

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Insurer reporting requirements for the 2011/2012 contract year and insurer responsibilities.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: May 6, 2011, 9:00 a.m. (ET) to conclusion of meeting.

PLACE: This will be a telephone conference call meeting to which all persons are invited. Persons wishing to participate may dial 1(888)808-6959 and enter conference code 4765251363

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: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1341, tracy.allen@sbafla.com. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the address listed above.

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

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29C-9.001	Strategic Regional Policy Plan

PURPOSE AND EFFECT: The Council proposes to amend the North Central Florida Strategic Regional Policy Plan.

SUBJECT AREA TO BE ADDRESSED: The Council proposes to amend the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report completed in accordance with Section 186.511, Florida Statutes.

RULEMAKING AUTHORITY: 186.505, 186.507, 186.511, 120.54 FS.

LAW IMPLEMENTED: 186.511 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: May 9, 2011, 7:00 p.m.

PLACE: City Council Chambers, City Hall, 224 South Jefferson Street, Perry, Florida

DATE AND TIME: May 10, 2011, 7:00 p.m.

PLACE: City Council Chambers, City Hall 205 North Marion Avenue, Lake City, Florida

DATE AND TIME: May 12, 2011, 7:00 p.m.

PLACE: Charles F. Justice Conference Room, North Central Florida Regional Planning Council, 2009 Northwest 67th Place, Gainesville, 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 2 business days before the workshop/meeting by contacting: (352)955-2200. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Scott R. Koons, Executive Director, North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.601	Employee Benefit Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC2-354 to add a space to indicate whether an alcohol statement will be provided at the requested event and Form DC2-356 to provide a space to indicate the date and number of the check.

SUBJECT AREA TO BE ADDRESSED: Employee benefit trust fund.

RULEMAKING AUTHORITY: 945.215, 945.21501 FS.

LAW IMPLEMENTED: 945.215, 945.21501 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.601 Employee Benefit Trust Fund.

(1) through (8) No change.

(9) Institutions requesting to withdraw money from the fund shall submit a request to the central office team describing the need for the funds and cost estimate for the project. The request will be submitted utilizing Form DC2-354, Employee Benefit Trust Fund Expenditure Request. Form DC2-354 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~April 13, 2008~~.

(10) The central office team shall review each request to ensure that the purpose of the expenditure is in accordance with authorized uses of the fund and to ensure that the institution has sufficient funds earmarked for the amount of the withdrawal. If the DC2-354 is approved, vendor payments may be requested by e-mail using ~~the~~ Form DC2-356, EBTF Expenditure Check Request. Form DC2-356 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, ~~Bureau of Policy Development~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~April 13, 2008~~.

(11) A service charge equal to 7% of canteen revenues will be used to offset administrative costs of the employee benefit trust fund.

Rulemaking Specific Authority 945.215, 945.21501 FS. Law Implemented 945.215, 945.21501 FS. History–New 4-13-08, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.713
 RULE TITLE: Inmate Visiting – Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update the definition of “major rule violation” to include lewd and lascivious behavior and add a definition of “indefinite suspension” to replace the definition of “revocation.”

SUBJECT AREA TO BE ADDRESSED: Visiting.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) No change.

(2) “Automated Visiting Record (AVR)” refers to a computer subsystem of the Department’s electronic offender database Offender Based Information System (OBIS) that automates visitor facility entry and exit and records visiting information.

(3) “Emancipated Minor” refers to a visitor seventeen years of age or younger who furnishes written proof of emancipation and attaches a copy to ~~the Request for Visiting Privileges~~, Form DC6-111A, Request for Visiting Privileges. Form DC6-111A is incorporated by reference in Rule 33-601.737, F.A.C.

(4) No change.

(5) “~~Immediate~~ Family” for the purposes of Rules 33-601.713 through 33-601.737, F.A.C., refers to an inmate’s spouse, children, parents, brothers, sisters, grandparents, great-grandparents, grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, aunts, uncles, nieces, nephews, foster parents, step-children, half brothers, half sisters, brothers-in-law, sisters-in-law, mothers-in-law, fathers-in-law, and sons and daughters-in-law.

(6) through (7) No change.

(8) “Suspension” refers to the withdrawal or voiding suspension of visiting privileges for a specified period of time for an inmate or visitor.

(9) through (12) No change.

(13) “Special Status Inmate” refers to an inmate who is not in the general population but is in a special classification status as outlined in Rule 33-601.733, F.A.C., who that shall be prohibited or restricted from ~~prohibit or restrict~~ visiting based upon the status.

(14) No change.

(15) “Indefinite Suspension” “~~Revoked~~” refers to the withdrawal withdrawing or voiding of visiting privileges of a visitor for an unspecified period of time.

(16) No change.

(17) “Major Rule Violation” for the purpose of Rules 33-601.713 through 33-601.737, F.A.C., refers to any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.

(18) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

(a) Intentionally masturbates;

(b) Intentionally exposes the genitals without authorization; or

(c) Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.724
 RULE TITLE: Visitor Attire

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to specify that only religious head coverings are permissible.

SUBJECT AREA TO BE ADDRESSED: Visitor attire.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.724 Visitor Attire.

(1) Persons desiring to visit shall be fully clothed including shoes. ~~Only Small hats such as baseball caps,~~ religious head coverings, ~~or surgical caps~~ are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant

warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

(a) through (j) No change.

(2) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of the provisions of this rule subsections 33-601.724(1), F.A.C.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 1-28-07, 10-8-07.

Editorial Note: Formerly 33-601.708, F.A.C.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725
 RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove sunglasses, tobacco, and tobacco-related products from the list of permissible items and to add a photo identification card and a notarized authorization to the list.

SUBJECT AREA TO BE ADDRESSED: Permissible items for visitors.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

~~(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.~~

~~(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.~~

(c) through (d) renumbered (a) through (b) No change.

(c) One (1) photographic identification card.

~~(d)(e)~~ Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) renumbered (e) through (f) No change.

(g) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C., one (1) copy of a notarized authorization to supervise a minor.

(h) No change.

~~(i) Sunglasses.~~

(i)(j) Small unopened package of facial tissues in clear plastic.

(2) No change.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.737
 RULE TITLE: Visiting – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Form DC6-111B to reflect changes to Rule 33-601.725, F.A.C., Permissible Items for Visitors, and to amend Form DC6-111D to add language regarding the relationship of past and current victims to an inmate.

SUBJECT AREA TO BE ADDRESSED: Visiting.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) through (3) No change.

(4) DC6-111B, Visitor Information Summary, effective ~~8-23-07.~~

(5) No change.

(6) DC6-111D, Visitor Screening Matrix, effective ~~8-23-07.~~

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06, 3-29-07, 8-23-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.830
 RULE TITLE: Death Row

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to add an approved MP3 player and ear buds to the list of items death row inmates may possess.

SUBJECT AREA TO BE ADDRESSED: Death row.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 386.201 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.830 Death Row.

(1) No change.

(2) An inmate who is not under sentence of death may be housed on death row when:

(a) through (b) No change.

(c) The warden has declared an emergency requiring use of death row housing for inmates not under sentence of death. In this instance, the warden shall notify the Assistant Deputy Secretary of Institutions or designee of the housing arrangement.

(3) through (6) No change.

(7) Conditions and Privileges – the following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) through (b) No change.

(c) Personal Property – Inmates on death row shall be allowed to possess personal property such as watches, rings, stamps, envelopes, writing paper, and approved televisions, fans, ~~and~~ walkman-type radios, MP3 players, with headphones, and earbuds unless there is a clear indication of a security concern. Each inmate may possess no more than one approved television, fan, ~~and~~ radio, MP3 player, set of with headphones, and set of earbuds.

(d) through (f) No change.

(g) Televisions – An inmate on death row may possess a television in his cell. Approved televisions may be purchased from the institutional canteen; otherwise, televisions will be provided by the Department, if available, as follows:

1. through 2. No change.

3. Televisions shall only be operated with headphones or earbuds earplugs.

4. through (13) No change.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit. Form DC6-229 shall be maintained in the housing area for 30 days ~~one week~~, after which the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in each inmate’s respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. Additionally, staff shall fully and completely document when:

(a) through (16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-22-10, Amended_____.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify that chemical agents will not be used indoors except when the risk of the threat presented outweighs the risk of contact with unintended or uninvolved individuals.

SUBJECT AREA TO BE ADDRESSED: Use of force – chemical agents.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 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: Kendra Lee Jowers, 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 (20) No change.

(21) Use of Chemical Agents. Chemical agents shall not be used on anyone other than an inmate during an authorized use of force.

(a) through (k) No change.

(1) Issuance of chemical agents.

1. No change.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as “A” team response members are authorized by the Secretary to be issued one MK-9, or equivalent, dispenser of OC in addition to the dispenser issued in accordance with subparagraph (21)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors except in emergency situations where the concern for unintended application of the agent to uninvolved bystanders is overshadowed by the seriousness of the threat being confronted.

3. through (29) No change.

Rulemaking Authority 944.09 FS. Law Implemented 776.07, 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, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, 4-8-10, 9-13-10, 3-22-11,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.205 Eligibility Determination Process

PURPOSE AND EFFECT: The proposed rule amends the ACCESS Florida Web Application, CF-ES 2353, and incorporates it by reference. To date, the following are web application screen changes necessary to comply with governing food assistance regulations: Welcome, Application Summary, Apply Early Language and Save & Quit. To date, the following are other web application screens that have changed: Start Application, Household Information, Additional Household Information, Disability Details, Case Information and Self-Employment Income and Expenses Details.

SUBJECT AREA TO BE ADDRESSED: ACCESS Florida Web Application, CF-ES 2353.

RULEMAKING AUTHORITY: 409.919, 414.095, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, (850)717-4113, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: **RULE TITLE:**

65A-1.400 Forms for Client Notice and Contact

PURPOSE AND EFFECT: The proposed rule amendment removes the ACCESS Florida Web Application, CF-ES 2353, to incorporate in Rule 65A-1.205, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Removal of ACCESS Florida Web Application, CF-ES 2353.

RULEMAKING AUTHORITY: 409.919, 409.953, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.1251, 414.13, 414.16, 414.28, 414.31 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, (850)717-4113, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: **RULE TITLE:**

69B-220.201 Ethical Requirements

PURPOSE AND EFFECT: The only purpose of this amendment is to repeal paragraph (5)(d) of Rule 69B-220.201, F.A.C., since it was superseded by the enactment of Section 626.854(11), F.S.

SUBJECT AREA TO BE ADDRESSED: Repeal of paragraph (5)(d) of Rule 69B-220.201, F.A.C.

RULEMAKING AUTHORITY: 624.308, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.854, 626.865(2), 626.878, 626.9541(1)(i) FS.

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

DATE AND TIME: May 10, 2011, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, 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: Eric Purvis at (850)413-5659 or Eric.Purvis@MyFloridaCFO.com. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric A. Purvis, Financial Administrator, Division of Agent and Agency Services, Room 412C, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5659 or Eric.Purvis@MyFloridaCFO.com. The text of the proposed rule is also available on the Department's website <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/>

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling

PURPOSE AND EFFECT: The amendments propose to further protect the health of oyster consumers and are necessary to ensure that the State of Florida meets the requirements of the National Shellfish Sanitation Program (NSSP) as it relates to *Vibrio vulnificus*. The proposed rule amendments impact commercial harvesting and processing of oysters.

SUMMARY: The proposed amendments apply to commercial oyster harvesting and processing in Florida in order to protect the health of oyster consumers. Specifically, the proposed amendments remove multiple cooling options for oyster shellstock and implements one set of sequential time limits for the months from April through November by specifying shipping and receiving temperatures. Additionally, the text of Rule 5L-1.008, F.A.C., was reorganized. Seven workshops were held for interested parties across the state of Florida, in the principal areas of oyster industry activity.

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

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

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: April 29, 2011, 2:00 p.m. – 5:00 p.m. E.S.T.

PLACE: Apalachicola Community Center, 1 Battery Park, Apalachicola, FL 32320

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: Chris Brooks, Division of Aquaculture, at

(850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, Suite 501, Tallahassee, Florida 32301, Phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) Shucked shellfish container – The packer’s or repacker’s shellfish processing plant certification license number preceded by the state abbreviation must be embossed, imprinted, lithographed, or otherwise permanently and legibly recorded on the external body of containers or on the lid if the lid becomes an integral part of the container during the sealing process (Example: FL-872-SP). Containers shall permanently indicate type of product, quantity, and name and address of packer, repacker, or distributor. Containers of fresh shellfish, with a capacity of less than 64 ounces, shall further clearly and permanently bear the terminal sale date, by the numerical month, day, and last digit of the year. Containers of fresh shellfish with a capacity of 64 ounces or more, shall bear the actual shucking date by numerical month, day, and last digit of the year, in that order (Example: 01015). Reusable bulk storage containers shall be identified with state of origin, harvest date, and shuck date. Containers of frozen or previously frozen shellfish shall further clearly and permanently bear the date of shucking by numerical month, day, and last digit of the year, in that order (Example: 02097). Previously frozen shucked shellfish shall also have the freeze date and the thaw date following the same format. The terminal sale date for previously frozen shucked shellfish will be calculated by adding the day of shucking plus amount of time under refrigeration if not frozen, and adding the days that the product has been held thawed. Repacked shellfish containers shall also bear an appropriate code identifying the original packer. If oysters exceed the requirements found in subsection 5L-1.008(5), (6), (7), (8) ~~or (9)~~, F.A.C., the shucked shellfish container may be identified with the language “FOR POST HARVEST PROCESSING ONLY”.

(2) No change.

(3) The commercial harvester’s tags shall contain legible waterproof indelible information arranged in the specific order as follows:

(a) through (g) No change.

~~(h) The identification of the cooling option if used, including complete on-board cooling option (subsection 5L-1.008(7), F.A.C.), partial on-board cooling option (subsection 5L-1.008(8), F.A.C.), or rapid cooling option (subsection 5L-1.008(9), F.A.C.) for oysters harvested during the months of May through October.~~