

restricted. The amendment adds soft restraints to the list of items that cannot be used on pregnant youth, and expands the restriction to cover the postpartum period.

SUBJECT AREA TO BE ADDRESSED: The amendment implements Ch. 2012-41, Laws of Florida, governing the use of restraints on pregnant inmates.

RULEMAKING AUTHORITY: 985.64, 985.645 FS., Ch. 2012-41, Laws of Florida.

LAW IMPLEMENTED: Ch. 2012-41, Laws of Florida.

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

DATE AND TIME: Monday, September 10, 2012, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-20.001 **RULE TITLE:** Distribution of Funds from the Rape Crisis Program Trust Fund

PURPOSE AND EFFECT: To implement Chapter 2012-5, Section 84, L.O.F., which requires the Department to establish criteria for distributing moneys from the Rape Crisis Program Trust Fund to rape crisis centers.

SUBJECT AREA TO BE ADDRESSED: Distribution criteria for moneys from the Rape Crisis Program Trust Fund.

RULEMAKING AUTHORITY: 795.056(2) FS.

LAW IMPLEMENTED: 794.055(3)(b), 795.056 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: Jan Davis, Program Administrator, Bureau of Family Health Services, Division of Community Health Promotion, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, Florida 32399-1723, at phone number (850)245-4485, or email at Jan_Davis@doh.state.fl.us

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 CITRUS

RULE NOS.:	RULE TITLES:
20-9.001	Fresh Form
20-9.002	Processed Form
20-9.003	Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse or Processing Plant, or to a Fresh Fruit Juice Distributor
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Assessments
20-9.006	Late Filing of Returns and Inadequacy of Bond
20-9.007	Mixing of Oranges
20-9.008	Utilization of Certificate of Deposit in Lieu of Bond

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601 resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), (7), 601.15(1), (5), (6), (10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15(3), (5), (6), (9), 601.27, 601.152, 601.154, 601.155 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

PAYMENT OF ~~ASSESSMENTS EXCISE TAXES~~

20-9.001 Fresh Form.

(1) Filing ~~assessment excise tax~~ returns: All ~~assessment excise tax~~ returns required to be filed by handlers of citrus entering the primary channel of trade in fresh form shall be filed with the Department of Citrus each week with the first cumulative report due by November 10. Returns shall state the number of standard shipping boxes of 4/5 bushels, or equivalent, of each variety of citrus fruit handled during the preceding week. ~~Assessments Excise taxes~~ shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.) and shall be due and payable, or the amount guaranteed as hereinafter provided, when the citrus fruit is first handled in the primary channels of trade allowing a deferral for fruit handled prior to November until the November 10 deadline. Payment of ~~assessments taxes~~ shall be remitted with the ~~assessment excise tax~~ return for a period reported unless other payment schedules are prescribed in Chapter 20-9, F.A.C.

(2) Payment guaranteed by bond, ~~or deposit, or letter of credit~~: To guarantee payment of ~~assessments excise taxes~~, handlers shall post a surety bond, cash bond, ~~or certificate of deposit or letter of credit~~, as provided in either Section 20-9.005, ~~or 20-9.008 or _____~~, F.A.C.

Rulemaking Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5),(6) FS. History—Formerly 105-1.15(1), Revised 1-1-75(2), Amended 2-1-81, Formerly 20-9.01, Amended 7-21-92, 11-27-01, 10-21-08, _____.

20-9.002 Processed Form.

(1) Filing ~~assessment excise tax~~ returns: All ~~assessment excise tax~~ returns required by law to be filed by handlers of citrus fruit sold or delivered for processing in the State shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.), and shall be filed with the Department of Citrus each week with the first cumulative report due by November 10. Returns shall state the number of standard packed boxes of 1-3/5 bushels, or equivalent thereof in other containers or in bulk, received during the preceding week. ~~Assessments Excise taxes~~ shall be

due and payable at the time of delivery of such fruit to the handler, allowing a deferral for fruit handled prior to November until the November 10 deadline.

(2) All persons or entities required to file ~~assessment excise tax~~ returns pursuant to Section 601.155, F.S., shall file, each week, ~~a an excise tax~~ return on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.).

(a) All persons liable for the ~~assessment excise tax~~ imposed by this section shall file with the Department of Citrus equalizing ~~assessment excise tax~~ returns, certified as true and correct. The return, as furnished by the Department of Citrus, shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any ~~assessable taxable~~ privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting declarations made on the ~~excise tax~~ return filed with the Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Conversion Unit			
Product	Oranges	Grapefruit	Number of Equivalent 1-3/5 Bushel Boxes
Concentrate	6.20 solids	4.60 solids	1
Single Strength	6.12 gallons	5.26 gallons	1

(b) Equalizing ~~assessments excise taxes~~ shall be due and payable within 61 days after the first of the ~~assessable taxable~~ privileges is exercised in this state. ~~Assessable Taxable~~ privileges exercised during August are due and payable by November 10, after the ~~assessment tax~~ rate has been established in October.

(c) The ~~assessment excise tax~~ levied by this section shall be at the same rate per box of oranges or grapefruit utilized in the initial production of the processed citrus products so handled as that imposed, at the time of exercise of the ~~assessable taxable~~ privilege, by Section 601.15, F.S.

(d) All credits and refunds will be provided by Department of Citrus in accordance with Section 601.155, F.S.

(3) Payment of ~~assessments taxes~~ shall be remitted with the ~~excise tax~~ return for the period reported unless other payment schedules are prescribed in Chapter 20-9, F.A.C.

(4) Payment guaranteed by bond, ~~or deposit, or letter of credit~~: Every handler of citrus shall, prior to opening each season, deposit with the Department of Citrus a surety bond, cash bond, ~~or certificate of deposit, or letter of credit~~ as provided in either Rule 20-9.005 or 20-9.008 F.A.C., to guarantee payment of ~~assessments excise taxes~~.

Rulemaking Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History—Formerly 105-1.15(2), Revised 1-1-75, (2), Amended 11-21-77, 8-1-80, (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94, 10-22-95, 8-1-97, 8-3-00, 11-27-01, 7-23-03, 7-25-06, 10-21-08,_____.

20-9.003 Fruit Shipped Out-of-State to Government Agencies, or to a Packinghouse or Processing Plant, or to a Fresh Fruit Juice Distributor.

The ~~assessments~~ ~~excise taxes~~ on citrus fruit to be shipped outside the State of Florida to government agencies, or to a packinghouse or processing plant, or to a fresh fruit juice distributor, shall be paid by the person shipping or causing such fruit to be shipped outside the state and payment shall be evidenced on the permit under which said fruit is shipped. Persons who qualify with the Department of Citrus under Rule 20-9.005, F.A.C., may stamp on the permit the name of the shipper together with the words “Payment of ~~assessments~~ ~~excise taxes~~ guaranteed to the Department of Citrus.” Returns for such shipments shall be made as provided for in Rule 20-9.001, F.A.C.

Rulemaking Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5), (6), 601.152, 601.154 FS. History—Formerly 105-1.15(3), Revised 1-1-75, Formerly 20-9.03, Amended 11-27-01,_____.

20-9.004 Fruit Handled by Express and Gift Package Shippers.

(1) Filing ~~assessment~~ ~~excise tax~~ returns:

(a) Every shipper of express or gift packages shall file, as directed by the Department of Citrus, weekly returns of all fruit shipped in the preceding week with remittance attached for total ~~assessments~~ ~~excise taxes~~ due, with the first cumulative report due by November 10.

(b) A gift shipper qualifying under the following criteria may make returns for longer periods by applying in writing to the Department of Citrus and receiving prior written approval:

1. Quarterly payments – if estimated annual ~~assessment~~ ~~tax~~ payment does not exceed \$6,900 maximum.
2. Monthly payments – if estimated annual ~~assessment~~ ~~tax~~ payment does not exceed \$30,000 maximum.
3. Weekly payments are required if estimated annual ~~assessment~~ ~~tax~~ is greater than \$30,000.
4. Calculation of estimated ~~assessment~~ ~~tax~~ payment is based upon a 7-month season using the total boxes estimated to be shipped and an average ~~assessment~~ ~~tax~~ rate established annually by the Department of Citrus based on ~~assessment~~ ~~tax~~ rates set by the Florida Citrus Commission.

(c) All returns shall be made in terms of standard packed boxes of 1-3/5 bushels or equivalent.

(d) The advertising ~~assessments~~ ~~excise taxes~~ shall be due and payable at the time of offering such fruit for shipment allowing a deferral for fruit handled prior to November until the November 10 deadline.

(2) Fresh Squeezed Juice: ~~Assessments~~ ~~Excise taxes~~ on fresh squeezed citrus juice that is subject to the provisions of Chapter 20-49, F.A.C., shall be due and payable as provided in Rule 20-9.004, F.A.C. However, no ~~assessment~~ ~~tax~~ shall be due if subsection (3) below is applicable.

(3) No ~~assessment~~ ~~tax~~ shall be due on:

(a) fresh fruit used in store demonstrations or promotions, or

(b) Fresh squeezed juice that is offered without charge to store customers, Or

(c) Fresh fruit or juice offered at no cost to nonprofit organizations for use exclusively by the organization and not for resale. Dealer shall maintain in his files a record of the donation and a signed statement from a representative of the organization that the fruit or juice will not be used for resale.

~~Rulemaking Specific~~ Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(3),(5),(6), 601.152, 601.154 FS. History—Formerly 105-1.15(4), Revised 1-1-75, Formerly 20-9.04, Amended 12-10-95, 4-14-96, 11-27-01, 10-21-08,_____.

20-9.005 Requirements to Guarantee Payment of ~~Assessments~~ ~~Excise Tax~~.

To qualify to guarantee to the Department of Citrus payment of any ~~assessment~~ ~~excise tax~~ imposed by law:

(1) Each handler of citrus fruit shall deposit with the Department of Citrus a good and sufficient.

(a) Cash bond, or

(b) Surety bond executed by the handler as principal and by a surety company qualified and authorized to do business in this State as surety, to be approved by the Department of Citrus, or

(c) Certificate of deposit in accordance with the provisions of Rule 20-9.008, F.A.C., or

(d) Letter of credit from an issuing financial institution located in the United States.

(2) The total amount of such cash bond, surety bond, ~~or~~ certificate of deposit, or letter of credit shall be in an amount based upon the following formula:

(a) To determine the total estimated ~~assessment~~ ~~tax~~ liability of the handler, multiply the number of boxes or equivalent boxes utilized in the prior season, or estimated utilization during the current season, including the exercised privileges of imported products, whichever is greater, times the total average ~~assessment~~ ~~tax~~ rate from the prior season for fresh form and processed form.

(b) Divide the total estimated ~~assessment~~ ~~tax~~ (A) by the number of weeks for which ~~assessment~~ ~~tax~~ returns were required to be filed during the previous season (B) to determine the estimated weekly ~~assessment~~ ~~tax~~ due (C) [A] B = C]. Department has the discretion to reduce the number of weeks used in this calculation due to late payments received during the prior season. If returns were filed late four (4) or more times during the previous season, the Department will

recalculate the estimated weekly assessment tax due (C) by substituting the ~~The~~ number of times payments were received the prior season ~~will be substituted~~ for (B).

(c) Multiply by two the estimated weekly assessment exercise tax due, as computed by such formula, to determine the amount of surety bond, cash bond, ~~or~~ certificate of deposit, or letter of credit required.

Rulemaking Specific Authority 601.10(1), 601.15(1),(5),(6),(10)(a) FS. Law Implemented 601.15(1),(5),(6), 601.152, 601.154, 601.155 FS. History--Formerly 105-1.15(5), Revised 1-1-75, Amended 11-21-77, 8-1-80, 2-1-81, 8-1-83, Formerly 20-9.05, Amended 11-27-01, 10-21-08, _____.

20-9.006 Late Filing of Returns and Inadequacy of Bond.

All assessments exercise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade, allowing a deferral for fruit handled prior to November until the November 10 deadline. Payments not made the week following entry into the primary channel of trade become delinquent for payments due after November 10. Payment shall be made in accordance with Rules 20-9.001, 20-9.002, 20-9.003 and 20-9.004, F.A.C.

(1)(a) When any citrus fruit handler becomes delinquent in filing returns or paying citrus assessments exercise taxes, the Department of Citrus shall demand payment of such assessments taxes and give written notice of the delinquency to the handler, including notice of the rights of affected parties under Chapter 120, F.S. Such notice shall be mailed to the address supplied by the handler to the Department of Citrus in the application for citrus fruit dealer license.

(b) If the assessments taxes are not paid within 28 days of delinquency by the citrus fruit handler and there is no request for hearing under Chapter 120, F.S, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension will remain in force until returns have been filed and assessments exercise taxes plus any penalties are paid to the Department of Citrus. The Department of Citrus shall notify the Department of Agriculture when such payment has been made and inspection services may resume. If payment is not made after suspension of inspection services, the Department of Citrus shall impose a 5% late penalty pursuant to Section 601.15(9)(a), F.S., demand immediate payment from the surety of such assessments taxes and penalty, and provide the handler with a copy of such demand. Where the handler has deposited with the Department of Citrus a cash bond, ~~or~~ certificate of deposit, or letter of credit the Department shall immediately proceed against such bond, ~~or~~ certificate of deposit, or letter of credit for the amount of indebtedness.

(2)(a) When the Department of Citrus determines that the handler's surety bond, cash bond, ~~or~~ certificate of deposit, or letter of credit is inadequate to guarantee assessment tax payment for any 28-day period, the Department of Citrus shall

provide written notice to the handler that the amount of guarantee is inadequate, and shall request the handler to furnish an increase increased bond in accordance with the provisions of subsection 20-9.005(2), F.A.C., and give notice of the handler's rights under Chapter 120, F.S.

(b) If the requested increase increased bond is not furnished within 14 days of mailing such written notice to the handler or no request for a hearing under Chapter 120, F.S., is received, the Department of Citrus shall notify the Department of Agriculture to immediately suspend inspection service to the reported handler. This suspension shall remain in force until an adequate guarantee is furnished and the Department of Citrus notifies the Department of Agriculture to that effect.

Rulemaking Authority 601.10(1),(7), 601.15(1), (5), (6), (10)(a) FS. Law Implemented 601.15(5), (6), (9), 601.152, 601.154, 601.155(6), (7), (9), 601.27 FS. History--Formerly 105-1.15(6), Revised 1-1-75, Formerly 20-9.06, Amended 12-13-92, 10-17-93, 11-27-01, 10-21-08, _____.

20-9.007 Mixing of Oranges.

Because of the difference in assessment exercise tax rates for round oranges (*Citrus sinensis*, Osbeck) and other types of oranges, such as Temples and tangelos, round oranges shall not be delivered to processing plants mixed with other varieties.

Rulemaking Specific Authority 601.10(1), (7), 601.15(1), (5), (6), (10)(a) FS. Law Implemented 601.15 FS. History--Formerly 105-1.15(7), Revised 1-1-75, Formerly 20-9.07, Amended 7-21-92, _____.

20-9.008 Utilization of Certificate of Deposit in Lieu of Bond.

(1) A handler wishing to post a certificate of deposit in lieu of a cash or surety bond to guarantee the payment of citrus assessments exercise taxes to the Department of Citrus, shall purchase such certificate in an amount to be determined according to the criteria as set forth in subsection 20-9.005(2), F.A.C. The certificate of deposit shall have the same face principal value as if a surety bond had been posted.

(2) Any certificate of deposit offered under this provision shall be issued either by a national or Florida chartered bank or savings and loan association and the face amount of such certificate shall be fully insured by the appropriate federal insurance corporation.

(3) The certificate of deposit shall be issued in the name of the licensed handler and the State of Florida, Department of Citrus. The handler shall present a certificate of deposit and an executed assignment of such handler's interest in the certificate in favor of the State of Florida, Department of Citrus on a form to be provided by the Department of Citrus. Such assignment shall be irrevocable for the period from the beginning of the citrus season for which the certificate is submitted or from the date of submission of the certificate of deposit if occurring after commencement of the season, through September 1 of the following citrus season. The certificate of deposit may be

reassigned by the Department of Citrus to such handler providing that all citrus assessments ~~excise taxes~~ due and payable to the Department of Citrus by such handler during the term covered by the certificate shall have been paid to the Department in full. The conditions of the assignment from the handler to the Department of Citrus shall be that if the handler shall well and truly comply with the provisions of Florida law and Department of Citrus rules regarding the payment of citrus assessments, ~~excise taxes~~, then the certificate of deposit subject to such assignment shall be reassigned by the Department of Citrus to the handler, otherwise said assignment to remain in full force and effect.

(4) All interest accruing on such certificate of deposit shall be paid directly to the handler and the handler shall register his federal employer tax number or other federal tax identification number with the financial institution issuing such certificate.

(5) A handler may reassign existing certificates of deposit to the Department of Citrus for subsequent years, provided all assessment ~~tax~~ liabilities for the current season have been satisfied. A separate certificate of deposit for the required amount of the bond otherwise called for must be assigned to the Department of Citrus for each citrus shipping season for which the handler desires to utilize this alternate procedure.

Rulemaking Specific Authority 601.10(1), 601.15(1) FS. Law Implemented 601.15(6)(b) FS. History—New 2-1-81, Formerly 20-9.08, Amended 11-27-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-10.001	Charitable and Unemployment Relief Shipments
20-10.002	Interstate Shipments for Commercial Processing
20-10.003	Gift Fruit Shipments

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), 601.50 FS.

LAW IMPLEMENTED: 601.50, 601.501 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

20-10.001 Charitable and Unemployment Relief Shipments.

(1) No change.

(2) All persons who desire to make such sales or shipments shall first secure a special permit for each such shipment by application on forms to be furnished by the Department of Citrus. Each applicant for such permit shall guarantee payment of assessments ~~excise taxes~~ as provided in ~~Department of Citrus Chapter Rule 20-9, F.A.C.~~ or pay these assessments ~~taxes~~ at the time such permit is issued; however, shipments for charitable purposes are exempt from all advertising assessments ~~excise taxes~~ by Section 601.501, F.S. Florida Statutes. In addition, the permit applicant must assume the responsibility of having the receiver of each shipment under such a permit mail to the Department of Citrus within ten days of receipt of shipment, an affidavit attesting that the fruit was received and used exclusively for the purposes stated in the permit application.

Rulemaking Specific Authority 601.10(1), 601.50 FS. Law Implemented 601.50, 601.501 FS. History—Formerly 105-1.11(1), Revised 1-1-75, Formerly 20-10.01, Amended _____.

20-10.002 Interstate Shipments for Commercial Processing.

(1) through (3) No change.

(4) Assessments ~~Exercise taxes~~ and inspection fees due on such fruit shall be paid in accordance with applicable rules of the Department of Citrus.

(5) No change.

Rulemaking Specific Authority 601.10(1), 601.50 FS. Law Implemented 601.50 FS. History—Formerly 105-1.11(2), Revised 1-1-75, Formerly 20-10.02, Amended.

20-10.003 Gift Fruit Shipments.

(1) through (2) No change.

(3) Advertising assessments ~~taxes~~ due on such fruit or products shall be paid in accordance with Rule 20-9.004, F.A.C.

(4) through (5) No change.

Rulemaking Specific Authority 601.10(1), 601.50 FS. Law Implemented 601.50 FS. History—Formerly 105-1.11(3), Revised 1-1-75, Formerly 20-10.03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-13.003
RULE TITLE: Fruit Classification and Standards Committee – Membership

PURPOSE AND EFFECT: Amendment to reflect the change in membership of the Florida Citrus Commission during the 2011 Legislative session, bringing the FCC membership from seven grower members and five grower/handler members to six grower members and three grower/handler members for the FCC member requirement of the Fruit Classification and Standards Committee.

SUMMARY: Membership of the Fruit Classification and Standards Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2011 Legislature.

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: 601.05, 601.10(1), (7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(3) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-13.003 Fruit Classification and Standards Committee – Membership.

There is hereby created and established an advisory committee of the Florida Citrus Commission designated as the “Fruit Classification and Standards Committee,” consisting of nine members appointed annually by the Commission as follows:

(1) through (2) No change.

(3) One member of the Florida Citrus Commission, who shall be one of the ~~six~~ seven designated grower-only members and not one of the ~~three~~ five designated grower-handler members.

(4) through (6) No change.

Rulemaking Specific Authority 601.05, 601.10(1), (7), 601.11, 601.9910(3) FS. Law Implemented 601.9910(3) FS. History—Formerly 105-1.34(2), Revised 1-1-75, Formerly 20-13.03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-36.007
 RULE TITLE: Payment of Fees at Time of Inspection

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), 601.15(1)(a) FS.
 LAW IMPLEMENTED: 601.9911 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.
 PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-36.007 Payment of Fees at Time of Inspection.

All fees, and assessments ~~and exercise taxes~~ provided for by state law, calculated at the same rate as applicable to all other fresh fruit growers or shippers, shall be paid to the inspector at the time of inspection and before issuance of the inspection certificate.

Rulemaking Specific Authority 601.10(1), 601.15(1)(a) FS. Law Implemented 601.9911 FS. History—Formerly 105-1.17(8), Revised 1-1-75, Formerly 20-36.07, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-44.001
 RULE TITLE: Intrastate Shipments

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), (7), 601.11, 601.50 FS.

LAW IMPLEMENTED: 601.03(8), 601.10(7), 601.11, 601.50(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.
 PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-44.001 Intrastate Shipments.

(1) Grade and Size: The following are minimum grade and size requirements for intrastate shipment or sale of all varieties of citrus fruit:

(a) through (b) No change.

(c) Exception: Fruit sold at retail or offered for retail sale by the owner of the grove on which the fruit was produced shall be subject to U.S. No. 2 internal grade requirements and no other grade or size requirements provided:

1. through 2. No change.

3. A grove owner selling or offering citrus fruit for sale under this provision shall, prior to sale each season, file with the Department of Agriculture proof of ownership of the grove or groves on which said citrus fruit was or will be produced. Such proof shall include a legal description of all grove properties on which such citrus fruit was or will be produced and shall designate the place where said citrus fruit will be sold or offered for sale. On request of the Department of Agriculture or its designated agent, the grove owner shall identify the grove origin of all such fruit being sold or offered for sale by him at any given time. In addition, the grower shall pay all applicable assessments ~~excise taxes~~ and inspection fees.

(2) through (3) No change.

Rulemaking Specific Authority 601.10(1),(7), 601.11, 601.50 FS. Law Implemented 601.03(8), 601.10(7), 601.11, 601.50(1) FS. History—Formerly 105-1.35(1), Revised 1-1-75, Amended 8-28-84, Formerly 20-44.01, Amended 1-22-92, 11-14-94, 11-30-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-50.001	Purpose
20-50.002	Seedless Grapefruit for Fresh Use Maturity Standards
20-50.003	When Seedless Grapefruit Shall be Deemed Mature
20-50.004	Seeded Grapefruit for Fresh Use Maturity Standards
20-50.005	When Seeded Grapefruit Shall be Deemed Mature

PURPOSE AND EFFECT: New rules placing grapefruit maturity standards into Chapter 20, F.A.C., as a result of the industry's maturity standards being removed from Chapter

601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules for grapefruit maturity standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

GRAPEFRUIT MATURITY STANDARDS – FRESH

20-50.001 Purpose.

The purpose of this rule is to set forth the specific standards as to when grapefruit intended for fresh use are considered mature and specifies the maturity standards as to seedy and seedless grapefruit varieties.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-50.002 Seedless Grapefruit for Fresh Use Maturity Standards.

(1) Color Break:

- (a) Each fruit;
- (b) After having been severed from the tree;
- (c) Shows a break in color;
- (d) With yellow color predominating on;
- (e) Not less than 25 percent of the fruit’s surface in the aggregate.

(2) Brix:

(a) The total soluble solids of the juice shall not be less than 7.5 percent;

(b) The ratio of the total soluble solids to anhydrous citric acid meets the requirements of Chapter 20-51, F.A.C.

(c) The juice content of each fruit is not less than the minimum requirements for the respective fruit size as set forth in Chapter 20-52, F.A.C.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

20-50.003 When Seedless Grapefruit Shall be Deemed Mature.

(1) Except for the period January 1 through 31, seedless grapefruit meeting minimum color break ratio, and juice content requirements of Chapter 20-52, F.A.C. shall be deemed mature when the ratio of soluble solids to anhydrous citric acid is not less than six to one.

(2) Except for the period April 15 through July 31, seedless grapefruit meeting the minimum color break, soluble solids, and juice content requirements of Chapter 20-52, F.A.C. shall be deemed mature when the ratio of soluble solids to anhydrous acid is not less than six to one.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

20-50.004 Seeded Grapefruit for Fresh Use Maturity Standards.

(1) Color Break:

- (a) Each fruit;
- (b) After having been severed from the tree;
- (c) Shows a break in color;
- (d) With yellow color predominating on;
- (e) Not less than 25 percent of the fruit’s surface in the aggregate.

(2) Brix:

(a) The total soluble solids (Brix) of the juice is not less than 8 percent;

(b) The ratio of the total soluble solids to anhydrous citric acid meets the requirements of Chapter 20-51, F.A.C.;

(c) The juice content of each fruit is not less than the minimum requirements for respective fruit sizes set forth in Chapter 20-52, F.A.C.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

20-50.005 When Seeded Grapefruit Shall be Deemed Mature.

(1) Except for the period January 1 through July 31, seeded grapefruit meeting minimum:

(a) Color break;

(b) Ratio;

(c) And juice content requirements of Chapter 20-52, F.A.C., shall be deemed mature when the total soluble solids (Brix) of the juice is not less than 7.5 percent.

(2) Except for the period April 15 through July 31, seeded grapefruit meeting minimum:

(a) Color break;

(b) Soluble solids;

(c) And juice content requirements of Chapter 20-52, F.A.C., shall be deemed mature when the ratio of soluble solids to anhydrous citric acid is not less than six to one.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:

20-51.001 Purpose

20-51.002 Minimum Ratios of Solids to Acid

PURPOSE AND EFFECT: New rules placing fresh grapefruit minimum ratios of solids to acid standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules for fresh grapefruit minimum ratios of solids to acid standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

FRESH GRAPEFRUIT – MINIMUM RATIOS OF SOLIDS TO ACID

20-51.001 Purpose.

The purpose of this rule is to set out in an easy to read format the precise ratios of acceptable total soluble solids to anhydrous citric acid as they relate to grapefruit for fresh use.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

20-51.002 Minimum Ratios of Solids to Acid.

To determine the minimum ratios of the total soluble solids of the juice of grapefruit to the anhydrous citric acid, the following table shall be used:

<u>Total Soluble Solids of the Juice is Not Less than</u>	<u>Total Soluble Solids of the Juice is not More than</u>	<u>The Minimum Ratio of the Total Soluble Solids to Anhydrous Citric Acid Shall Be</u>
<u>6.5 percent</u>	<u>9.1 percent</u>	<u>7 to 1</u>
<u>9.1 percent</u>	<u>9.2 percent</u>	<u>6.95 to 1</u>
<u>9.2 percent</u>	<u>9.3 percent</u>	<u>6.90 to 1</u>
<u>9.3 percent</u>	<u>9.4 percent</u>	<u>6.85 to 1</u>
<u>9.4 percent</u>	<u>9.5 percent</u>	<u>6.80 to 1</u>
<u>9.5 percent</u>	<u>9.6 percent</u>	<u>6.75 to 1</u>
<u>9.6 percent</u>	<u>9.7 percent</u>	<u>6.70 to 1</u>
<u>9.7 percent</u>	<u>9.8 percent</u>	<u>6.65 to 1</u>
<u>9.8 percent</u>	<u>9.9 percent</u>	<u>6.60 to 1</u>
<u>9.9 percent</u>	<u>10 percent</u>	<u>6.55 to 1</u>
<u>10 percent</u>	<u>10.1 percent</u>	<u>6.50 to 1</u>
<u>10.1 percent</u>	<u>10.2 percent</u>	<u>6.475 to 1</u>
<u>10.2 percent</u>	<u>10.3 percent</u>	<u>6.45 to 1</u>
<u>10.3 percent</u>	<u>10.4 percent</u>	<u>6.425 to 1</u>
<u>10.4 percent</u>	<u>10.5 percent</u>	<u>6.4 to 1</u>
<u>10.5 percent</u>	<u>10.6 percent</u>	<u>6.375 to 1</u>
<u>10.6 percent</u>	<u>10.7 percent</u>	<u>6.35 to 1</u>
<u>10.7 percent</u>	<u>10.8 percent</u>	<u>6.325 to 1</u>
<u>10.8 percent</u>	<u>10.9 percent</u>	<u>6.30 to 1</u>
<u>10.9 percent</u>	<u>11 percent</u>	<u>6.275 to 1</u>
<u>11 percent</u>	<u>11.1 percent</u>	<u>6.25 to 1</u>

<u>11.1 percent</u>	<u>11.2 percent</u>	<u>6.225 to 1</u>
<u>11.2 percent</u>	<u>11.3 percent</u>	<u>6.20 to 1</u>
<u>11.3 percent</u>	<u>11.4 percent</u>	<u>6.175 to 1</u>
<u>11.4 percent</u>	<u>11.5 percent</u>	<u>6.15 to 1</u>
<u>11.5 percent</u>	<u>11.6 percent</u>	<u>6.125 to 1</u>
<u>11.6 percent</u>	<u>11.7 percent</u>	<u>6.10 to 1</u>
<u>11.7 percent</u>	<u>11.8 percent</u>	<u>6.075 to 1</u>
<u>11.8 percent</u>	<u>11.9 percent</u>	<u>6.05 to 1</u>
<u>11.9 percent</u>	<u>12 percent</u>	<u>6.025 to 1</u>
<u>12 percent</u>	<u>12 percent</u>	<u>6 to 1</u>

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History--New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-52.001 Purpose
20-52.002 Minimum Juice Content
20-52.003 Determination of Unusual or Abnormal Conditions
20-52.004 Establishment of Different Sizes

PURPOSE AND EFFECT: New rules placing fresh grapefruit minimum juice content standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing fresh grapefruit minimum juice content standards into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

FRESH GRAPEFRUIT – MINIMUM JUICE CONTENT

20-52.001 Purpose.

The purpose of this rule is to set out in an easy to read chart the minimum juice content as they relate to grapefruit for fresh use in accordance with the time of year and size of the fruit.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History--New 1-1-13.

20-52.002 Minimum Juice Content.

(1) During the period of time beginning with August 1 of each year and ending with November 15 of the same year, both dates inclusive, the minimum juice content of the juice of the respective sizes of grapefruit is as follows:

Grapefruit Size ^a [1]	Grapefruit Shall Not Contain Less than the Corresponding Amount of Juice
14	400 Cubic Centimeters
18	350 Cubic Centimeters
23	305 Cubic Centimeters
27	275 Cubic Centimeters
32	245 Cubic Centimeters
36	230 Cubic Centimeters
40	210 Cubic Centimeters
48	185 Cubic Centimeters
56	170 Cubic Centimeters
64	165 Cubic Centimeters

(2) During that period of time beginning with November 16 of each year and ending with March 1 of the following year, both dates inclusive, the minimum juice content of respective size of grapefruit shall be as follows:

Grapefruit Size ^a [2]	Grapefruit Shall Not Contain Less than the Corresponding Amount of Juice
14	380 Cubic Centimeters
18	335 Cubic Centimeters
23	290 Cubic Centimeters
27	265 Cubic Centimeters
32	230 Cubic Centimeters
36	220 Cubic Centimeters
40	200 Cubic Centimeters
48	180 Cubic Centimeters
56	165 Cubic Centimeters
64	160 Cubic Centimeters

(3) During that period of time beginning with March 2 of each year and ending with July 31 of the same year, both dates inclusive, the minimum juice content of the juice of respective sizes of grapefruit shall be as follows:

Grapefruit Size ^a [3]	Grapefruit Shall Not Contain Less than the Corresponding Amount of Juice
14	360 Cubic Centimeters
18	320 Cubic Centimeters
23	275 Cubic Centimeters
27	250 Cubic Centimeters
32	220 Cubic Centimeters
36	210 Cubic Centimeters
40	190 Cubic Centimeters
48	170 Cubic Centimeters
56	155 Cubic Centimeters
64	150 Cubic Centimeters

^a[1] Each size being designated by the commercial number assigned to it based on the number of grapefruit of said size packed commercially in a standard 4/5 Florida packed box of grapefruit.

^a[2] Each size being designated by the commercial number assigned to it based on the number of grapefruit of said size packed commercially in a standard 4/5 Florida packed box of grapefruit.

^a[3] Each size being designated by the commercial number assigned to it based on the number of grapefruit of said size packed commercially in a standard 4/5 Florida packed box of grapefruit.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-52.003 Determination of Unusual or Abnormal Conditions.

If the Department of Citrus determines that unusual of abnormal conditions exist and a change in the juice requirements will be in the best interest of the citrus industry, it may, by resolution, decrease the required juice content of grapefruit, by varieties, during the period beginning November 16 and ending March 1 of the following year, both dates inclusive as provided in subsection 20-52.002(2), F.A.C., but in no event shall the required juice content during this period be less than the juice content required during this period be less than the juice content required during the period beginning March 2 of each year and ending July 31 of the same year, as provided in subsection 20-52.002(3), F.A.C.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-52.004 Establishment of Different Sizes.

(1) The Department may establish by regulation different sizes, including changes in diameter ranges for existing sizes, for grapefruit based on the number of grapefruit as packed commercially.

(2) At that time it shall also fix for each period the minimum juice content for the respective sizes so established, but in no event shall the juice content, during any period, be proportionately less than as set out in subsections 20-52.002(1), (2) and (3), F.A.C.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-53.001	Purpose
20-53.002	Oranges for Fresh Use Maturity Standards
20-53.003	Maturation of Oranges Earlier Than Normal

PURPOSE AND EFFECT: New rules placing fresh orange maturity standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing fresh orange maturity standards into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

ORANGES MATURITY STANDARDS – FRESH

20-53.001 Purpose.

The purpose of this rule is to set forth the specific standards as to when oranges intended for fresh use are considered mature and specifies the variances relating to maturity standards in accordance with specific times of the year.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History–New 1-1-13.

20-53.002 Oranges for Fresh Use Maturity Standards.

(1) During the period of time beginning with August 1 of each year and ending with October 31 of the same year, both dates inclusive, oranges shall be deemed to be mature only when each orange:

(a) After having been clipped, picked or severed from the tree;

(b) Shows a break in color;

(c) With yellow color predominating on not less than 50 percent of the fruit’s surface in the aggregate (the Parson Brown variety need show only such break in color on not less than 25 percent of the fruit’s surface in the aggregate);

(d) The total soluble solids of the sample is not less than 9 percent;

(e) The ratio of total soluble solids of the juice of the sample to the anhydrous citric acid set forth in Chapter 20-54, F.A.C.;

(f) The juice of the sample contains not less than 0.4 percent of anhydrous citric acid;

(g) The juice content of the orange sample is in an amount not less than at the rate of 4 1/2 gallons of juice per standard-packed box.

(2) During that period of time beginning with November 1 of each year and ending November 15 of the same year, both dates inclusive, oranges shall be deemed to be mature only when each orange:

(a) After having been clipped, picked, or otherwise severed from the tree;

(b) Shows a break in color;

(c) With yellow color predominating on not less than 50 of the fruit’s surface in the aggregate (the Parson Brown variety need show only such a break in color on not less than 25 percent of the fruit’s surface in the aggregate);

(d) The total soluble solids of the juice of the sample is not less than 8.7 percent;

(e) The ratio of total soluble solids of the juice of the sample to the anhydrous citric acid is as set forth in Chapter 20-54, F.A.C.;

(f) The juice of the sample contains not less than 0.4 percent of anhydrous citric acid;

(g) The juice content of said orange sample is in an amount not less than at the rate of 4 1/2 gallons of juice per standard-packed box.

(3) During that period of time beginning with November 16 of each year and ending with July 31 of the following year, both dates inclusive, oranges shall be deemed to be mature only when each orange:

(a) After having been clipped, picked, or otherwise severed from the tree;

(b) Shows a break in color;

(c) With yellow color predominating on not less than 25 percent of the fruits surface in the aggregate;

(d) The total soluble solids of the juice of the sample is not less than 8.5 percent;

(e) The ratio of the total soluble solids of the juice of the sample to the anhydrous citric acid is as set forth in Chapter 20-54, F.A.C.;

(f) The juice of the sample contains not less than 0.4 percent of anhydrous citric acid;

(g) And the juice content of said orange sample is in an amount not less than at the rate of 4 1/2 gallons of juice per standard-packed box.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-53.003 Maturation of Oranges Earlier Than Normal.

(1) If in any particular shipping season it shall appear to the Department of Citrus, after a public hearing held not earlier than October 5 and called and held to determine such question, that oranges are then maturing earlier than normally as provide in Chapter 20-52, F.A.C., the Department of Citrus may by order, rule, or regulation to be issued or promulgated and to become effective not later than October 10, declare and provide that during that period of time beginning with August 1 and ending with October 16, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample is not less than 9 percent.;

(2) And during that period of time beginning with October 17 and ending with October 31, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample is not less than 8.7 percent;

(3) And during that period of time beginning with November 1 and ending July 31 of the following year, both dates inclusive, oranges meeting all other maturity standards shall be deemed to be mature when the total soluble solids of the juice of the sample is not less than 8.5 percent.

(4) From December 1 of each year to July 31 of the following year, both dates inclusive, oranges shall be deemed to be mature for canning and concentrating purposes when the total soluble solids of the juice is not less than 8 percent and

when the minimum ratio of the total soluble solids of the juice to the anhydrous citric acid is as set forth in Chapter 20-54, F.A.C., with no minimum requirement as to juice content, acid, or color break.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:

20-54.001 Purpose

20-54.002 Minimum Ratios of Solids to Acid

PURPOSE AND EFFECT: New rules placing fresh oranges minimum ratios of solids to acid standards into Chapter 20, F.A.C., as a result of the industry's maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing fresh oranges minimum ratios of solids to acid standards into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.
 PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

FRESH ORANGES – MINIMUM RATIOS OF SOLIDS TO ACID

20-54.001 Purpose.

The purpose of this rule is to set out in an easy to read format the precise ratios of acceptable total soluble solids to anhydrous citric acid as they relate to oranges for fresh use.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-54.002 Minimum Ratios of Solids to Acid.

(1) To determine the minimum ratios of the total soluble solids of the juice of oranges to the anhydrous citric acid, the following table shall be used:

<u>Total Soluble Solids of the Juice is Not Less than</u>	<u>Total Soluble Solids of the Juice is not More than</u>	<u>The Minimum Ratio of the Total Soluble Solids to Anhydrous Citric Acid Shall Be</u>
<u>8 percent</u>	<u>8.1 percent</u>	<u>10.5 to 1</u>
<u>8.1 percent</u>	<u>8.2 percent</u>	<u>10.45 to 1</u>
<u>8.2 percent</u>	<u>8.3 percent</u>	<u>10.40 to 1</u>
<u>8.3 percent</u>	<u>8.4 percent</u>	<u>10.35 to 1</u>
<u>8.4 percent</u>	<u>8.5 percent</u>	<u>10.30 to 1</u>
<u>8.5 percent</u>	<u>8.6 percent</u>	<u>10.25 to 1</u>
<u>8.6 percent</u>	<u>8.7 percent</u>	<u>10.20 to 1</u>
<u>8.7 percent</u>	<u>8.8 percent</u>	<u>10.15 to 1</u>
<u>8.8 percent</u>	<u>8.9 percent</u>	<u>10.10 to 1</u>
<u>8.9 percent</u>	<u>9 percent</u>	<u>10.05 to 1</u>
<u>9 percent</u>	<u>9.1 percent</u>	<u>10 to 1</u>
<u>9.1 percent</u>	<u>9.2 percent</u>	<u>9.95 to 1</u>
<u>9.2 percent</u>	<u>9.3 percent</u>	<u>9.90 to 1</u>
<u>9.3 percent</u>	<u>9.4 percent</u>	<u>9.85 to 1</u>
<u>9.4 percent</u>	<u>9.5 percent</u>	<u>9.80 to 1</u>
<u>9.5 percent</u>	<u>9.6 percent</u>	<u>9.75 to 1</u>
<u>9.6 percent</u>	<u>9.7 percent</u>	<u>9.70 to 1</u>
<u>9.7 percent</u>	<u>9.8 percent</u>	<u>9.65 to 1</u>
<u>9.8 percent</u>	<u>9.9 percent</u>	<u>9.60 to 1</u>
<u>9.9 percent</u>	<u>10 percent</u>	<u>9.55 to 1</u>
<u>10 percent</u>	<u>10.1 percent</u>	<u>9.50 to 1</u>
<u>10.1 percent</u>	<u>10.2 percent</u>	<u>9.45 to 1</u>
<u>10.2 percent</u>	<u>10.3 percent</u>	<u>9.40 to 1</u>
<u>10.3 percent</u>	<u>10.4 percent</u>	<u>9.35 to 1</u>
<u>10.4 percent</u>	<u>10.5 percent</u>	<u>9.30 to 1</u>
<u>10.5 percent</u>	<u>10.6 percent</u>	<u>9.25 to 1</u>
<u>10.6 percent</u>	<u>10.7 percent</u>	<u>9.20 to 1</u>
<u>10.7 percent</u>	<u>10.8 percent</u>	<u>9.15 to 1</u>
<u>10.8 percent</u>	<u>10.9 percent</u>	<u>9.10 to 1</u>
<u>10.9 percent</u>	<u>11 percent</u>	<u>9.05 to 1</u>
<u>11 percent</u>	<u>< 11 percent ^a[1]</u>	<u>9 to 1</u>

a.[1] When the total soluble solids of the juice is 11 percent or more, the minimum ratio of the total soluble solids to anhydrous citric acid shall be 9 to 1.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History--New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-55.001 Purpose
20-55.002 Tangerine Maturity Standards

PURPOSE AND EFFECT: New rules placing fresh tangerine maturity standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing fresh tangerine maturity standards into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

TANGERINE MATURITY STANDARDS – FRESH

20-55.001 Purpose.

The purpose of this rule is to set forth the specific standards as to when tangerines intended for fresh use are considered mature and specifies the variances relating to maturity standards in accordance with specific times of the year.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History--New 1-1-13.

20-55.002 Tangerine Maturity Standards.

(1) Tangerines shall be deemed to be mature only when each tangerine:

(a) After having been clipped, picked, or otherwise severed from the tree;

(b) Shows a break in color;

(c) With yellow color predominating on not less than 50 percent of the fruits surface in the aggregate;

(d) The total soluble solids of the juice are not less than 9 percent;

(e) And the ratio of total soluble solids of the juice to the anhydrous citric acid is as set forth in Chapter 20-56, F.A.C.

(2) From November 15th of each year until July 31st of the following year, both dates inclusive, tangerines shall be deemed to be mature only when each tangerine:

(a) After having been clipped, picked, or otherwise severed from the tree;

(b) Shows a break in color;

(c) With yellow color predominating on not less than 50 percent of the fruit’s surface in the aggregate;

(d) The total soluble solids of the juice thereof are not less than 8.75 percent;

(e) And the ratio of total soluble solids of the juice thereof to the anhydrous citric acid is as set forth in Chapter 20-56, F.A.C.

(3) From November 15th of each year to July 31st of the following year, both dates inclusive, tangerines shall be deemed to be mature for canning and concentrating purposes when the total soluble solids of the juice is not less than 8.75 percent and when the minimum ratio of the juice to the

anhydrous citric acid is as set forth in Chapter 20-56, F.A.C., with no minimum requirements as to juice content, acid, or color break.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.: RULE TITLES:
20-56.001 Purpose
20-56.002 Minimum Ratios of Solids to Acid

PURPOSE AND EFFECT: New rules placing fresh tangerine minimum ratios of solids to acid standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing fresh tangerine minimum ratios of solids to acid standards into Chapter 20

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

FRESH TANGERINE – MINIMUM RATIOS OF SOLIDS TO ACID

20-56.001 Purpose.

The purpose of this rule is to set out in an easy to read format the precise ratios of acceptable total soluble solids to anhydrous citric acid as they relate to tangerines for fresh use.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-56.002 Minimum Ratios of Solids to Acid.

(1) To determine the minimum ratios of the total soluble solids of the juice of tangerines to the anhydrous citric acid, the following table shall be used:

<u>Total Soluble Solids of the Juice is Not Less than</u>	<u>Total Soluble Solids of the Juice is not More than</u>	<u>The Minimum Ratio of the Total Soluble Solids to Anhydrous Citric Acid Shall Be</u>
<u>9 percent</u>	<u>9.1 percent</u>	<u>9 to 1</u>
<u>9.1 percent</u>	<u>9.2 percent</u>	<u>8.9 to 1</u>
<u>9.2 percent</u>	<u>9.3 percent</u>	<u>8.8 to 1</u>
<u>9.3 percent</u>	<u>9.4 percent</u>	<u>8.7 to 1</u>
<u>9.4 percent</u>	<u>9.5 percent</u>	<u>8.6 to 1</u>
<u>9.5 percent</u>	<u>9.6 percent</u>	<u>8.5 to 1</u>
<u>9.6 percent</u>	<u>9.7 percent</u>	<u>8.4 to 1</u>
<u>9.7 percent</u>	<u>9.8 percent</u>	<u>8.3 to 1</u>

<u>9.8 percent</u>	<u>9.9 percent</u>	<u>8.2 to 1</u>
<u>9.9 percent</u>	<u>10 percent</u>	<u>8.1 to 1</u>
<u>10 percent</u>	<u>10.1 percent</u>	<u>8 to 1</u>
<u>10.1 percent</u>	<u>10.2 percent</u>	<u>7.9 to 1</u>
<u>10.2 percent</u>	<u>10.3 percent</u>	<u>7.8 to 1</u>
<u>10.3 percent</u>	<u>10.4 percent</u>	<u>7.7 to 1</u>
<u>10.4 percent</u>	<u>10.5 percent</u>	<u>7.6 to 1</u>
<u>10.5 percent</u>	<u>10.6 percent</u>	<u>7.5 to 1</u>

(2) From November 15th of each year to July 31st of the following year, both dates inclusive, to determine the minimum ratio of the total soluble solids of the juice of tangerines to the anhydrous citric acid, the following table shall be used:

<u>Total Soluble Solids of the Juice is Not Less than</u>	<u>Total Soluble Solids of the Juice is not More than</u>	<u>The Minimum Ratio of the Total Soluble Solids to Anhydrous Citric Acid Shall Be</u>
<u>8.75 percent</u>	<u>8.80 percent</u>	<u>8.75 to 1</u>
<u>8.80 percent</u>	<u>8.75 percent</u>	<u>8.75 to 1</u>
<u>8.90 percent</u>	<u>9 percent</u>	<u>8.75 to 1</u>
<u>9 percent</u>	<u>9.10 percent</u>	<u>8.75 to 1</u>
<u>9.10 percent</u>	<u>9.20 percent</u>	<u>8.65 to 1</u>
<u>9.20 percent</u>	<u>9.30 percent</u>	<u>8.55 to 1</u>
<u>9.30 percent</u>	<u>9.40 percent</u>	<u>8.45 to 1</u>
<u>9.40 percent</u>	<u>9.50 percent</u>	<u>8.35 to 1</u>
<u>9.50 percent</u>	<u>9.60 percent</u>	<u>8.25 to 1</u>
<u>9.60 percent</u>	<u>9.70 percent</u>	<u>8.15 to 1</u>
<u>9.80 percent</u>	<u>9.90 percent</u>	<u>7.95 to 1</u>
<u>10 percent</u>	<u>10.1 percent</u>	<u>7.75 to 1</u>
<u>10.1 percent</u>	<u>10.2 percent</u>	<u>7.65 to 1</u>
<u>10.2 percent</u>	<u>10.3 percent</u>	<u>7.55 to 1</u>
<u>10.3 percent</u>	<u>10.4 percent</u>	<u>7.45 to 1</u>
<u>10.4 percent</u>	<u>10.5 percent</u>	<u>7.35 to 1</u>
<u>10.5 percent</u>	<u>10.5 percent</u>	<u>7.25 to 1</u>

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History--New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-69.001
 RULE TITLE: Requirements for Fruit Imported for Processing

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word "tax" to "assessment(s)".

SUMMARY: Changing the word "tax" to "assessment(s)".
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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

LAW IMPLEMENTED: 601.02(3), (4), (5), 601.10(7), 601.11, 601.15(3), 601.155, 601.47, 601.48, 601.49 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-69.001 Requirements for Fruit Imported for Processing.

All fresh fruit imported into Florida for processing into citrus products shall be subject to all provisions of the Florida Statutes, and rules of the Department of Citrus applicable to the processing of Florida produced citrus fruit. Such fruit shall be inspected for maturity and be subject to payment of all applicable inspection fees and ~~assessments~~ ~~excise taxes~~. Citrus products produced from such fruit shall be subject to all provisions of the Florida Statutes and Department of Citrus rules relating to grading and inspection, applicable to products produced from Florida citrus fruit.

~~Rulemaking Specific~~ Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.02(3),(4),(5), 601.10(7), 601.11, 601.15(3), 601.155, 601.47, 601.48, 601.49 FS. History—Formerly 105-1.27(1), Revised 1-1-75, Formerly 20-69.01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-71.005	Manifest Requirements and Statements for In-State Bulk Transports
20-71.006	Manifest Requirements and Statements for Transports of Processed Citrus Products

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), (7), 601.11, 601.49, 601.51 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-71.005 Manifest Requirements and Statements for In-State Bulk Transports.

(1) through (3) No change.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment will be inspected at a receiving facility that is a registered citrus processor and that payment of all assessments ~~excise taxes~~ and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) through (6) No change.

Rulemaking Specific Authority 601.10(1), (7), 601.11, 601.49, 601.51 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History—New 4-26-01, Amended 1-1-03, _____.

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

(1) through (3) No change.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, have been inspected and certified, that official certificates of inspection are on file and available upon request, and that payment of all assessments ~~excise taxes~~ and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) through (6) No change.

Rulemaking Specific Authority 601.10(1),(7), 601.11, 601.49, 601.51 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History—New 4-26-01, Amended 1-1-03, 3-26-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-82.001	Purpose
20-82.002	When Grapefruit for Processing into Juice and Juice Products Deemed Mature
20-82.003	Grapefruit for Processing into Grapefruit Sections and Salads Deemed Mature

PURPOSE AND EFFECT: New rules placing grapefruit for processing maturity standards into Chapter 20, F.A.C., as a result of the industry’s maturity standards being removed from

Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with weather and disease emergencies as they affect citrus.

SUMMARY: New rules placing grapefruit for processing maturity standards into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: These rules, while new, are a result of the 2012 Legislature removing the maturity standards from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rules, there will be no impact to the industry.

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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.9910(1) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

GRAPEFRUIT MATURITY STANDARDS – PROCESSED

20-82.001 Purpose.

The purpose of this rule is to set forth the specific standards as to when grapefruit intended for processing are considered mature and specifies the variances relating to maturity standards in accordance with specific times of the year.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-82.002 When Grapefruit for Processing into Juice and Juice Products Deemed Mature.

(1) For the period August 1 through November 30, maturity requirements for:

(a) Juice content:

(b) Acid:

(c) And color break:

Shall be the same as established in Chapter 20-50, F.A.C. for grapefruit for fresh use.

(2) After November 30, there shall be no minimum requirement for:

(a) Juice content:

(b) Acid:

(c) And color break.

(3) For the period August 1 through November 30, the total soluble solids (Brix) of the juice from seedy grapefruit shall be not less than 8 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(4) For the period August 1 through November 30, the total soluble solids (Brix) of the juice from seedless grapefruit shall be not less than 7.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(5) For the period December 1 through December 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 7 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(6) For the period January 1 through January 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than eight to one.

(7) For the period of February 1 through April 14, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six and one-half to one.

(8) For the period of April 15 through July 31, the total soluble solids (Brix) of the juice from seedy and seedless grapefruit shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six to one.

(9) All grapefruit:

(a) Subject to inspection:

(b) And legally diverted from the packinghouse for processing into juice and juice products:

Shall be deemed mature as provided in paragraphs 1-8 above, except that, for the period August 1 through January 31, the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than seven and one-half to one. For the period

August 1 through January 31, such fruit failing to meet maturity standards as provided may be used in the production of products as provided in Section 601.9906(2), F.S.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

20-82.003 Grapefruit for Processing into Grapefruit Sections and Salads Deemed Mature.

(1) For the period August 1 through November 30, maturity requirements shall be the same as established in Chapter 20-50, F.A.C.

(2) After November 30, there shall be no minimum requirements for:

(a) Juice content:

(b) Acid:

(c) Or color break.

(3) For the Period December 1 through December 31, the total soluble solids (Brix) of the juice shall be not less than 7 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall meet the requirements of Chapter 20-51, F.A.C.

(4) For the period January 1 through April 14, the total soluble solids (Brix) of the juice shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six and one-half to one.

(5) For the period April 15 through July 31, the total soluble solids (Brix) of the juice shall be not less than 6.5 percent, and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than six to one.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.9910(1) FS. History—New 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.:

20-91.008

RULE TITLE:

Assessment Forms Provided by Department

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word "tax" to "assessment(s)".

SUMMARY: Changing the word “tax” to “assessment(s)”.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.152(8)(b), (c) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License and Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-91.008 Assessment Forms Provided by Department.

(1) No change.

(2) When any Order adopted pursuant to Section 601.152, ~~F.S. Florida Statutes~~, provides for a brand advertising rebate promotional campaign, the Department of Citrus shall prescribe an additional form for handlers who are required to pay assessments levied and imposed by any such Order, which form shall provide the individual brand and customer identification necessary for the Department of Citrus staff to administratively determine the proper individual customer and brand accounts for the accumulation of rebate credits and for the payment of rebate claims. Inasmuch as public inspection of this form would provide business competitors of the handlers filing the form with an unfair advantage in the channels of trade, the form and all information supplied thereby shall be held in strict confidence by those employees of the Department of Citrus to whom it is entrusted, and no such employee or former employee shall make a disclosure of the form or any information furnished by the form to any person except an

employee or agent of the Department of Citrus engaged in the assessment, collection and rebates of the assessment tax imposed or the Auditor General charged with the audit of the affairs of the Department of Citrus.

~~Rulemaking Specific~~ Authority 601.10(1), 601.15(10)(a) FS. Law Implemented 601.152(8)(b),(c) FS. History—Formerly 105-1.38(7), Revised 1-1-75, Formerly 20-91.08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-98.006
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), 601.11, 601.15 FS.
 LAW IMPLEMENTED: 601.101 FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-98.006 Definitions.

“Citrus fruit” as used herein, shall mean all citrus fruits in fresh form, ~~assessable taxable~~ under Section 601.15, ~~F.S Florida Statutes~~.

~~Rulemaking Specific~~ Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History–New 2-5-87, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Roberts, Acting General Counsel

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-100.004
 RULE TITLE: Official Forms Used by Agency

PURPOSE AND EFFECT: The 2012 Legislature undertook a major rewrite of Chapter 601, F.S., resulting in rule amendments including changing the word “tax” to “assessment(s)”.

SUMMARY: Changing the word “tax” to “assessment(s)”.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The amendment is housekeeping in nature, bringing the rules into compliance with changes made to Chapter 601, F.S. by the 2012 Legislature.

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: 601.10(1), (15) FS.
 LAW IMPLEMENTED: 601.10(15) FS.

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

DATE AND TIME: October 24, 2012, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-100.004 Official Forms Used by Agency.

In its licensing, regulatory, ~~assessing taxation~~, marketing and other operational functions the Florida Department of Citrus requires use of the forms listed below. All of these forms are available for inspection by any interested party during regular business hours at the headquarters office located at 605 East Main Street, Bartow, Florida or may be received upon request by writing the Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010, by telephone (863)537-3999 or at <http://www.fdocgrower.com/category/forms/> ~~www.fdocgrower.com~~.

(1) through (30) No change.

(31) Fresh Fruit Florida Advertising ~~Assessment Tax~~ Return (Packinghouse & Gift Fruit Packers) – CIT/REV/01R REV. 5-15-12.

(32) Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise ~~Assessments Taxes~~ B CIT/REV/02 Rev. 5-16-12.

(33) Processed Citrus Products Florida Advertising ~~Assessment Tax~~ Return B CIT/REV/03R REV. 5-15-12.

(34) Equalization Advertising ~~Assessment Tax~~ Return B CIT/REV/04R REV. 5-15-12.

(35) Fresh Equalization Advertising ~~Assessment Tax~~ Return B CIT/REV/04R FRESH REV. 5-15-12.

(36) Cash Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise ~~Assessments Taxes~~ B CIT/REV/05 REV. 5-16-12.

(37) Fresh Fruit & Fresh Squeezed Florida Advertising ~~Assessment Tax~~ Return (Gift Fruit Shippers or Roadside Stand Operators) B CIT/REV/06R REV. 5-15-12.

(38) No change.

(39) Florida Department of Citrus ~~Assessment Tax~~ Surety Calculation B CIT/REV/07 REV. 5-15-12.

(40) No change.

(41) Import ~~Assessment Tax~~ Election (Opt-out form) B CIT/REV/10 REV. 5-15-12.

(42) Request for Periodic Citrus Advertising ~~Assessment Tax~~ Payments (Gift Fruit Shippers and Roadside Stand Operators) CIT/REV/11 REV. 5-15-12.

(43) through (52) No change.

Rulemaking Specific Authority 601.10(1), (15) FS. Law Implemented 601.10(15) FS. History—New 1-1-75, Amended 8-31-83, 2-26-84, Formerly 20-102.05, Amended 12-20-95, Formerly 20-102.005, Amended and Transferred 12-6-98, Amended 5-28-00, 9-20-07, 7-13-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CITRUS

RULE NO.: 20-108.004
RULE TITLE: Determination of Minimum Bond Required

PURPOSE AND EFFECT: Amended rule placing the citrus fruit dealer bond schedule into Chapter 20, F.A.C., as a result of the schedule being removed from Chapter 601, F.S. by the 2012 Legislature and allowing the industry more flexibility to deal with issues of bonding for the purposes of paying growers should the dealer fail to do so.

SUMMARY: Amended rule placing the citrus fruit dealer bond schedule into Chapter 20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rule amendment is a result of the 2012 Legislature removing the bond schedule from statute thereby allowing their placement into Chapter 20 rules; as the statute wording has been brought directly into the rule, there will be no impact to the industry.

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: 601.10(1), (7), 601.56 FS.
LAW IMPLEMENTED: 601.03(8), 601.10(1), (5), (7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS.
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 24, 2012, 9:00 a.m.
PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida 33830
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice Wiggins, License & Regulation Specialist, P. O. Box 9010, Bartow, FL 33831 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

- 20-108.004 Determination of Minimum Bond Required.
(1) The following schedule shall be used in determining the minimum amount of surety bond, certificate of deposit, or cash bond to be posted in support of the applicant's citrus fruit dealer's license:
(a) \$1,000 up to 2,000 boxes;
(b) \$2,000 up to 5,000 boxes;
(c) \$3,750 up to 7,500 boxes;
(d) \$5,000 up to 10,000 boxes;
(e) \$10,000 up to 20,000 boxes;
(f) \$1,000 for each additional 20,000 boxes or fraction thereof in excess of 20,000 boxes, with a maximum bond of \$100,000.
(2)(1) Repeat applications;
(3)(2) New applications;

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 601.10(1),(7), 601.56 FS. Law Implemented 601.03(8), 601.10(1),(5),(7), 601.55, 601.56, 601.57, 601.58, 601.60, 601.61 FS. History—Revised 12-18-74, Effective 12-31-74, Formerly 105-2.02(4), Formerly 20-108.04, Amended 4-23-95, 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William Roberts, Acting General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.106
RULE TITLE: Commutation of Sentence

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-601.106, F.A.C., is being repealed, as the provisions of the rule are obsolete and no longer in accordance with applicable statutory authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these rules and incorporated forms, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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: 944.30 FS.

LAW IMPLEMENTED: 944.30 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: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.106 Commutation of Sentence.

Rulemaking Specific Authority 944.30 FS. (1986). Law Implemented 944.30 FS. (1986). History–New 9-19-93, Formerly 33-11.018, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-21.275	Implementing a Water Shortage Declaration

PURPOSE AND EFFECT: The proposed rulemaking will amend Rule 40D-21.275, F.A.C., to provide that the District will send a Notice of Water Shortage by regular U.S. mail to those Permittees whose permits will be affected or whose permitted water use will otherwise be restricted by a Water Shortage Declaration. The effect of the rulemaking is to make the District’s rule consistent with the requirements of statute.

SUMMARY: Section 373.246(6), Florida Statutes, requires a water management district to “notify each permittee in the district by regular mail of any change in the condition of his or her permit, or any suspension of his or her permit or of any other restriction on the permittee’s use of water” upon the issuance of a Water Shortage Declaration. The proposed rulemaking will amend Rule 40D-21.275, F.A.C., to provide that the District will send a Notice of Water Shortage by regular U.S. mail to those Permittees whose permits will be affected or whose permitted water use will otherwise be restricted by a Water Shortage Declaration. Previously, the District sent a Notice of Water Shortage to all Permittees in an area affected by a Water Shortage Declaration. The rulemaking is necessary to make the District’s rule consistent with the requirements of statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification or submittal of a SERC.

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 FS.

LAW IMPLEMENTED: 373.175, 373.246 FS.

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

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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (ext. 4660) (OGC #2012012)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-21.275 Implementing a Water Shortage Declaration.

(1) through (2) No change.

(3) The District shall send a Notice of Water Shortage by regular mail to each Permittee whose permit will be affected or whose permitted water use will otherwise be restricted by the Water Shortage declaration located in the affected area.

(4) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 11-19-84, Amended 4-9-06, 7-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher Pettit, Staff Attorney, Office of General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-45.0365
RULE TITLE: Non-Final Orders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to articulate the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapter 718, Florida Statutes.

SUMMARY: The proposed rule articulates the arbitrators' ability to issue orders necessary to effectuate discovery, to prevent delay, and otherwise to promote the just, speedy, and inexpensive determination of all aspects of pending cases under Chapters 718 and 720, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 718.1255(4) FS.

LAW IMPLEMENTED: 718.1255(4), 718.1255(3)(c) 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: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-45.0365 Non-Final Orders.

(1) The presiding arbitrator before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case.

(2) When a case is abated, held in abeyance, or administratively closed, no filing fee is necessary to reopen the case or otherwise proceed with the matter.

Rulemaking Authority 718.1255(4) FS. Law Implemented 718.1255(4), 718.1255(3)(c) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)717-1244

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt the 2009 U.S. Food and Drug Administration Food Code (Food Code) and add definitions related to the three levels of food safety defined in the Food Code. The new definitions will apply plain language terms to the technical definitions in the Food Code upon which the division will base inspections and violations.

SUMMARY: The proposed rule adopts the 2009 Food Code and simplified terms for the three levels of food safety in the Food Code.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The proposed rule will not adversely impact economic growth, private-sector job creation or employment, or private-sector investment, but may increase income, visitors to Florida, and wages or salaries by increasing public safety through reduced risk of allergen reactions and food borne illness. The division estimates the total impact on business competitiveness at less than \$500,000 because of regulation that is not present in other states or markets. Total estimated regulatory costs of adopting the 2009 Food Code are \$407,106.00, with additional training requirements for allergens and illness-related employment restrictions accounting for \$382,255 of the estimated costs. New requirements for certain optional business practices account for \$24,851 of the total estimated regulatory costs. All of the division’s public food service and public lodging licensees will be required to comply with the 2009 Food Code, but costs for individual establishments will depend on business practices. The regulatory costs will apply to public food service establishments only. Small businesses may incur a larger portion of the training-related costs, but are expected to incur less of the costs associated with the optional business practices. The proposed rule will not impose any implementation costs or enforcement costs on the department or any other state and local government. Costs may be offset by gains in food safety, reduced food borne illness occurrences, and regulation reductions from the currently adopted 2001 Food Code. No lower cost regulatory alternatives were received.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 509.032 FS.

LAW IMPLEMENTED: 509.032 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133, Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~2009~~ ~~2001~~ Recommendations of the United States Public Health Service/Food and Drug Administration; ~~the 2001 Food Code Errata Sheet (August 23, 2001); and Supplement to the 2001 FDA Food Code (August 29, 2003)~~ shall apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C.:

(1) through (4) No change.

(5) Basic Item – An item defined in the Food Code as a Core Item.

~~(6)(5)~~ Bed linens – This term includes, a top sheet, a bottom sheet, pillowslips, a mattress pad and a blanket for each bedding accommodation.

~~(7)(6)~~ Bedding accommodations – This term includes a mattress, box spring, bed frame, pillows and bed linens. This term includes various sizes and types of conventional beds, sleeper type couches, rollaway or folding type beds, and baby cribs.

~~(8)(7)~~ Closed – Free of openings larger than 1/32 of an inch.

~~(9)(8)~~ Commissary – A public food service establishment licensed by the division or a food establishment permitted by the Department of Agriculture and Consumer Services, which is utilized by a mobile food dispensing vehicle for the purpose of providing all required support services, including potable water and wastewater disposal, that are not available on the mobile food dispensing vehicle.

~~(10)(9)~~ Condiment – Any food such as ketchup, mayonnaise, mustard, relish, or any other seasoning that is used to enhance the flavor of other food.

~~(11)(40)~~ Director – The director of the Division of Hotels and Restaurants appointed pursuant to Section 20.165(3), F.S., or the director's designee, as the context permits.

~~(12)(41)~~ Double – As it refers to public lodging occupancy, this term means two people.

~~(13)(42)~~ Fixed food establishment – A public food service establishment which operates at a specific location and is permanently connected to electrical, water, and sewage disposal systems.

~~(14)(43)~~ Food Code – This term as used in Chapters 61C-1, 61C-3, and 61C-4, F.A.C., means paragraph 1-201.10(B), Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, and Chapter 7, and Sections 8-103.11 and 8-103.12 of the Food Code, ~~2009 2001~~ *Recommendations of the United States Public Health Service/Food and Drug Administration* including *Annex 3: Public Health Reasons/Administrative Guidelines*; *Annex 5: Conducting Risk-based Inspections* (<https://www.flrules.org/Gateway/reference.asp?No=Ref-0153>) ~~6) HACCP Guidelines of the Food Code; the 2001 Food Code Errata Sheet (August 23, 2002); and Supplement to the 2001 FDA Food Code (August 29, 2003)~~, herein adopted by reference. A copy of the Food Code, as adopted by the division, is available on the division's Internet website www.MyFloridaLicense.com/dbpr/hr. A copy of the entire Food Code is available on the U.S. Food and Drug Administration Internet website. Printed copies of the entire Food Code are available through the National Technical Information Service, ~~5301 Shawnee Road, Alexandria, VA 22312 5285 Port Royal Road, Springfield, VA 22161~~.

~~(15)(44)~~ Food establishment – As utilized in the Food Code, this term shall apply to public lodging establishments and food service establishments as defined in Chapter 509, F.S., according to the context of the applicable rule language.

~~(16)(45)~~ Garbage – Food waste generated on premises that is not disposed of through the sewage disposal system. The term also includes solid waste such as discarded containers or wrappers that are contaminated with food waste.

~~(17)~~ High Priority Item – An item defined in the Food Code as a Priority Item.

~~(18)(46)~~ Hot water – Hot water means a water temperature of 100 degrees Fahrenheit or above.

~~(19)~~ Intermediate Item – An item defined in the Food Code as a Priority Foundation Item.

~~(20)(47)~~ Manager – An individual who has direct authority, control or supervision over employees engaged in the storage, preparation, display and serving of food to the public.

~~(21)(48)~~ Misbranded – As provided in Section 500.11, F.S.

~~(22)(49)~~ Owner – A person, firm or corporation who, or which, owns or controls the premises.

~~(23)(20)~~ Potable water – Water satisfactory for drinking, culinary, and domestic purposes meeting quality standards of Rules 62-550 and 62-555, F.A.C.

~~(24)(21)~~ Premises – The public food service or lodging establishment and the contiguous land or property under the control of the operator. The property may include all yards, alleys, driveways, sidewalks, and other exterior portions of the licensed premises.

~~(25)(22)~~ Railway – Either a railing or a guardrail system of building components located near the open sides of elevated walking surfaces.

~~(26)(23)~~ Remodel – To make any change to an existing public food service establishment which affects the sanitation or safety of the establishment.

~~(27)(24)~~ Self-sufficient mobile food dispensing vehicle – A public food service establishment classified as a mobile food dispensing vehicle that contains, as part of the vehicle, a three compartment sink for washing, rinsing, and sanitizing equipment and utensils; a separate handwash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code.

~~(28)(25)~~ Sewage – Any liquid waste containing chemicals or animal, mineral, or vegetable matter, or liquid waste from sinks, bathroom facilities, grinders, garbage containers, dishwashing machines, floor drains, floor washing or handwashing facilities.

~~(29)(26)~~ Single – As it refers to public lodging occupancy, this term means one person.

~~(30)(27)~~ Stairway – One or more flights of stairs or steps, either interior or exterior, and the landings, platforms, or other supporting structures necessary to connect separate levels in order to form a continuous passage from one level to another in a building structure.

~~(31)(28)~~ Temporary food service event – Any event of 30 or fewer consecutive days in duration, advertised and recognized in the community, where food is prepared, served, or sold to the general public.

~~(32)(29)~~ Wholesome – Food which is in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

PROPOSED EFFECTIVE DATE: January 1, 2013.

Rulemaking Authority 509.032 FS. Law Implemented 509.032 FS. History—Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98, 12-6-00, 2-27-05, 8-12-08, 6-26-12, 1-1-13.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-4.004
 RULE TITLE: Discretionary Reinstatement of Null or Void Licenses

PURPOSE AND EFFECT: This rule is being repealed and is no longer necessary as it will now be a function of the department to address the reinstatement of null and void licenses.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.271 (6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 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: Richard Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-4.004 Discretionary Reinstatement of Null or Void Licenses.

Rulemaking Authority 455.271(6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. Law Implemented 455.271 (6)(b), (9), 455.213(2), 455.219, 492.104, 492.1101 FS. History—New 10-15-07, 6-5-12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-26.002
 RULE TITLE: Minimum Capitalization or Adequate Public Liability Insurance for Florida Firms with the Exception of a Sole Proprietorship

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the dollar amount of irrevocable letter of credit required for certain Florida firms for use in meeting the minimum capitalization requirements to engage in the practice of public accounting and to remove language concerning submission of financial statements.

SUMMARY: Language concerning submission of financial statements will be removed. The dollar amount of irrevocable letter of credit required for certain Florida firms for use in meeting the minimum capitalization requirements to engage in the practice of public accounting will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The following is a summary of the SERC:

- Based on the annual average number of applicants, 464 applicants are expected to comply with the rule.
- There will be no costs to the Department for implementing the proposed rule.
- There will be no costs to any other state and local government entities for implementing the proposed rule.
- There will be no costs to any other state and local government enforcing the proposed rule.

- The costs incurred by individuals and entities required to comply with the requirements of the proposed rule will be minimal.
- The estimated number of small businesses that would be subject to the rule is between 100-499.
- No small county or small city will be impacted by this proposed rule.
- No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 473.304, 473.309 FS.

LAW IMPLEMENTED: 473.309 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.002 Minimum Capitalization or Adequate Public Liability Insurance for Florida Firms with the Exception of a Sole Proprietorship.

A Florida firm, with the exception of a sole proprietorship, shall not engage in the practice of public accounting in this state unless:

- (1) No change.
- (2) It has an irrevocable letter of credit of at least equal to \$50,000 per shareholder, officer, member, or partner and any Florida licensed certified public accountant to a maximum of \$2,000,000, which meets the following criteria:
 - (a) through (c) No change.
 - (3) No change.

~~(4) For purposes of subsection 61H1-26.002(1), F.A.C., financial statements prepared to substantiate the excess of assets over liabilities must be submitted to the Board with the application for licensure. These Financial statements must be prepared in accordance with Generally Accepted Accounting Principles and Work-in-Process may be considered as an unbilled receivable together with an appropriate evaluation allowance.~~

Rulemaking Authority 473.304, 473.309 FS. Law Implemented 473.309 FS. History—New 12-4-79, Formerly 21A-26.02, Amended 10-20-86, Formerly 21A-26.002, Amended 11-30-93, 5-23-94, 6-10-96, 10-6-96, 12-30-97, 9-21-00, 12-10-09_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-26.004 RULE TITLE: Changes by Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that sole proprietorships are subject to the rule.

SUMMARY: Sole proprietorships are subject to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The following is a summary of the SERC:

- Based on the annual average number of applicants, 166 applicants are expected to comply with the rule.
- There will be no costs to the Department for implementing the proposed rule.
- There will be no costs to any other state and local government entities for implementing the proposed rule.
- There will be no costs to any other state and local government enforcing the proposed rule.
- The costs incurred by individuals and entities required to comply with the requirements of the proposed rule will be minimal.
- The estimated number of small businesses that would be subject to the rule is between 100 and 499.
- No small county or small city will be impacted by this proposed rule.
- No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs.

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: 473.304, 473.309 FS.

LAW IMPLEMENTED: 473.309 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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61H1-26.004 Changes by Firms.
 - (1) No change.
 - (2) In the event of the formation of a new sole proprietorship, partnership, corporation or limited liability company or a change in the name of a sole proprietorship, partnership, corporation or limited liability company, such sole proprietorship, partnership, corporation or limited liability company shall, within thirty (30) days of the event, become certified for licensure by the Board in accordance with Rule 61H1-26.003, F.A.C., and pay the license fee required by subsections 61H1-31.001(5) and (6), F.A.C.

Rulemaking Authority 473.304, 473.3101 FS. Law Implemented 473.3101 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-26.04, Amended 6-4-86, Formerly 21A-26.004, Amended 11-3-97, 7-16-98, 8-17-98, 1-31-05, 8-28-06, 1-26-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-20.009 RULE TITLE: Probable Cause Panel
 PURPOSE AND EFFECT: The amendments brings the rule into compliance with new statutory changes.
 SUMMARY: The amendment made to the number of members that composes of a probable cause panel complies with Section 455.225(4), Florida Statutes.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
 The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of this rule at its Commission meeting, the Commission, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. No person or interested party submitted additional information regarding the economic impact at that time. The Commission has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of these rules. The rule amendments will not require ratification by the Legislature A Statement of Estimated Regulatory Cost will not be 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: 475.05 FS.

LAW IMPLEMENTED: 475.224 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-20.009 Probable Cause Panel.

A probable cause panel shall determine if probable cause exists that a licensee, registrant, a permit holder, or the subject of the investigation violated Chapter 475, Part I, Florida Statutes, or any of the Commission’s rules. A probable cause panel shall consist of at least one present ~~two~~ members of the Commission. ~~The members of the panel shall be appointed by the chairperson of the Commission.~~ As provided in Section 455.225(4), Florida Statutes, one of the panel members may be a former member of the Commission.

Rulemaking Specific Authority 475.05 FS. Law Implemented 455.225 FS. History—New 11-21-79, Amended 3-15-82, 11-16-83, Formerly 21V-20.09, Amended 6-28-93, Formerly 21V-20.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-23.001
 RULE TITLE: Informed Consent; Printed Materials
 PURPOSE AND EFFECT: The rule incorporates materials by reference in order to comply with Section 390.0111(3), F.S. requiring the Department of Health to prepare and provide printed materials to physicians engaged in terminations of pregnancies. The printed materials are to include a description of the fetus at various stages of development, referral information for entities offering alternatives to terminating a pregnancy, and information on medical assistance benefits for prenatal care, childbirth, and neonatal care.

SUMMARY: This rule incorporates by reference the DOH Forms titled Fetal Development and Alternatives to Terminating a Pregnancy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Department has determined that the incorporated forms will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a), F.S.

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: 390.0111(13) FS.

LAW IMPLEMENTED: 390.0111 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: Bob Peck, Bureau of Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, Florida 32399-3260, telephone number (850)245-4444

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-23.001 Informed Consent; Printed Materials.

(1) The Department incorporates by reference the forms titled “Fetal Development and Alternatives to Terminating a Pregnancy” to fulfill the requirements of Section 390.0111(3), F.S. These forms are available in English (Form DH 150-997, effective date 3/2012), Spanish (Form DH 150-998, effective date 3/2012), and Haitian-Creole (Form DH 150-999, effective date 3/2012).

(2) English and Spanish versions of “Fetal Development and Alternatives to Terminating a Pregnancy” will be shipped by the Department of Health in bulk to each Florida licensed abortion clinic.

(3) Materials incorporated by reference may be obtained in English, Spanish, and Haitian Creole by writing to the Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399-1723 or from the Florida Department of Health website at <http://www.doh.state.fl.us/Family/mch/Alternatives.html>. Copies of the forms can also be found in English at _____ in Spanish at _____ and in Haitian Creole at _____.

Rulemaking Authority 390.0111(13) FS. Law Implemented 390.0111 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: 68A-27.003
 68A-27.005
 RULE TITLES: Designation of Endangered Species; Prohibitions
 Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of this rule amendment is to revise the Florida Endangered and Threatened Species List to reflect Federal listing changes. The Atlantic sturgeon and Miami blue are added as endangered species to the Federal-designated Endangered and Threatened Species part of the Florida Endangered and Threatened Species List due to Federal action to list these species. The Okaloosa darter’s status on the Federal-designated Endangered and Threatened Species portion of Rule 68A-27.003, F.A.C., is revised from endangered to threatened due to Federal action to reclassify this species. The cassius blue butterfly, ceraunus blue butterfly,

and nickerbean blue butterfly are added as threatened species due to similarity of appearance to the Miami blue butterfly due to Federal action to list these species.

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

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

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Mr. Eric Sutton, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Designation of Endangered Species; Prohibitions.

(1) Federally-designated Endangered and Threatened species:

(a) No person shall take, possess, or sell any of the endangered or threatened species included in this subsection, or parts thereof or their nests or eggs except as allowed by specific federal or state permit or authorization.

(b) The following Federally-designated Endangered and Threatened species shall be afforded the protection afforded under Commission rules and Florida Statutes and under the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq. and its implementing regulations. Species classified as endangered are identified below by (E) and threatened as (T).

(c) Fish:

1. Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*)(E); South Atlantic distinct population segment (consistent with 77 Fed. Reg. 5914-5982).

2. Okaloosa darter (*Etheostoma okaloosae*)(T E) (consistent with 76 Fed. Reg. 18087-18103),

(d) through (h) No change.

(i) Insects:

1. American burying beetle (*Nicrophorus americanus*)(E),

2. Cassius blue butterfly (*Leptotes cassius theonus*)(T[S/A]), ceraunus blue butterfly (*Hemiargus ceraunus antibubastus*) (T[S/A]), and nickerbean blue butterfly (*Cyclargus ammon*)(T[S/A]) are listed due to similarity of

appearance to Miami blue butterfly (consistent with 77 Fed. Reg. 20948-20986) and as such only the following prohibitions apply to these three species:

a. Incidental take, that is, take that results from, but is not a purpose of, carrying out an otherwise lawful activity will not apply to cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly.

b. Collection of the cassius blue butterfly, ceraunus blue butterfly, and nickerbean blue butterfly is prohibited in coastal counties south of Interstate 4 and extending to the boundaries of the State of Florida at the endpoints of Interstate 4 at Tampa and Daytona Beach. Specifically, such activities are prohibited in the following counties: Brevard, Broward, Charlotte, Collier, De Soto, Hillsborough, Indian River, Lee, Manatee, Pinellas, Sarasota, St. Lucie, Martin, Miami-Dade, Monroe, Palm Beach, and Volusia.

3. Miami blue butterfly (*Cyclargus thomasi bethunebakeri*)(E) (consistent with 77 Fed. Reg. 20948-20986).

4.2. Schaus swallowtail butterfly (*Heracles aristodemus ponceanus*)(E).

(j) No change.

(2) State-designated Threatened species:

(a) through (g) No change.

(h) Insects:

~~Miami blue butterfly (*Cyclargus thomasi bethunebakeri*). The Miami blue butterfly shall be afforded the protective provisions specified in this subsection. No person shall take, harm, harass, possess, sell, or transport any Miami blue butterfly or parts thereof or their eggs, larvae or pupae except as authorized by permit from the executive director. Permits will be issued based upon whether issuance would further management plan goals and objectives.~~

Rulemaking 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, 7-20-09, 11-8-10, 11-14-11, _____.

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) No change.

(2) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this subsection or parts thereof or their nests or eggs except as authorized by permit from the executive director, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species. For purposes of this section, the definition of the word take in Rule 68A-1.004, F.A.C., applies.

- (b) Fish:
 - 1. ~~Atlantic sturgeon (*Acipenser oxyrinchus*),~~
 - 2. through 7. renumbered 1. through 6. No change.
- (c) through (h) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, 6-1-06, 11-8-07, 11-8-10, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-23.003
 RULE TITLE: Establishment, Changes, and Continuation of Revolving Fund

PURPOSE AND EFFECT: To update the Department’s rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The change updates the procedures for requesting the establishment of, continuation of, or changes to the revolving fund. Further, the amendment revises the Department’s mailing address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) No requirement for a SERC was triggered under Section 120.541(1) and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 17.14, 17.29 FS.

LAW IMPLEMENTED: 216.271 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: Wednesday, September 19, 2012, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jennifer Pelham, (850)413-5769 or Jennifer.Pelham@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 IS: Jennifer Pelham, Financial Administrator, Bureau of Financial Reporting, Division of Accounting & Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0354, (850)413-5769 or Jennifer.Pelham@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-23.003 Establishment, Changes, and Continuation of Revolving Fund.

(1) Requests to establish a revolving fund, to continue or to make changes to an existing revolving fund must be submitted in writing to the Department. Forms required may be obtained from the Department and rRequests should shall be sent to the:

Bureau of ~~Financial Reporting Accounting~~
 Department of Financial ~~Financial~~ Services
 200 East Gaines Street
 Tallahassee, Florida 32399-0354
~~(850)414 1803~~

(2) A request to establish a new revolving fund shall be on the Request to Establish – New Revolving Fund, Form No. DFS-A1-1823, rev. 03/08 which is hereby adopted and incorporated by reference. Such requests shall also include the following information, if applicable:

(a) through (k) No change.

(3) Requests for a change in or a continuation of an existing revolving fund shall be made by submitting the following forms: Request to Increase – Revolving Fund, Form DFS-A1-1821, rev. 03/08, the Request to Decrease – Revolving Fund, Form DFS-A1-1822, rev. 03/08, or the Request for Continuation – Revolving Fund, Form DFS-A1-1906, rev. 03/08, all of which are hereby adopted and incorporated by reference. Such requests shall include the following information, if applicable:

(a) The same information required in paragraphs (2)(a) through (d) herein.

(b) A schedule by month for the last 12 months (if fund has been in existence for less than 12 months, for the time it has been in existence) on the Schedule of Disbursements – Revolving Fund, Form No. DFS-AA-27, rev. 03/08 effective

~~3/88~~, which is hereby adopted and incorporated by reference and available from the Department, containing the following information:

- 1. through 5. No change.
- (c) through (e) No change.
- (4) through (6) No change.

Rulemaking Specific Authority 17.14, 17.29 FS. Law Implemented ~~216.011(1)(e)~~, 216.271 FS. History--New 3-24-88, Amended 11-20-94, 1-27-98, Formerly 3A-23.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Pelham, Financial Administrator, Bureau of Financial Reporting, Division of Accounting & Auditing, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-23.005
 RULE TITLE: Reimbursement of Revolving Funds
 PURPOSE AND EFFECT: To update the Department's rules to ensure that its rules are correct and comply with statutory requirements, in accordance with Section 120.74, F.S.

SUMMARY: The rule amendment is required to remove obsolete information. Further, the amendment revises the Department's mailing address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The amendments will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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: 17.14, 17.29 FS.

LAW IMPLEMENTED: 215.42, 216.271 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: Wednesday, September 19, 2012, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jennifer Pelham, (850)413-5769 or Jennifer.Pelham@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 IS: Jennifer Pelham, Financial Administrator, Bureau of Financial Reporting, Division of Accounting & Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0354, (850)413-5769 or Jennifer.Pelham@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-23.005 Reimbursement of Revolving Funds.

(1) Vouchers requesting reimbursement must include invoices, sales receipts or other supporting documentation and in the case of a payment by check, provide a copy of the checks or a check register including the date, number, amount and payee of each check, or provide the check number, amount and date on the invoice. Reimbursement requests shall be sent to the:

Bureau of Auditing
 Department of Financial Services
 200 East Gaines Street
 Tallahassee, Florida 32399-0355
 (850)488-1806

~~(2) If a revolving fund is being established or increased from the General Revenue Fund, the voucher shall be prepared using FLAIR account code 44-10-1-000905-44100000-00-315000-00 and object code 870000.~~

~~(3) If a revolving fund is to be established or increased from a Trust Fund, a voucher shall be prepared using object code 870000.~~

~~(2)(4)~~ Reimbursements to revolving funds for travel expenses will only be made if:

- (a) through (e) No change.

Rulemaking Specific Authority 17.14, 17.29 FS. Law Implemented 215.42, 216.271 FS. History--New 3-24-88, Amended 11-20-94, Formerly 3A-23.005, Amended.

Cf. See Rules 69I-40.003 and 69I-42.005 for forms referenced herein which have been previously adopted by the Department; see Chapter 69I-40, F.A.C., for object code identification rules.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jennifer Pelham, Financial Administrator, Bureau of Financial Reporting, Division of Accounting & Auditing, Department of Financial Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2012

Section III
Notices of Changes, Corrections and Withdrawals

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-21.001 RULE TITLE: Strategic Regional Policy Plan
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.1101 RULE TITLE: Amendments to and Releases of Conservation Easements.
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. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

Reason for change: The purpose of the change is to clarify the scope of the new category of release or amendment requests (under new paragraph (1)(g)) that could not otherwise be released or amended by the District under the existing categories.

40C-1.1101 Amendments to and Releases of Conservation Easements.

(1) This section establishes the terms and conditions under which the District shall agree to amend or release all or part of a conservation easement conveyed to it, pursuant to Section 704.06, F.S., solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. It does not apply to conservation

easements that were acquired by the District partly through purchase and partly through a regulatory program. The District’s decision to release or amend a conservation easement is a proprietary decision and does not result in any waiver of regulatory requirements. Property owners shall be responsible for obtaining all necessary permits for their construction activities, including any dredging or filling of wetlands. A request for the release or amendment of a conservation easement shall include a copy of the recorded conservation easement; a copy of any conservation easement over other property offered in exchange for the requested release or amendment; and a map showing the location of the recorded conservation easement and any conservation easement offered in exchange. For the District to agree to release or amend a conservation easement, the request for release or amendment shall satisfy the conditions of any one of the following seven categories and the general condition in paragraph 40C-1.1101(1)(h), F.A.C.:

(a) through (f) No change.

(g) Other Requests. For the purpose of this paragraph, “other requests” are all other requests for release or amendment of conservation easements that do not involve public projects as defined in paragraph 40C-1.1101(1)(c), F.A.C., or requests for release or amendment where the conservation easement that is the subject of the request is located on a single-family lot or within a permitted residential development. The District shall release or amend a conservation easement under this “other requests” category, under the following terms and conditions:

1. through 4. No change.

(h) No change.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History—New 1-12-10, Amended_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.020 RULE TITLE: Definition of County of Residence
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. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The following changes have been made to the proposed rule.

THE FULL TEXT OF THE PROPOSED RULE IS: