specifications:

(a) through (b) No change.

(c) Outdoor open-topped enclosures:

1. through 4. No change.

(5)5. Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible cage enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

~~(a)A-~~ Bite or Exposure Protocol: Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained.

~~(b)B.~~ Cage Enclosure Identification System: Each cage or enclosure housing venomous reptiles shall be clearly marked with a card or sign clearly stating "Danger Venomous Reptile" and identifying the species contained therein by common and scientific name. Such card or sign shall be clearly visible. A card or sign shall accompany the venomous reptile when it is removed from the cage or enclosure for handling or transport purposes.

~~(c)C~~ Facilities with one or more licensee at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All cages or enclosures must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(5) through (6) renumbered (6) through (7) No change.

~~(8)7~~ Transporting: Any person transporting venomous reptiles shall comply with Section ~~379.372~~ 372.86, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap or box of solid construction which is locked or otherwise secured. The sack, trap or box shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes which shall be screened. Boxes containing venomous reptiles shall be prominently labeled "Danger – Venomous Reptiles."

~~(9)8~~ Disaster and Critical Incident Plans: Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE_619 ~~(06/09 02-06)~~, which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE_619 shall be submitted at the time of initial application or renewal; and Part

B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(a) Provisions of this subsection shall apply to permittees maintaining venomous reptiles or reptiles of concern in Florida.

(b) For permittees where the facility is located out of state, the provisions of this subsection shall apply when such permittee is in travel status with venomous reptiles or reptiles of concern. In this instance Part B must accompany the venomous reptile or reptile of concern while in travel status in Florida and shall describe the course of action to be taken in the event of a critical incident or natural disaster in Florida.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.373, 379.374 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.372, 379.373, 379.374, 379.3761, 379.303, 379.304, 379.3762, 379.305 FS. History–New 1-1-08, Amended 1-8-08,_____.

68A-6.0071 Record Keeping and Reporting Requirements.

Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with Section 379.372, and if applicable Section 379.3761, F.S., and if applicable Section 379.304, F.S., and comply with Sections 379.304, F.S. and the provisions of this rule, Rule 68A-6.007, F.A.C., and, if applicable, Rule 68A-6.0072, F.A.C.

(1) Record Keeping: Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (06/09 42-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by commission personnel.

(a) through (c) No change.

(2) Reporting:

(a) Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with Section 379.372 or 379.3761 379.304, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (06/09 42-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and six months thereafter.

(b) Persons possessing any live venomous reptile or reptile of concern in accordance with Section 379.372 and 379.304, F.S., or any live reptile of concern in accordance with Section

379.303, F.S., for personal use shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE_620IV-R (06/09 42-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and upon any instance of inventory change.

(c) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.303, 379.304, 379.305, 379.372, 379.373, 379.374 FS. History–New 1-1-08, Amended 1-8-08,_____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The purpose of the proposed rule change is to remove the cost and number of Recreational User Permits (RUPs) available on two privately owned Wildlife Management Areas (WMAs), as requested by the landowners. The effect of the proposed rule changes will be to remove these areas from the WMA system.

SUMMARY: The proposed rule change as requested by the landowners would remove the cost and number of permits available for two WMAs as follows:

San Pedro Bay WMA – Remove the cost of the permits (\$225) and the number available (310).

Robert Brent WMA – Remove the cost of the permits (\$150) and the number available (100).

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution; 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 375.591, 379.1025, 379.2223 FS.

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day
 PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida 34429

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Section 372.57(8)(g)1., F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 372.57(8)(g)1., F.S., shall be:

1. No change.

~~2. San Pedro Bay WMA — \$225~~

3. through 4. renumbered 2. through 3. No change.

~~5. Robert Brent — \$150~~

6. through 9. renumbered 4. through 7. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 372.57(8)(g)1., F.S., shall be:

1. No change.

~~2. San Pedro Bay WMA — 310~~

3. through 4. renumbered 2. through 3. No change.

~~5. Robert Brent — 100~~

6. through 9. renumbered 4. through 7. No change.

(d) through (f) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS, Law Implemented 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09, _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.006
 RULE TITLE: Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule is to address the rehabilitation of injured, orphaned or otherwise impaired wildlife. The proposed rule will clarify the length of time wildlife may be possessed for rehabilitation purposes and final disposition of such wildlife. The rule will be considered together with proposed changes to Rule Chapter 68A-6, F.A.C., relating to wildlife in captivity.

SUMMARY: The proposed rule addresses the requirements for the rehabilitation of native wildlife.

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

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

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

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

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

DATES AND TIME: During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.006 Wildlife Rehabilitation Permit.

(1)(a) No person shall possess any sick, injured, orphaned, or otherwise impaired wildlife for rehabilitation purposes without a permit from the executive director in accordance with this rule section, ~~and, if possessing migratory birds, a joint state-federal permit from the executive director, approved by the director of the United States Fish and Wildlife Service.~~

(2) A federal permit authorizing rehabilitation of migratory birds, approved by the director of the United States Fish and Wildlife Service, is required if possessing migratory birds for rehabilitation purposes.

(3)(2) Application requirements:

(a) An applicant shall make written application to the Commission by completing the Joint State/Federal Special Purpose Permit Application for Wildlife and Migratory Bird Rehabilitation application form. Such application form shall be available at the Florida Fish and Wildlife Conservation Commission's Tallahassee and regional offices, or at http://www.myfwc.com/RULESANDREGS/Rules_Captive_in_dex.htm. Rehabilitator Application Form (FWC Form 2000

~~WR, effective 11-6-94, and incorporated herein by reference and available at the Commission's Tallahassee and regional offices).~~ An applicant must be 18 years of age, or older.

(b) through (d) No change.

(e) A rehabilitation permit ~~is not shall not be~~ required for care or treatment of exotic or non-native wildlife, provided that persons possessing Class I, ~~or~~ Class II or Class III exotic wildlife are licensed according to Rule 68A-6.002, F.A.C.; and persons possessing venomous reptiles or reptiles of concern are licensed in accordance with Rule 68A-6.007, F.A.C. Sick or injured exotic or non-native wildlife shall not be comingled in the same cage or enclosure with sick, injured or otherwise impaired native wildlife.

(f) Exotic or non-native wildlife or domestic animals may be used for fostering orphaned native wildlife.

~~(g)(f)~~ In addition to the above requirements, applications shall be subject to general application requirements and standards of Rule 68A-5.004, F.A.C.

~~(4)(3)~~ The inspection requirements for wildlife rehabilitation facilities are as follows:

(a) through (c) No change.

~~(5)(4)~~ Standards for Wildlife Rehabilitation.

(a) Care, disposition, dispersal, or release of wildlife, their carcasses, parts, products or progeny shall be as follows:

1. Wildlife possessed for rehabilitation purposes may be held no longer than 180 days before it must be released, transferred or euthanised. Wildlife shall be rehabilitated in such a manner as to be able and ready to survive release into the wild. Species of native wildlife that fully recover shall be released into the wild, except American alligators and American crocodiles. Fully recovered individual animals of these species must be placed into a properly licensed exhibition, educational, or breeding facility as directed by commission personnel. The release of native wildlife shall occur at or near the point of capture, or onto habitat where such wildlife naturally occur, and which will biologically support the species.

2. Wildlife may be retained for rehabilitation purposes longer than the 180-day period in instances where a licensed veterinarian has certified that a longer holding period is necessary in the interest of the health and welfare of the wildlife. Medical records concerning all wildlife for which an extension of the 180-day period is obtained shall be maintained at the facility and made available for inspection, upon request, by Commission personnel.

3.2. Wildlife undergoing rehabilitation or medical treatment shall not be exhibited. Permittees may keep wildlife with permanent physical impairments for educational display under permit in accordance with Section 379.3761, F.S., and Chapter 68A-6, F.A.C.

~~4.3.~~ When wildlife has been diagnosed as “psychologically impaired or imprinted” by an independent rehabilitator and a veterinarian it shall not be considered non-releasable unless such finding is approved by the Commission.

5. When wildlife has been diagnosed as “physically impaired” it shall be evaluated by an independent rehabilitator or veterinarian and an authorized Commission representative before it is considered to be non-releasable due to its physical impairment.

~~6.4.~~ Permittees shall place non-releasable wildlife in a properly licensed exhibition, educational, or breeding facility.

~~7.5.~~ Wildlife may be transferred or relocated to other licensed rehabilitation facilities at the discretion of the Commission to facilitate alternative treatments and optimum care.

~~8.6.~~ When euthanasia of wildlife is necessary, euthanasia shall be humane.

(b) through (i) No change.

(j) Permittees receiving any species classified as state endangered shall notify the Tallahassee office of the Commission’s Division of Law Enforcement within seventy-two (72) hours of the receipt of the wildlife.

(k) through (m) No change.

~~(6)(5)~~ Under certain emergency conditions, such as oil spills, hurricanes, floods, and other natural or manmade disasters, the Commission may impose additional restrictions or provide for permit exemptions as may be necessary to safeguard affected wildlife such as, but not limited to, the coordination and direction of rehabilitation permittees and their facilities, the assignment of zones for implementing rehabilitative services, and the authorization of additional volunteers to aid in the capture and treatment of wildlife.

~~(7)(6)~~ The permit may be subject to revocation, suspension, or non-renewal in accordance with Rule 68A-5.004, F.A.C.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-6-94, Formerly 39-9.006, Amended _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.011
RULE TITLE: Regulations Governing the Establishment and Operation of Game Farms

PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace substantive portions of existing statute, Section 379.302, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUMMARY: The proposed rule addresses and clarifies the requirements for establishment and lawful operation of game farms in Florida.

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution, 379.3711 FS.

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

DATES AND TIME: During the regular meeting of the Commission; June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.011 Regulations Governing the Establishment and Operation of Game Farms.

(1) Any person may establish, maintain, or operate a game farm within this state for the protection, propagation, raising or production of native or non-native game for private or commercial purposes. Before a game farm is established the owner or operator must be licensed and comply with the provisions of this rule.

(a) Such game farm must not exceed an area of 640 acres owned or leased and no game farm may join or be connected to another game farm. In the event that the facility location is under lease to the applicant, said lease must be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license.

(b) All game farms must be fenced in such manner that domestic game thereon may not escape and wild game on surrounding lands may not enter. Game farms are subject at any time to inspection by commission personnel, for compliance with Commission rules and other applicable laws. No game farm license shall be issued for the possession of game until the premises of such game farm has been inspected and approved by commission personnel.

(c) Game reared or produced on game farms is considered personal property and may be sold or disposed of as such.

(d) It is unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida. Game raised or produced on game farms may be purchased, sold, shipped, and transported for propagation, restocking or food purposes. Recipients of any live game received from a game farm must be licensed pursuant to this rule, Section 379.3761 or 379.3712, F.S., unless exempt from the licensing provision.

(e) The licensing provisions of this rule shall not apply to:

1. The possession, protection, propagation, raising or production of bison for commercial farming purposes.

2. The protection, propagation, raising or production of 50 or fewer live bob white quail or non-native game birds (except non-native ducks and geese) for personal use, consumption, educational, dog training or other not-for-sale or exhibition purpose.

3. Persons purchasing or receiving eggs for food or consumptive purposes.

(2) All game farms established under the provisions of this section must comply with Chapter 68A-6, F.A.C., concerning the provisions of food, humane treatment, sanitary conditions, housing and transportation. Those game farms acquiring,

possessing, selling or otherwise disposing of deer, elk or other members of the Family *Cervidae* must also comply with Rules 68A-4.005, 68A-4.0051 and 68A-4.0053, F.A.C., concerning introduction, importation, movement, and transportation requirements. Those game farms acquiring, possessing, selling or otherwise disposing of mallard ducks must also comply with Rule 68A-4.0052, F.A.C.

(3) The person holding a game farm license must maintain a record of each of the following changes in inventory: acquisitions of game, animals harvested for personal consumption, and sale or transfer of game, alive or dead. Such records shall be open to inspection upon request by commission personnel:

(a) Records of acquisition must include the date of acquisition; quantity and species of game acquired; name and complete address of supplier; and license identification number of supplier, where applicable.

(b) Records of sale or transfer must include the date of sale or transfer; quantity and species of game sold or transferred; name and complete address of the entity to which game is sold or transferred; and license identification number of the recipient, where applicable.

(c) Any person holding a game farm license who imports or conducts intrastate movement of deer, elk, or other members of the Family *Cervidae* must keep and maintain copies of all records of compliance with Rules 68A-4.0051 and Chapter 5C-26, F.A.C., regarding the importation or intrastate movement of such deer, elk, or other members of the Family *Cervidae*.

(4) All game sold for food or consumptive purposes must be killed on the premises of the game farm or transported to a licensed processing facility for immediate processing. In instances where live game is transported to a licensed processing facility for immediate processing a copy of the current and valid game farm license of the farm where such game was produced must accompany the live game in transport. In instances where live game is sold or transferred, the transporter of such game must comply with the provisions of subsection (7) herein.

(a) Game for which there is an open season may not be killed by shooting, except during the open season for such game.

(b) Only the game farm licensee or the licensee's bona fide employee may kill game on the game farm premises. For each bona fide employee the licensee must make available for inspection the employee's employment file or other proof of employment status.

(5) Harvested game sold or transferred for food or consumptive purposes must comply with the following provisions:

(a) The sale of deer meat (venison) from species of deer native to the state is prohibited.

(b) Each game bird or the sealed container in which game birds are placed must be clearly marked with the species and the name, complete address, and license identification number of the game farm producing the game.

(c) Deer meat (venison) from species of deer not native to the state may only be sold when packaged in a tamper-proof container clearly marked with a label stating "NON-NATIVE VENISON (species identified) PRODUCED ON A LICENSED GAME FARM." Additionally, each container must be clearly marked to indicate the name, complete address, and license identification number of the game farm producing the game.

(d) If harvested game stored on the premises of the game farm has been sold or transferred, it must be clearly marked or tagged to reflect the name and complete address of the recipient, and the date of sale or transfer.

(e) Game harvested on a game farm and stored on the premises may not be commingled with game taken from the wild.

(f) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale or regulation of foodstuff and meat products.

(6) Unless otherwise provided in this section, no person or common carrier may purchase, receive, possess, or transport any game originating from a game farm without a bill of sale or transfer clearly indicating: the quantity and species of game; the name, complete address and license identification number of the game farm producing the game; the date of sale or transfer; and the name, complete address and, where applicable, license identification number of the recipient. Any person licensed pursuant to the provisions of this rule transporting game for personal consumption, which was produced under the authorization of their license, may transport game without a bill of sale or transfer, provided their valid Game Farm License accompanies the shipment. Any package or container containing such game must be clearly marked as follows:

(a) Any package or container containing harvested game for food or consumptive purposes must be clearly marked as provided in this rule.

(b) Any container containing live game must be clearly marked to indicate: the quantity and species of game contained there in; the name, complete address, and license identification number of the game farm producing the game; the date of sale or transfer; and the name, complete address, and license identification number of the recipient, where applicable.

(7) An applicant must make written application to the Commission by completing the Game Farm License application form. Such application form may be obtained online at <http://www.myfwc.com/license> or by contacting the Florida Fish and Wildlife Conservation Commission, Division

of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The applicant for a Game Farm License must provide the following information:

(a) The business name of the proposed game farm, where applicable.

(b) The complete mailing address to include city, state and zip code for the applicant.

(c) The complete facility address where the game farm is located to include city, state, and zip code. If the address is a rural route, the applicant must provide directions to the location of the game farm.

(d) The County where the game farm is located.

(e) The list of game to be raised on the game farm.

(f) The applicant's printed name, signature, and contact information to include home phone number and business phone number.

(g) The applicant's biographical information to include Date of Birth, Social Security Number, height, hair color, sex and race.

(h) A copy of the valid and current lease agreement in the event that the facility location is under lease to the applicant.

(i) Submission of an e-mail address for the applicant is optional.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.302, 379.3711 FS. History–New _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:
68A-15.062

RULE TITLE:
Specific Regulations for Wildlife Management Areas – North Central Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the San Pedro Bay Wildlife Management Area (WMA). The effect would be that the area would be removed from the WMA system; at the request of the landowner.

SUMMARY: The proposed rule change would eliminate the rules for the San Pedro Bay Wildlife Management Area at the request of the landowner.

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

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

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

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

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

DATES AND TIME: During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (20) No change.

~~(21) San Pedro Bay Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun—November 14 through January 10.~~

~~2. Small game—January 11 through March 7.~~

~~3. Spring turkey—March 20 through April 25.~~

~~4. Archery—September 26 through October 25.~~

~~5. Muzzleloading gun—October 31 through November 8.~~

~~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 11 through March 1.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Deer dogs may be trained between the established muzzleloading gun season and general gun season.~~

~~2. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C.~~

~~3. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.~~

~~4. Public access to the area is prohibited from one and one-half (1.5) hours after sunset to one and one-half (1.5) hours before sunrise.~~

~~5. Vehicles may only enter and exit the area at designated entrances.~~

~~6. Horses are permitted only during periods closed to hunting.~~

~~7. Fires are prohibited.~~

~~8. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S.~~

~~(22) through (42) renumbered (21) through (41) No change.~~

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 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, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, _____.

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

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.063
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northwest Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the Robert Brent Wildlife Management Areas (WMA). The effect would be that the area would be removed from the WMA system; at the request of the landowner.

SUMMARY: The proposed rule change would eliminate the rules for the Robert Brent Wildlife Management Area at the request of the landowner.

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

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day
 PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

- (1) through (7) No change.
- ~~(8) Robert Brent Wildlife Management Area.~~
- ~~(a) Open season:~~
 - 1. General gun — November 26-29 and December 12 through February 3.
 - 2. Small game — November 14-25, November 30 through December 11 and February 4 through March 7.
 - 3. Spring turkey — March 20 through April 25.
 - 4. Archery — October 17 through November 15.
 - 5. Muzzleloading gun — November 20-22.
 - 6. Archery and muzzleloading gun — February 18-28.
 - 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 the 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 26-29 and from December 12-23. Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. The take of wild hog is prohibited during small game season. Wild hog: daily bag, 1; possession limit, 2.~~
- ~~(c) Camping: Prohibited.~~
- ~~(d) General regulations:~~
 - 1. The use of all terrain vehicles is prohibited.
 - 2. Vehicles may be operated only on established roads. Vehicle access and use may be further modified in the event of a reduction in acreage in the WMA.
 - 3. Vehicular access will be limited to designated hunting days and for a period of one week prior to the archery and general gun seasons for scouting. Hunters shall enter and exit the area through Road 2 or Road 1 only.
 - 4. Taking wildlife with dogs other than bird dogs is prohibited.
 - 5. Taking of wildlife by use of a gun on or from right of way of State Road 65 is prohibited as provided by Rule 68A-4.008, F.A.C.
 - 6. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken, during the muzzleloading gun, general gun and archery/muzzleloading gun seasons.
 - 7. Taking or attempting to take wildlife on, upon or from the rights of way of any named or numbered road is prohibited.
- (9) through (26) renumbered (8) through (27) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

~~Rulemaking Specific~~ Authority Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History— New 6-21-82, Amended 7-1-83, 7-5-84, 7-1-85, 5-7-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 9-1-91, 7-1-92, 7-2-92, 7-1-93, 3-1-94, 7-1-94, 7-1-95, 7-2-95, 8-15-95, 7-1-96, 7-2-96, 6-1-97, 12-3-97, 7-1-98, 7-2-98, 8-11-98, 7-1-99, Formerly 39-15.063, Amended 11-17-99, 7-1-00, 7-1-01, 7-22-01, 6-2-02, 5-1-03, 7-1-03, 7-1-04, 7-2-04, 8-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 7-1-09,_____.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.064
 RULE TITLE: Specific Regulations for Wildlife Management Areas – South Region

PURPOSE AND EFFECT: The purpose of the proposed rule change is to eliminate the rules for the Frog Pond Wildlife Management Area (WMA). The effect would be that the area would be removed from the WMA system.

SUMMARY: The proposed rule change would eliminate the rules for the Frog Pond Wildlife Management Area.

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

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

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

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

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m. each day.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.064 Specific Regulations for Wildlife Management Areas – South Region.

(1) through (5) No change.

~~(6) Frog pond—Dade County.~~

~~(a) Open season:~~

~~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.~~

~~(b) Legal to take: Mourning and white-winged doves.~~

~~(c) Camping: Prohibited.~~

~~(d) General regulations:~~

~~1. Persons must possess a special opportunity dove permit to hunt doves.~~

~~2. All hunters shall check in and out at a designated check station when entering or exiting the area. Hunters may enter the area beginning at 11:00 a.m. and must exit the area by one (1) hour after sunset.~~

~~3. Taking wildlife with firearms other than shotguns is prohibited. Taking wildlife with shotshells containing shot sizes other than No. 7 1/2, 8, 8 1/2, and 9 is prohibited.~~

~~4. Hunting with dogs other than retrievers is prohibited.~~

~~5. The use of vehicles off established roads is prohibited.~~

~~6. Hunt stations shall be assigned on a first come, first served basis at the check station. Hunters shall be within 100 feet of their assigned hunt station marker when taking or attempting to take doves.~~

~~7. Shooting hours: Noon until sunset.~~

(7) through (12) renumbered (6) through (11) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 FS. Law Implemented Art. IV, Sec. 9, Fla. Const. 375.313, 379.2223 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, 8-1-05, 7-1-06, 7-2-06, 7-1-07, 7-5-07, 7-1-08, 7-1-09, _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to change the allowable number of freshwater turtles and the types of freshwater turtles that may be harvested in order to protect freshwater turtles from over exploitation.

SUMMARY: The proposed rule would address the taking and possession of wild native Florida freshwater turtles as follows: prohibit the selling of native Florida turtles taken from the wild; prohibit take of turtle eggs from the wild; possession or transportation turtles listed as Species of Special concern would be prohibited; prohibit the take of specified turtles; set a season for take of Soft-shell turtles; limit each person to taking one turtle daily of the species for which take is allowed; preserve the current possession limit of two for certain specified turtles; impose a transport limit of one turtle with exceptions; and allow Certified turtle aquaculture facilities to collect wild turtles as brood stock under a permitting system that would be reviewed in the calendar year 2011.

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

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

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

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

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

DATES AND TIME: During the regular meeting of the Commission, June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL 34429

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles

(1) through (5) No change.

(6) Turtles.

(a) Take and possession –

1. No person shall take, transport, or possess any turtle listed in Rule 68A-27.005, F.A.C. (alligator snapping turtle (*Macrochelys temminckii*), Barbour’s map turtle (*Gratemys barbouri*) or Suwannee cooter (*Pseudemys suwanniensis*)), their eggs, or parts thereof except as provided in Rule 68A-27.005, F.A.C.

2. For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

a. No person shall take more than one turtle per day unless authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C.

b. Turtle eggs may not be taken from the wild.

c. Turtles may only be taken by hand, baited hooks, minnow seine nets or dip nets.

d. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.) or snapping turtles (*Chelydra* spp.) from the wild.

e. No softshell turtles (*Apalone* spp.) may be taken from the wild during the period May 1 to July 31.

f. No person shall possess more than two Escambia map turtles (*Graptemys ernsti*), two diamond-backed terrapins (*Malaclemys terrapin*), two box turtles (*Terrapene carolina*), or two loggerhead musk turtles (*Sternotherus minor*).

g. The Commission recognizes aquaculture as an alternative to commercial harvest of wild populations of freshwater turtles. An owner, manager, agents or director of an aquaculture facility certified by the Florida Department of Agriculture and Consumer Services pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C., may harvest freshwater turtles as brood stock for scientific or commercial aquaculture as authorized by permit from the executive director limiting the location of harvest activities, duration of harvest activities, species of turtles to be harvested, number and size of turtles to be harvested to prevent overharvest of freshwater turtles.

(b) Transport – No person shall transport more than one turtle or any turtle eggs unless authorized by one of the following:

1. A permit from the executive director as provided in Rule 68A-9.002, F.A.C. An individual transporting turtles under the authority of this permit shall possess a copy of the permit.

2. An aquaculture facility certification issued by the Florida Department of Agriculture and Consumer Services under Section 597.004, F.S. and Chapter 5L-3, F.A.C. An individual transporting turtles under the authority of this certification shall possess a copy of such certificate.

3. A license for sale or exhibition of wildlife under Section 379.3761, F.S. An individual transporting more than one turtle under the authority of this license shall possess a copy of such license.

4. Documentation of the source and supplier of the turtles, indicating the purchase date; quantity and species of turtles acquired; name and complete address of supplier; and license identification number of supplier where applicable.

(c) Sale – No person shall buy, sell, or possess for sale turtles, their eggs or parts thereof, that have been taken from the wild.

No person shall take more than a total of five (5) native Florida freshwater turtles each day unless authorized by permit from the Executive Director as provided in Rules 68A 5.004, 68A 9.002, and 68A 27.002, F.A.C., except that holders of commercial freshwater fishing licenses as provided in Section 379.363, F.S., may take an additional fifteen (15) Florida softshell turtles (*Apalone ferox*) for a total of 20 turtles in the aggregate per day. Freshwater turtles may be taken as prescribed in Rules 68A 23.012 and 68A 23.003, F.A.C., and

manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macroclemys temmincki*), box turtle (*Terrapene carolina*), Barbour's map turtle (*Graptemys barbouri*), Escambia River map turtle (*Graptemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys concinna*), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two Barbour's map turtles, two Escambia River map turtles, two diamondback terrapins, two river cooters, two box turtles, two loggerhead musk turtles, or one alligator snapping turtle unless authorized by permit from the executive director as provided in Rule 68A-9.002 and Chapter 68A-27, F.A.C. River cooters may not be taken from 15 April to 31 July.

(7) No softshell turtles (*Apalone* spp.) or their eggs may be taken from the wild during the period 1 May to 31 July.

(8) No person shall possess more than 50 eggs taken from the wild. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(9) through (13) renumbered (7) through (11) No change.

(14) On or after July 1, 1990, and until January 1, 2008, any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

(a) Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(c), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.

(b) Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.

(c) Must be at least 18 years old at the time of application.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08,

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Breault, Director, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.032
 RULE TITLE: Regulations Governing the Establishment of Alligator Management Programs

PURPOSE AND EFFECT: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple farming or trapping agent licenses when assisting more than one farmer or trapper, respectively, giving farmers and trapper's greater flexibility in collecting alligator eggs and hatchlings and harvesting alligators.

SUMMARY: The proposed changes would eliminate the requirement that all farming and trapping agent license holders assist in permitted activities only while in the presence of specific alligator farming or alligator trapping license holders, respectively, under which the agent licenses were issued.

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

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

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

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3012 FS.

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

DATES AND TIME: During the Commission's regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators may only be established on private lands and on public lands, other than sovereign submerged lands, for which a governmental entity can demonstrate an ownership interest or a leasehold interest and approval of the owner (referred to as "public lands" in this section) under the following conditions:

- (1) No change.
- (2) Procedures governing the issuance of harvest permits and the taking of non-hatchling alligators.
 - (a) through (d) No change.
 - (e) Any person possessing a valid alligator trapping or trapping agent's license ~~The designee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in the presence of that trapper~~ may take non-hatchling alligators provided they are authorized to do so by the designee. Authorized licensees taking non-hatchling alligators independently of the designee shall be in possession of a copy of the harvest permit.
 - (f) through (g) No change.
 - (3) Procedures governing the issuance of collection permits and the taking of alligator eggs and hatchlings.
 - (a) through (g) No change.
 - (h) Any person possessing a valid alligator farming or farming agent's license ~~The designee's agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator farmer and licensed agent(s) for that farmer while in the presence of that farmer~~ may take alligator eggs or hatchlings as provided in the harvest permit provided they are authorized to do so by the designee. Authorized licensees taking alligator hatchlings or eggs independently of the designee shall be in possession of a copy of the harvest permit.
 - (i) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032, Amended 5-28-00, 10-10-00, 5-13-02, 3-30-06, 3-19-08, _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.042
 RULE TITLE: Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

PURPOSE AND EFFECT: The proposed change would eliminate the requirement that all trapping agent license holders assist in permitted activities only while in the presence of specific alligator trapping license holders under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple trapping agent licenses when assisting more than one trapper, giving trappers greater flexibility in harvesting alligators.

SUMMARY: The proposed change would eliminate the requirement that all trapping agent license holders assist in permitted activities only while in the presence of specific alligator trapping license holders under which the agent licenses were issued. The effect will be the removal of the need for a person to purchase multiple trapping agent licenses when assisting more than one trapper, giving trappers greater flexibility in harvesting alligators.

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

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution; 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 375.313, 375.591, 379.1025, 379.2223 FS.

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale.

No person shall take non-hatchling alligators from the wild except as provided herein and under other applicable rules of the Commission.

- (1) through (2) No change.
- (3) Alligator trapping requirements:
 - (a) through (f) No change.

(g) Any person possessing a valid alligator trapping or trapping agent’s license ~~The permittee’s agents licensed pursuant to Section 379.3751, F.S., and any licensed alligator trapper and licensed agent(s) for that trapper while in presence of that trapper~~ may take alligators as provided in the harvest permit but only in the presence of the permittee.

- (h) through (5) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3012 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-14-92, 4-29-93, 7-1-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.042, Amended 4-30-00, 5-13-02, 4-11-04, 3-30-06, 3-19-08, 3-12-09, _____.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.003 RULE TITLE: Designation of Endangered Species; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose of this rule change is to remove the peregrine falcon (*Falco peregrinus*) from the State list of endangered species. The effect of this rule change is to change the status of the peregrine falcon from an endangered species to an unlisted migratory bird species.

SUMMARY: The Florida Fish and Wildlife Conservation Commission pursuant to Rule 68A-27.0012, F.A.C., determined that removing the peregrine falcon from the State list of endangered species was warranted. This rule change implements that decision.

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

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

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

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

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions; Permits.

(1) The following species, listed prior to June 23, 1999, are hereby declared to be endangered and shall be afforded the protective provisions specified. No person shall pursue, molest, harm, harass, capture, possess, or sell any of the endangered species included in this subsection, or parts thereof or their nests or eggs except as authorized by specific permit, permits being issued only when the permitted activity will clearly enhance the survival potential of the species.

(a) through (l) No change.

~~(m) Peregrine falcon (*Falco peregrinus*)~~

(n) through (nn) renumbered (m) through (mm) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03,_____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-14.0035	Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper
68B-14.00355	Size Limits for Importation and Sale
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption
68B-14.0039	Recreational Grouper Season
68B-14.0045	Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits
68B-14.0046	Transit Through State Waters During Closed Seasons

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the Commission’s Reef Fish Rule to become mostly consistent with federal reef fish regulations in the Gulf of Mexico. The National Marine Fisheries Service has published rules containing regulatory actions for gag grouper, which is undergoing overfishing, red grouper, and other federally designated shallow water groupers. Federal rule changes will become effective in 2009 subject to approval by the Secretary of Commerce. The Commission is considering changes to state regulations that would: 1) decrease the minimum size of commercially caught red grouper in the Gulf of Mexico from 20 inches to 18 inches total length, 2) reduce the size limit for the importation and sale of red grouper from 20 inches to 18 inches total length, 3) reduce the aggregate bag limit for all Gulf grouper from 5 grouper per person per day to 4 grouper per person per day, and 4) include additional shallow water groupers (red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp) in the February 1 through March 31 recreational gag grouper harvest closure. The closure includes other shallow water grouper species because fishing for them affects the discard mortality of gag grouper.

In addition, there are two final rule amendments proposed for state waters that are not consistent with proposed federal rules: 1) The current commercial closed season of February 15 through March 14 for red, black, and gag grouper will be modified to prohibit all commercial and recreational harvest from February 1 through March 31. Additional shallow water grouper species will be included in the closure (adding

yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp). The effect of this amendment will be to create one closed season for all commercial and recreational harvest of shallow water groupers in Gulf state waters. 2) The direct transit of commercially harvested shallow water groupers legally caught in the Gulf federal waters offshore of Florida will be allowed through state waters of Florida during the February 1 through March 31 closed season in state waters.

The effect of these rule amendments is that federal and state regulations can be applied more consistently to all fishing activity in the Gulf of Mexico. There will be some inconsistency with federal regulations due to the prohibition of commercial fishing in state waters from February 1 through March 31. The overall effect, however, is to more consistently apply regulations to minimize confusion for the public and aid in enforcement of both state and federal fishery regulations. By adopting these regulations the State of Florida will also be contributing to the gulf-wide effort to reduce fishing pressure on gag grouper and allow populations of this species and others to expand. This will help ensure a larger sustainable harvest for the future.

SUMMARY: Rule 68B-14.0035 F.A.C. (Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper) would be amended to reduce the commercial size limit for red grouper in the Gulf from 20 to 18 inches total length. Rule 68B-14.00355 F.A.C. (Size Limits for Importation and Sale) would be amended to reduce the size limit for the importation and sale of red grouper from 20 inches to 18 inches total length. Rule 68B-14.0036, F.A.C. (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjack, Exception, Wholesale/Retail Purchase Exemption) would be amended to reduce the aggregate bag limit for Gulf grouper from 5 grouper per person per day to 4 grouper per person per day. Rule 68B-14.0039, F.A.C. (Recreational Grouper Season) would be amended to include additional shallow water groupers (including red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp) in the February 1 through March 31 gag grouper closure. In Rule 68B-14.0045, F.A.C. (Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits) the current commercial closed season of February 15 through March 14 for red, black, and gag grouper would be modified to prohibit commercial harvest from February 1 through March 31. Additional shallow water grouper species would also be included in the closure (adding yellowfin grouper, yellowmouth grouper, rock hind, red hind, and scamp). The effect of this amendment would be to create one closed season for all commercial and recreational harvest of shallow water groupers in Gulf state waters. Rule 68B-14.0046, F.A.C. (Transit Through State Waters During Closed Season) would be created to allow the direct transit of commercially harvested shallow water groupers legally caught

in Gulf federal waters through Gulf state waters of Florida during the February 1 through March 31 closed season in state waters.

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

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

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

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

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

DATES AND TIME: During the Commission’s regular meeting June 17-18, 2009, 8:30 a.m. – 5:00 p.m., each day

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, FL

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

- (1) through (3) No change.
- (4) Grouper (measured in terms of total length).
- (a) through (d) No change.
- (e) 1. Red grouper harvested recreationally statewide and commercially from the Atlantic Ocean 20 inches.
- 2. Red grouper harvested commercially from the Gulf of Mexico 18 inches.
- (f) through (h) No change.
- (5) through (7) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, 7-1-06, 7-1-07, 4-1-08, 1-6-09,_____.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (c) No change.
- (d) Grouper (measured in terms of total length).
- 1. through 2. No change.
- 3. Red grouper 18 ~~20~~ inches.
- 4. through 5. No change.
- (e) through (f) No change.
- (2) through (4) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-03, Amended 9-16-05, 7-1-06, 7-1-07, 4-1-08,_____.

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

- (1)(a) through (e) No change.
- (f) Cubera snapper.
- 1. Cubera snapper of a total length less than thirty inches (30") shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in subsection (~~8~~7).
- 2. No change.
- (2) Grouper.
- (a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 4 ~~5~~ grouper per day in the Gulf of Mexico excluding waters of Monroe County in any combination of species, or more than a total of 5 grouper per day in the Atlantic Ocean and all waters of Monroe County, in any combination of species.

- (b) through (g) No change.
- (3) through (9) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09,_____.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, the closed season for the recreational harvest and possession of gag grouper, red grouper, black grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp shall be from February 1 through March 31, each year.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-6-09, Amended _____.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.
 - (a) through (d) No change.
 - (e)1. No change.

2. Except as provided in Rule 68B-14.0046, F.A.C., beginning February 1 15 and continuing through March 31 14 of each year, the harvest, possession, or landing of in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, black grouper, or red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.

- (f) through (h) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, _____.

68B-14.0046 Transit Through State Waters During Closed Seasons.

The season, possession and bag limit restrictions contained in Rule 68B-14.0045, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters of the Gulf of Mexico with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be removed from the

rod holder and stowed securely on or below deck. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-57.012
RULE TITLE: *Casuarina Cunninghiana* Windbreaks

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. 35, No. 18, May 8, 2009 issue of the Florida Administrative Weekly.

5B-57.012 *Casuarina Cunninghiana* Windbreaks.

- (1) No change.
- (2)(a) through (d) No change.
- (e) Within 30 days of receipt of a complete permit application and signed compliance agreement that meet the requirements of this rule, the Department shall issue the