

## Section I

Notices of Development of Proposed Rules  
and Negotiated Rulemaking**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Use of Force  
RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: correct titles of and references to existing forms; incorporate a new form; correct cross-references contained in the rule; clarify provisions related to use of force on inmates receiving mental health treatment; clarify guidelines for use of chemical agents, and provide for the use of a new use of force device.

SUBJECT AREA TO BE ADDRESSED: Use of Force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (4) No change.

(5) The warden or duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization For Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (20)(49) of this rule.

(6) Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall

complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section part I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by himself or herself. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section part I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection (20)(49) of this rule.

(7) No change.

(8) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection (20)(49) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (20)(49) of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved

Use of Force/Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection ~~(20)(49)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection ~~(20)(49)~~ of this rule.

(9) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection ~~(20)(49)~~ of this rule.

(10) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a

Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(20)(49)~~ of this rule. When the use of psychiatric restraints (leather or vinyl waist belt, wrist cuffs and leg restraints; protective helmets; four point restraints) is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (8) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (6) above will be followed, to include the completion of the Authorization for Use of Force Report, Form DC6-232.

(11) No change.

(12) Batons, chemical agents, electronic immobilization devices, and specialty impact munitions shall not be used on inmates who are assigned to inpatient mental health care in an infirmary units (i.e., isolation management rooms, transitional care units, crisis stabilization units, and the corrections mental health institution, or other mental health treatment facility.) except when it appears reasonable necessary to:

(a) through (d) No change.

(13) Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Chemical Agents Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, to determine whether the inmate has a medical condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic

immobilization device dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection (20) of this rule.

(f) No change.

(g) As soon as possible following each use of an electronic immobilization device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection (20) of this rule. Mental health staff shall evaluate the inmate not later than the next work-day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. through 2. No change.

(h) through (k) No change.

(l) Electronic immobilization devices shall not be utilized after the application of any CN or CS chemical agents.

(14) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum (pepper spray) – An inflammatory agent that causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

a. OC is the primary chemical agent to be used for cell extractions and other in-cell, individual, use, unless circumstances exist as outlined in subparagraph 2. below.

b. OC shall be used only in the manner prescribed in department rules and procedures, consistent with manufacturer directions.

c. OC shall not be used in conjunction with any electronic immobilization device.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. CS shall be used for cell extractions and other in-cell, individual, use only when OC is ineffective and efforts to talk the inmate into cooperating have failed.

b. When documentation is available, e.g. previous Institutional Report of Force Used, Form DC6-230, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. CS is additionally authorized as the initial/primary chemical agent during in-cell applications in which the inmate has covered his person or fabricated a barrier in an effort to prevent direct contact with the chemical agent.

d. When CS is used as the initial/primary chemical agent the justification shall be listed in Section I of Form DC6-230, Institutions Report of Force Used.

b. through c. renumbered e. through f. No change.

3. No change.

(b) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection ~~(20)(19)~~ of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of ~~MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent~~, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection ~~(20)(19)~~ of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Chemical Agent Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. through 3. No change.

(n) Medical Requirements. All inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection (20) of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) through (p) No change.

(15) through (16) No change.

(17) Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management and death row populations. The PLS is intended

for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects.

(a) The secretary shall designate those institutions authorized to utilize the PLS.

(b) In controlled situations when time constraints are not an issue, the PLS can only be used if authorized by the warden or duty warden. Additionally, certified correctional staff will be designated by the warden to utilize the PLS and will be pre-authorized to administer chemical agents in instances where chemical agents must be used immediately to quell assaults and fights among inmates assigned as outlined in paragraphs (c) and (d) below.

(c) PLS is authorized for use to quell assaults and fights among inmates assigned to restricted labor squads.

(d) PLS is authorized for use in designated confinement, close management and death row recreation areas to quell assaults and fights among inmates.

(e) PLS is classified as less-than-lethal at all distances, but, unless the incident necessitates otherwise, it shall be primarily utilized at a distance of five (5) feet or greater to prevent the inmate from attempting to take control of the launcher.

(f) Written authorization from the warden or acting warden shall be received prior to utilization of the PLS for situations other than those described in paragraphs (c) and (d) above. This written authorization shall detail the reasons it was necessary to utilize the PLS in addition to or in place of aerosol type chemical agents.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection (14) above shall be completed after the use of the PLS.

(17) through (18) renumbered (18) through (19) No change.

(20)(19) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (b) No change.

(c) DC4-529, Staff Request/Referral, effective \_\_\_\_\_.

(c) through (l) renumbered (d) through (m) No change.

(n)(m) DC4-650B, Chemical Agents Risk Assessment for the Use of Chemical Agents and Electronic Immobilization Devices Form, effective July 25, 2002.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, \_\_\_\_\_.

# WATER MANAGEMENT DISTRICTS

## Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Individual Environmental

Resource Permits 40D-4

RULE TITLE: RULE NO.:

Publications and Agreements

Incorporated by Reference 40D-4.091

PURPOSE AND EFFECT: The ERP Basis of Review (BOR) makes specific reference to cumulative impacts in Section 3.2.8 when describing how an applicant can provide reasonable assurance that a proposed activity will not cause adverse impacts to wetlands and other surface waters. However, no specific reference is made to cumulative impacts in the Basis of Review sections that address water quantity and water quality. This proposed rulemaking is intended to make it clear that the District considers cumulative impacts with respect to all water quantity and quality issues, not just when considering impacts to wetlands and other surface waters.

SUBJECT AREA TO BE ADDRESSED: Section 1.1 of the Basis of Review of the Environmental Resource Permit Information Manual.

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, 373.416, 373.429, 373.411 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, September 26, 2002. This document is available from the District upon request.

(2) through (4) No change.

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, 373.414, 373.416, 373.429, 373.441 FS. History-New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 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, 9-26-02, 3-26-03, \_\_\_\_\_.

# ENVIRONMENTAL RESOURCE PERMITTING

## BASIS OF REVIEW

### CHAPTER 1

#### CHAPTER ONE – INTRODUCTION

1.1 Objectives – Under Part IV of Chapter 373, Florida Statutes (F.S.) and Chapters 40D-4, 40, and 400, Florida Administrative Code (F.A.C.), the District is responsible for permitting construction and operation of surface water management systems within its jurisdictional boundaries. The objective of this Basis of Review document is to identify the usual procedures and information used by the District staff in permit application review. The objective of the review is to ensure that the permit will authorize activities or situations which are not harmful to the water resources of the District or inconsistent with the public interest.

To obtain an Environmental Resource Permit an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface management system will not cause, either singly or cumulatively, adverse impacts to the water resources. The Basis of Review is intended to provide guidance to applicants on how they can provide such reasonable assurance.

# AGENCY FOR HEALTH CARE ADMINISTRATION

## Medicaid

RULE TITLE: RULE NO.:

Home and Community-Based

Services Waivers 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule notice is to incorporate by reference the Project AIDS Care Waiver Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Project AIDS Care Waiver Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, June 10, 2003

PLACE: Medicaid Office Conference Room, Area 11, 8355 NW 53rd Street, Manchester Building, Miami, Florida 33166

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, June 13, 2003

PLACE: Cross Town Business Center, Building B #228, 4951 Adamo Drive (State Road 60), Tampa, Florida 33605

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, June 17, 2003

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, June 24, 2003

PLACE: 651 K West 14th Street, Panama City, Florida 32401

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, June 27, 2003

PLACE: 515 West 6th Street, Smith Auditorium, 1st Floor, Jacksonville, Florida 32216

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sheila Mani, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (15) No change.

(16) Project AIDS Care Waiver.

(a) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(b) All Project AIDS Care waiver services providers enrolled in the Medicaid program must comply with Project AIDS Care Waiver Services Coverage and Limitations Handbook, October 2003, which is incorporated by reference, in subsection 59G-8.200(16), F.A.C.

Specific Authority 409.919 FS. Law Implemented 409.906(12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02,

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility

RULE NO.:

Determination Process 65A-1.704

PURPOSE AND EFFECT: Rule 65A-1.704, F.A.C., is being amended to incorporate a revised Health Insurance Application for Pregnant Women form, CF-ES 2700, by reference.

SUBJECT AREA TO BE ADDRESSED: The revised form is changed to: clarify on the first page that only the pregnant woman must provide an SSN and an INS ID number; add information to the certification and authorization section on the first page to show that the applicant is agreeing that MomCare, the Healthy Start Coordinator, WIC, and DCF may contact the applicant about their participation in prenatal care and delivery programs; add citizenship status to the SSN on page 2 as information that must be provided and clarify that SSNs are not

provided to the INS; revise the monthly income guidelines; and, add information about the WIC program below the monthly income guidelines.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 2:00 p.m., June 9, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. Note: the only thing changing in the rule text is the edition date of form CF-ES 2700.

## FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-49.001
Procurement of Commodities or Contractual Services	67-49.002
Withdrawal of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications	67-49.003
Emergency Purchases	67-69.0031
Modification of Terms of Invitation to Bid, Invitation to Negotiate, Request for Proposals or Request for Qualifications	67-49.004
Responsibility of Bidders and Offerors	67-49.005
Evaluation of Bids or Proposals	67-49.006
Evaluation of Responses	67-49.007
Identical (Tie) Responses	67-49.008
Right to Waive Minor Irregularities	67-49.009
Selection Protest Procedures	67-49.010

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall procure commodities or contractual services.

SUBJECT AREA TO BE ADDRESSED: If requested in writing a Rule Development workshop will be held to receive comments and suggestions from interested persons relative to proposed amendments to this Rule.

SPECIFIC AUTHORITY: 420.507(12) FS.

LAW IMPLEMENTED: 420.507(13),(27) FS.

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

TIME AND DATE: 10:00 a.m., June 6, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Rick Seltzer Conference Room, 6th Floor, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Robin Grantham at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin L. Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE [www.floridahousing.org](http://www.floridahousing.org)

## Section II Proposed Rules

### DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Fresh Fruit Maturity Tests

RULE CHAPTER NO.: 20-34

RULE TITLE: Requirements for Break in Color

RULE NO.: 20-34.005

PURPOSE AND EFFECT: Housekeeping amendment eliminating language referring to varieties no longer regulated by the Department of Citrus and clarifying color requirements for grapefruit.

SUMMARY: Eliminating language referring to varieties no longer regulated by the Department of Citrus and clarifying color requirements for grapefruit.

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

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

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

LAW IMPLEMENTED: 601.11, 601.16, 601.19, 601.21 FS.

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

TIME AND DATE: 10:30 a.m., July 16, 2003

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

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

THE FULL TEXT OF PROPOSED RULE IS:

20-34.005 Requirements for Break in Color.

(1) Grapefruit – yellow or characteristic color must predominate on not less than 25% of the fruit's surface in the aggregate.

(2) Oranges.

(a) For the period August 1 through November 15 of each year, oranges must have yellow color predominating on not less than 50% of the fruit's surface in the aggregate. Except, oranges of the Parson Brown variety need only show a break in color on not less than 25% of the fruit's surface in the aggregate.

(b) For the period November 16 through July 31 of the following year all oranges (other than Temple oranges) must have yellow color predominating on not less than 25% of the fruit's surface in the aggregate.

(c) Should the Commission make a determination and advance the seasonal dates, pursuant to §601.19(3), Florida Statutes, the color break requirements for oranges shall be as follows:

1. For the period August 1 through October 31 of the same year, yellow color must predominate on not less than 50% of the fruit's surface in the aggregate. Except oranges of the Parson Brown variety need only show a break in color on not less than 25% of the fruit's surface in the aggregate.

2. For the period November 1 through July 31 of the following year, all oranges, other than Temple oranges, must have yellow color predominating on not less than 25% of the fruit's surface in the aggregate.

(3) Tangerines – yellow color must predominate on not less than 50% of the fruit's surface in the aggregate.

(4) Hybrids – for color break requirements for all hybrids (~~Honey tangerines, K- Early Citrus Fruit, etc.~~) see Department of Citrus Rule 20-13, F.A.C.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.11, 601.16, 601.19, 601.21 FS. History—Formerly 105-1.01(3)(c), Revised 1-1-75, Formerly 20-34.05, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2003