

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2010 ~~(2006)~~ is hereby adopted and incorporated by reference.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2011 ~~2009~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Aquaculture

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

##### 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. 37, No. 16, April 22, 2011 issue of the Florida Administrative Weekly.

The following revisions are the Department's final proposed amendments to Rule 5L-1.007, F.A.C.

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

(1) through (2) No change from current rule text.

(3) The commercial harvester's tags shall be white in color except as required in paragraph 5L-1.007(3)(i), F.A.C., and shall contain legible waterproof indelible information arranged in the specific order as follows:

(a) through (h) No change from current rule text.

(i) If shellstock exceeds the requirements in subsection 5L-1.008(5), (7), (8) or (9), F.A.C., the commercial oyster harvester tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color. Containers of oysters shall not be tagged with both a green tag and a white tag at any time.

(4) No change from current rule text.

(5) Bulk tagging, by a certified shellfish dealer, while washing, packing, during depuration, wet storing, staging and intrastate transport of shellfish is permissible up to final packaging only when the lot container (i.e., pallet), contains shellfish which are harvested on the same day, from the same harvest area, and have the same intended use (i.e., for halfshell consumption, for shucking, or for further processing), and is tagged as follows:

(a) through (f) No change from current rule text.

(g) If shellstock exceeds the requirements in subsection 5L-1.008(5), (6), (7), (8) or (9), F.A.C., the shellstock bulk tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color.

(6) The dealer's tag shall contain legible, waterproof, indelible information arranged in the specific order as follows:

(a) through (g) No change from current rule text.

(h) If shellstock exceeds the requirements in subsection 5L-1.008(5), (6), (7), (8) or (9), F.A.C., the shellstock dealer tag shall be identified with the preprinted language "FOR SHUCKING ONLY BY A CERTIFIED DEALER" or "FOR POST HARVEST PROCESSING ONLY" in bold, 14 point font and the tag shall be green in color.

(i) through (j) No change from current rule text.

(7) through (12) No change from current rule text.

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History--New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02, 8-17-04, 9-28-04, 7-28-08, 7-29-08, 4-26-10, \_\_\_\_\_.

The following revisions are the Department's final proposed amendments to rule 5L-1.008.

5L-1.008 Shellfish Handling.

(1) through (4) No change from current rule text.

(5) Throughout the year, it is harvester's responsibility that shellfish shall be harvested between sunrise and sunset as established by the U.S. Weather Service. During the months of November, December, January, February, and March, the harvester shall assure that clams shellfish shall be delivered to a certified shellfish dealer by 10:00 p.m. of the same day as

harvest. During the months of April, May, and October, harvesters shall assure that clams shall be delivered to a certified shellfish dealer within twelve (12) hours of the time of harvest. During the months of December, January, February, and March, the harvester shall assure that oysters shall be delivered to a certified shellfish dealer by 10:00 p.m. of the same day as harvest. During the month of November, the commercial harvester shall assure that oysters are delivered to a certified shellfish dealer by 5:00 p.m. of the same day of harvest. During the month of April, the harvester shall assure that oysters shall be delivered to a certified shellfish dealer by 4:00 p.m. of the same day within twelve (12) hours of the time of harvest. During the months of May, June, and July, the harvesters shall assure that oysters shall be delivered to a certified shellfish dealer by 11:30 a.m. unless authorized in a certified dealer HACCP plan for the complete on-board cooling option detailed in subsection 5L-1.008(7), F.A.C., or authorized in a certified shellfish dealer HACCP plan for the partial on-board cooling option detailed in subsection 5L-1.008(8), F.A.C., or authorized in a certified shellfish dealer HACCP plan for the rapid cooling option detailed in subsection 5L-1.008(9), F.A.C. During the months of August, September, and October, the harvesters shall assure that oysters shall be delivered to a certified shellfish dealer by 12:00 p.m. unless authorized by the Department as detailed in subsection 5L-1.008(7), F.A.C., for complete on-board cooling or authorized in a certified shellfish dealer HACCP plan for the partial on-board cooling option detailed in subsection 5L-1.008(8), F.A.C., or authorized in a certified shellfish dealer HACCP plan for the rapid cooling option detailed in subsection 5L-1.008(9), F.A.C. During the months of June, July, August, and September, the harvester shall assure that clams shall be delivered to a certified shellfish dealer within ten (10) hours of the time of harvest, or within the same day as harvest, whichever is earlier. All shellfish shall be delivered directly to a certified shellfish dealer possessing a shellfish processing plant certification license.

(6) through (10) No change from current rule text.

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, Formerly 16R-7.011, Amended 7-3-95, 2-6-97, 3-18-99, 6-23-99, Formerly 62R-7.011, Amended 8-9-00, 5-29-02, 7-29-08, 4-26-10,\_\_\_\_\_.

## DEPARTMENT OF COMMUNITY AFFAIRS

### Florida Building Commission

RULE NO.: 9N-3.011 RULE TITLE: Forms

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 34, August 27, 2010 issue of the Florida Administrative Weekly has been withdrawn.

## ADMINISTRATION COMMISSION

RULE NO.: 28-18.300 RULE TITLE: Purpose and Effect

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

This rule, which was proposed as Rule 28-18.100 has been renumbered to 28-18.300. This number had been previously used and subsequently repealed, therefore, the number has been changed. No further changes have been made to this rule.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Pari-Mutuel Wagering

RULE NO.: 61D-5.001 RULE TITLE: Occupational Licensure

#### 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. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly.

61D-5.001 Occupational Licensure.

(1) through (2)(c)2. No change.

3. \$15 ~~\$30~~ for a General Occupational License.

(3) through (7) No change.

Rulemaking Authority 550.0251(3), 550.105(2)(b), (10) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06,\_\_\_\_\_.

In addition, Form DBPR PMW-3170, License Upgrade Application, has been amended to change the licensing fee from \$50 to \$65 for the following upgrades:

3-year General Individual License to 3-year Professional License

3-year General Individual License to 3-year Professional/Combo License

3-year General/Combo License to 3-year Professional/Combo License

## DEPARTMENT OF HEALTH

### Board of Acupuncture

RULE NO.: 64B1-9.001 RULE TITLE: Disciplinary Guidelines

#### NOTICE OF PUBLIC HEARING

The Department of Health, Board of Acupuncture announces a hearing regarding the above rule, as noticed in Vol. 37, No. 24, June 17, 2011 Florida Administrative Weekly.

DATE AND TIME: Friday, September 16, 2011, 8:30 a.m. or as soon thereafter as possible

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Disciplinary Guidelines.

Notice of the above-referenced proposed rule was originally published in Vol. 37, No. 24, of the June 17, 2011, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399 or by emailing a request to the Board Office at MQA\_Acupuncture@doh.state.fl.us, or by calling (850)245-4161.

All written materials will be accepted for this rule through the end of the hearing.

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 hours before the workshop/meeting by contacting: Board's Executive Director. 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).

## DEPARTMENT OF HEALTH

### Board of Nursing Home Administrators

RULE NO.: RULE TITLE:  
64B10-16.005 Domains of Practice, Objectives,  
Reports

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: RULE TITLE:  
69O-137.001 Annual and Quarterly Reporting  
Requirements

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: RULE TITLE:  
69O-138.001 NAIC Financial Condition  
Examiners Handbook Adopted

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: RULE TITLE:  
69O-138.001 NAIC Financial Condition  
Examiners Handbook Adopted

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 18, May 6, 2011 issue of the Florida Administrative Weekly has been withdrawn.

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: RULE TITLE:  
69O-170.0155 Forms

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly.

The date of notice of proposed rule development that was published as August 8, 2010, was incorrect.

Please show the correct date as August 20, 2010.

This correction is to correct a clerical error, and will have no substantive effect.

## Section IV Emergency Rules

NONE

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

## PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a joint petition from Florida Power & Light Company and Progress Energy Florida, Inc., filed on June 21, 2011, in Docket No. 110009-EI, seeking a variance from or partial waiver from subparagraph 25-6.0423(5)(c)4., Florida Administrative Code. The rule prescribes the time frame within which the utility must file revisions to its fuel and purchased power cost recovery filings.

Comments on the petition should be filed with the Florida Public Service Commission, Office of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from either the Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the