

S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE: Citations RULE NO.: 64B4-5.007

PURPOSE AND EFFECT: The purpose is to amend this rule by adding an additional offense for which a citation may be issued and the appropriate penalty to be charged.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.617, 491.004(5) FS.

LAW IMPLEMENTED: 455.617, 455.621 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-5.007 Citations.

(1) through (2) No change.

(3) The Board hereby designates as offenses for citations and the appropriate penalties the following:

(a) through (c) No change.

(d) violation of Rule 64B4-6.001(2)(a) – \$500.

Specific Authority 455.617, 491.004(5) FS. Law Implemented 455.617, 455.621 FS. History–New 1-7-92, Formerly 21CC-5.007, 61F4-5.007, 59P-5.007, Amended 12-11-97, 2-9-99,\_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
Definitions	4-150.003
Definitions	4-150.103
Definitions	4-150.203

PURPOSE AND EFFECT: The proposed amendment makes it clear that the standards in the definition of “invitation to inquire” are part of the definition and that failure to meet those standards does not constitute a violation. The result of failure to meet the definition of an invitation to inquire is to fall within the catchall definition of “invitation to contract” and thus subject to more stringent disclosure requirements imposed on ads which meet the definition of “invitation to contract”.

SUMMARY: This amendment adds language to explicitly state, “If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308(l), 626.9611, 627.805, 627.6699(12) FS.

LAW IMPLEMENTED: 624.307(l), 626.9541(l)(a),(b), (e),(g),(k),(1), 626.9641(l), 626.99, 627.460, 627.6699(9)(d)4. FS.

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

TIME AND DATE: 9:30 a.m., August 17, 1999

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5224

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-150.003 Definitions.

For the purpose of these rules, the terms below are defined as follows:

- (1) through (10) No change.
- (11) No change.
- (b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

Specific Authority 624.308(l), 626.9611 FS. Law Implemented 624.307(l), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1) FS. History--Revised 1-19-73, Repromulgated 12-24-74, Formerly 4-6.03, Amended 6-13-88, Formerly 4-6.003, Amended.

4-150.103 Definitions.

For the purpose of these rules, the terms below are defined as follows:

- (1) through (9) No change.
- (10)(a) No change.
- (b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the advertised policy;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

(11) through (14) No change.

Specific Authority 624.308(l), 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(g),(k),(l), 626.9641(1), 626.99, 627.460 FS. History--New 9-1-73, Formerly 4-35.03, Amended 6-12-88, 2-26-92, Formerly 4-35.003, Amended 5-27-96,\_\_\_\_\_.

4-150.203 Definitions.

For the purpose of these rules, the terms below are defined as follows:

- (1) through (8) No change.
- (9)(a) No change.
- (b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

(10) through (13) No change.

Specific Authority 624.308, 626.9611, 627.6699(12) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(e),(k),(l), 626.9641(1), 627.6699(9)(d)4. FS. History--New 2-25-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Bracher, Chief, Bureau of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23,1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Transporting Animal Carcasses/Refuse	5C-23
RULE TITLES:	RULE NOS.:
Definitions	5C-23.001
Application for Permit; Fees	5C-23.002
Vehicle and Container Requirements	5C-23.003
Transporting or Hauling Animal Carcasses or Refuse Procedures; Records; Equipment; Quarantine	5C-23.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to access a requirement for transporting/hauling Animal Carcasses Refuse; establish guidelines and fees associated with permits process and activities; establish penalties for violation.

SUMMARY: This rule proposes a permitting guidelines requirements, fees and penalties as required by section 585.002(5), F.S. as it relates to 585.145(2), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 585.002(4)(5), 585.145(2) FS.

LAW IMPLEMENTED: Chapter 94-339, Laws of Florida., 585.002(5), 585.145(2), 828.29(3)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., July 30, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jay S. Levenstein, Chief, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800, (850)488-7182, Fax (850)487-3641

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-23.001 Definitions.

For the purposes of this chapter the following definitions shall apply:

(1) Animal. This term shall include any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry or other domesticated beast or bird; the term animal shall include wild or game animals whenever necessary to effectively control or eradicate diseases.

(2) Department. The Florida Department of Agriculture and Consumer Services.

(3) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(4) Dying, disabled, diseased animal. Any animal, as defined by this section that shows evidence of infection with any infectious, contagious or communicable disease or is incapable of moving under its own power.

(5) Forms and Materials. Department of Agriculture and Consumer Services Application and Permit to Transport Animal Carcasses/Refuse (Form DACS-09056, Rev. 01-99) is hereby incorporated by reference. Copies may be obtained from the Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

5C-23.002 Application for Permit; Fees.

(1) No person shall engage in the business of transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption without having first applied for, and obtained from the

department, a permit unless they are permitted to transport or haul livestock pursuant to Section 574.083, F.S. and are transporting animals that have died or become disabled during shipment.

(2) Application for Permit. The applicant must submit a signed Form DACS-09056, Application and Permit to Transport Animal Carcasses/Refuse, together with a non-refundable application fee of \$200, to the Division of Animal Industry, Florida Department of Agriculture and Consumer Services, 407 South Calhoun Street, The Mayo Building, Tallahassee, Florida 32399-0800. The information supplied by the applicant on the application for permit shall be certified under oath. The fee must be submitted as a check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(3) Requirements for Permit. Upon receipt of the application and fee, an authorized representative of the Department will inspect all vehicles and containers used in the transportation and storage of carcasses or refuse to determine compliance with the requirements of this Chapter.

(4) Issuance of Permit. Applicants meeting the requirements on inspection by an authorized representative of the Department will be issued a permit. All permits expire on June 30.

(5) Reissue of Permit. The applicant will submit to the Department a completed DACS-09056 form indicating a request for reissue of permit signed by an authorized representative and accompanied by a permit fee as set forth above. Permit reissue requests will be due by July 1 of each year. If a permit request for reissue has not been received by July 1, an applicant must comply with all provisions of this rule as though never previously permitted.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

5C-23.003 Vehicle and Container Requirements.

(1) All vehicles used in the transportation of carcasses or refuse on public highways shall be of such construction as to prevent seepage or residue from escaping:

(2) All barrels or other containers used for transportation and storage of carcasses or refuse shall be clearly marked "INEDIBLE" with letters not less than 2 inches in height;

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

5C-23.004 Transporting or Hauling Animal Carcasses or Refuse; Procedures; Records; Equipment; Quarantine.

(1) A copy of the official permit shall be kept in each vehicle used for transporting or hauling animal carcasses or refuse.

(2) Any person transporting or hauling animal carcasses or refuse shall keep records regarding the collection, transportation and distribution of animal carcasses or refuse. Such records must include the names and addresses of persons, firms and partnerships or corporations for which animal carcasses or refuse is being transported and cover the previous twelve months of operation.

(3) All vehicles and/or containers used to transport or haul animal carcasses or refuse shall be thoroughly cleaned and disinfected weekly or more often if deemed necessary by a representative of the Division. Each operator shall be responsible for the proper cleaning of his vehicles and/or containers.

(4) Vehicle and/or containers used to transport or haul animal carcasses or refuse which do not meet the requirement of this rule shall be placed under quarantine by the department until they are in compliance with this Chapter and proper cleaning and disinfection of the same has occurred.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.01, 585.08(1), 585.145(1), 585.147 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jay S. Levenstein, Chief, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 329, Tallahassee, Florida 32399-0800; (850)488-7182; FAX: 487-3641

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leroy M. Coffman, D.V.M., Director, Division of Animal Industry, 407 S. Calhoun Street, Room 330, Tallahassee, Florida 32399-0800; (850)488-7747; FAX 922-8969

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE CHAPTER TITLE: Florida Agricultural Museum  
RULE CHAPTER NO.: 5H-24

Permanent Collections and Archives Administration  
RULE NOS.: 5H-24.001

Definitions  
5H-24.002

Acquisition Procedures  
5H-24.003

Accessioning Procedures  
Inventory of Department and Museum-Owned Artifacts  
5H-24.004

Loan of Department and Museum-Owned Artifacts  
5H-24.005

Deaccession and Disposal of Department and Museum-Owned Artifacts  
5H-24.006

Use of Museum Records  
5H-24.007

Forms and Instructions  
5H-24.008

PURPOSE AND EFFECT: The purposed of the proposed rule is to provide procedures which protect the Florida Agricultural Museum's permanent artifact collections and records. The effect of this rule will be to establish procedures for the care of the Florida Agricultural Museum's permanent artifact collection, library and records.

SUMMARY: Permanent Artifact and Records Collections of the Museum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 570.903(8) FS.

LAW IMPLEMENTED: 570.903(8) FS.

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

TIME AND DATE: 10:00 a.m., August 17, 1999

PLACE: Florida Agricultural Museum, 1850 Princess Place Road, Palm Coast, Florida 32137, (904)446-7630

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0800

THE FULL TEXT OF THE PROPOSED RULES IS:

PERMANENT COLLECTIONS

CHAPTER 5H-24

ADMINISTRATION OF PERMANENT COLLECTIONS

5H-24.001 Definitions.

The following words and terms shall have the following meanings:

(1) "Accession" means the process of formally adding a newly-acquired artifact to the Museum's permanent collections records and assigning it a unique number

(2) "Acquire" means the process of agreeing to accept an artifact for the permanent collections of the Museum and taking possession of the artifact by any lawful method, including but not limited to donation, bequest, purchase, transfer from another agency, staff field collection, exchange, archaeological excavation of Department or Museum-owned lands.

(3) "Agency" means any state, county, or municipal officer, department, division, museum, board, bureau, commission, or other separate unit of government created or established by law.

(4) "Artifact" means an object or group of objects of intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the Department of Florida.

(5) "Deaccession" means the process of formally removing a Department or Museum-owned artifact from the Museum's permanent collection records.

(6) "Disposal" means the process of permanently removing a Department or Museum-owned artifact from the Museum's permanent collections by one of the following means:

(a) Transferring title to another agency, institution, organization, or individual, and moving the artifact to the premise of that agency, institution, organization, or individual; or

(b) Properly discarding or destroying the artifact, if it has deteriorated or has been damaged beyond usefulness or repair.

(7) "Museum" means the Florida Agricultural Museum.

(8) "Department" means the Florida Department of Agriculture and Consumer Services.

(9) "Hazardous" means any material that is regulated by the Florida Department of Environmental Regulation.

(10) "Department or Museum-owned artifact" means an artifact in the permanent collections of the Museum that is owned by the Department or owned by the Florida Agricultural Museum, with title vested in the Department or the Museum.

(11) "Records" means manuscripts, photographs, books, papers, films, magnetic tapes, video tapes, and other magnetic media in the permanent collections of the Museum that is owned by the Department or owned by the Florida Agricultural Museum, with title vested in the Department or the Museum.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New \_\_\_\_\_.

5H-24.002 Acquisition Procedures.

(1) The Museum evaluates artifacts and determines whether they should be accepted into the Museum's permanent collections.

(a) The process of evaluating each artifact is recorded on an Evaluation Log, herein incorporated by reference.

(b) When the Museum accepts custody of an artifact from a prospective donor or vendor, an Examination Receipt, -herein incorporated by reference, is completed.

(c) Evaluation of artifacts is based on the following criteria:

1. All acquisitions must have intrinsic historical, architectural, archaeological, or folk cultural value relating to the history, government, or culture of the Department of Florida; and

2. All acquisitions must possess potential for research or be useful for exhibition or interpretive purposes.

3. In addition to these general criteria, the following factors shall be considered when evaluating artifact.

a. Whether the artifacts have been carefully examined and evaluated by a Museum staff member who is knowledgeable about them;

b. Whether the artifacts have legitimate and clear provenance;

c. Whether the current owner of the artifacts has clear title to them and is free to convey them to the Museum;

d. Whether the Museum can provide proper storage, protection, and preservation for the Museum purposes; and

e. The artifacts' copyright status, if applicable.

(2)(a) When evaluation is completed, a decision is made as to whether to acquire the artifact and accept it into the Museum's permanent collections.

(b) The prospective donor or vendor is notified of the Museum's decision.

(3) If the Museum decides to acquire an artifact, acquisition is accomplished by one of the following methods. The method of acquisition used is based on the needs of the donor or vendor and the Museum and on the nature of the transaction.

(a) If the artifact is acquired by donation, a Deed of Gift or an Informant Depositor Agreement, herein incorporated by reference, is completed;

(b) If the artifact is transferred to the Museum from another Department agency, appropriate documentation is acknowledgment and receipt is obtained: or

(4) If the Museum decides not to acquire an artifact for its permanent collections, the artifact, if it is in the Museum's custody, is returned to the prospective donor or vendor, or is disposed of as noted on the Examination Receipt.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New \_\_\_\_\_.

#### 5H-24.003 Accessioning Procedures.

After the Museum has acquired an artifact, the Museum accessions it into the Museum's permanent collections. To accomplish this, the acquired artifact is assigned a unique accession number and listed in a accessions register. The artifact is moved into the appropriate collections storage area of the Museum.

(1) In all cases, the accession number assigned to an acquired artifact consists of three elements. These elements indicate the year of acquisition, the group number, and the individual artifact number within the group. The group number refers to a specific group of artifacts acquired by the Museum from a single source on a specific date. (Example: In the number "1999.5.3," "1999" refers to the year 1999, "5" to the fifth group of objects acquired during that calendar year, and "3" to the third discrete artifact in a group of several artifacts.)

(2) The staff that administer the Museum's permanent collections maintain electronic data bases and files of paper records to document accessioned artifact.

(a) The electronic data bases contain the following information about each Department owned artifact.

1. An accession number;
2. The date of acquisition;
3. The method of acquisition;
4. A brief description of the artifact; and
5. The name of the source of acquisition.

6. In addition, the electronic data bases may include the following information:

- a. The site number;
- b. The name of the person or persons who collected the artifact;
- c. The storage location; and
- d. Catalog information concerning the artifact including, but not limited to, subject headings, information about associations with persons or places, condition, and information about the materials and techniques of manufacture.

(b) Paper records may contain the following information concerning Department or Museum-owned artifacts:

1. An accessions register that documents the date of accession, the source of the artifact, the method of acquisition, and a short description of the artifact; and
2. The following distinct files:

- a. Reference cards, filed by source name, that duplicate the information listed in the accessions register;
- b. Completed copies of the Evaluation Log;

c. Reference information about the artifact, filed by accession number, including transfers of title and related correspondence; a completed copy of the Examination Receipt; a completed copy of the Deaccession and Disposal Worksheet; information about the artifact's condition and provenance; and if applicable, a completed copy of the Missing Artifact Report;

d. Object cards and worksheets that describe the artifact and its location in detail;

e. Research materials related to artifacts;

f. Photographic records of artifacts;

g. Subject cards, used by Museum staff members, that function as a subject catalog;

h. Completed copies of the Deaccession and Disposal Worksheet and the Receipt for Deaccessioned Artifacts, and other information concerning deaccessioned artifacts;

i. Records of previous inventories; and

j. A copy of catalog information generated from paper records or the electronic data base.

(3) At the end of each fiscal year, the staff reports to the Museum director information concerning artifacts acquired for the Museum's permanent collections during the year. This shall include the information maintained in accordance with Rule 5H-24.003(2)(a)1.-5.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New \_\_\_\_\_.

#### 5H-24.004 Inventory of Department or Museum-owned Artifacts.

The Museum conducts an annual inventory of artifacts in its permanent collections.

(1) Inventory is taken either of individual artifacts or groups of artifacts, depending on the level at which the Museum maintains its collections records.

(2) This inventory, conducted by Museum staff on July 1 or as soon thereafter as practicable, is accomplished by the following procedures:

(a) A complete inventory is taken of all artifacts valued at \$500 or more. Using a printout of information from the Museum's electronic data base, a staff member looks for each item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is maintained manually, rather than in the electronic data base (i.e., an object cards and worksheets), the staff member uses these paper records to conduct the inventory.

(b) An inventory is taken, by a simple random sample based on accession number, of one percent of all Department or Museum-owned artifacts valued at less than \$500. Using a printout of information from the Museum's electronic data base, a staff member looks for each random-selected item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is

maintained manually, rather than in the electronic data base (i.e., on object cards and worksheets), the staff member uses these paper records to conduct the inventory.

(3) If a Department or Museum-owned artifact is not found during the inventory, all relevant collections records are checked to determine if the artifact has been removed from the location given on the inventory for a particular purpose.

(4) If the Department or Museum-owned artifact cannot be located after collections records are checked, the Museum director is informed, and the Division of Safety and Crime Prevention, Department of General Services, is notified. To accomplish this, a Missing Artifact Report, herein incorporated by reference, is completed. The Division of Safety and Crime Prevention also is asked to conduct an investigation or take other appropriate steps to determine the whereabouts of the missing Department or Museum-owned artifact and recover it.

(5) The fact that the Department or Museum-owned artifact is missing is noted on all Museum collections records.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New

#### 5H-24.005 Loan of Department or Museum-owned Artifacts.

(1) The Museum may make loans of Department or Museum-owned artifacts for scholarly or educational purpose or to assist the Museum in carrying out its responsibility to ensure proper curation of Department or Museum-owned artifact.

(2) While the Museum makes loans primarily to not-for-profit agencies, institutions, and organizations, a loan occasionally may be made to a for-profit agency, institution, or organization when the loan's purpose is consistent with the purposes set out in Rule 5H-24.005(1). It is the Museum's policy not to loan Department or Museum-owned artifacts for decorative or personal use. Department or Museum-owned artifacts are not loaned to any agency, institution, or organization that is or has been under criminal investigation, unless the agency, institution, or organization has been cleared of any wrongdoing. The Museum will not loan Department or Museum-owned artifacts to any agency, institution, or organization that plans to offer artifacts for sale during the term of the loan.

(3) Whether a loan is initiated by the Museum or is requested by another agency, institution, or organization, a written request is submitted to the Museum, in care of the Museum. This request includes the following information:

(a) A list of the Department or Museum-owned artifacts requested for loan;

(b) A statement of the proposed loan's purpose, including, if applicable, the title of the exhibition in which Department or Museum-owned artifacts will be displayed;

(c) The dates for which the proposed loan of Department or Museum-owned artifacts is requested; and

(d) If applicable, the manner in which loaned Department or Museum-owned artifacts will be presented in an exhibition and the estimated size and composition of the exhibition's audience.

(4) In addition, each agency, institution, or organization that wishes to borrow a Department or Museum-owned artifact completes a Facilities Report, herein incorporated by reference, and submits it to the Museum.

(5) Upon receipt of a written request and a completed Facilities Report, the Museum evaluates the request. The written request and the completed Facilities Report must be received at least six weeks before Department or Museum-owned artifacts are to be removed from the Museum's permanent collections for shipping to the borrower.

(a) To be approved, a loan must serve one of the following purposes:

1. To assist historical, architectural, archaeological, folk cultural, or other studies;

2. To provide Department or Museum-owned artifacts relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and culture and the programs of the Museum; or

3. To assist the Museum in carrying out its responsibility to ensure proper curation of Department or Museum-owned artifacts.

(b) In addition, the following criteria are considered when evaluating loan requests, to determine that the loan will produce a substantial public benefit and that loaned Department or Museum-owned artifacts will be properly protected and preserved:

1. The care, security, and insurance to be provided by the borrowing institution. No loans of Department or Museum-owned artifacts are made without adequate insurance coverage for these artifacts. Information is obtained by one of the following methods:

a. Determination by a Museum staff member;

b. Consultation of collections records; or

c. Determination by a hired consultant. The cost of this type of appraisal shall be paid for as agreed between the parties.

2. Any anticipated use by the Museum itself of the requested artifact;

3. The condition, rarity, and value of the requested artifact;

4. The duration of the loan, all loans being made for a specified period of time only;

5. The feasibility of preparing the loan within the time requested;

6. The size and composition of the anticipated audience, if this information is appropriate to the purpose of the loan; and

7. If applicable, the context in which the requested artifact will be exhibited and how this would reflect on the Museum and the Department.

(6) Based on the criteria set out in Rule 5H-24.005(5), a decision is made whether to approve the loan request. The Museum notifies the requesting agency, institution, or organization in writing of the decision. To complete the loan process:

(a) Collections records are verified to ensure that they are current, and that they contain a photograph or photocopy of the artifact:

(b) A Loan Agreement, herein incorporated by reference is completed and returned:

(c) A commitment is obtained for insurance of loaned Department or Museum-owned artifacts in an amount determined by Museum staff members or by outside appraisal. For loans of Department or Museum-owned artifacts whose combined value is over \$500, proof of insurance is obtained. Proof of insurance must be received by the Museum before Department or Museum-owned artifacts leave the Museum's custody; and

(d) The artifact is prepared for delivery to the borrower and arrangements are made for transportation.

(7) The Museum may seek to recover costs associated with loans, including costs for material, staff time, and shipping or transportation, and such costs may be charged to the borrowing agency, institution, or organization. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the Museum's operating account. Any income received from the loan of Department or Museum-owned artifacts is used to acquire additional artifacts, to defray costs associated with the loan, or to assist in the curation or maintenance of Department or Museum-owned artifacts.

(8) A written request to renew a loan must be received at least on month prior to the end of the existing loan agreement. Procedures described in Rule 5H-24.005(5)-(7) are followed to evaluate each request for renewal and to complete the loan process.

(9) Every loan, including those considered to be permanent must be reviewed at least every five years. If any of the loan conditions are violated, and if the Museum determines that such violations are detrimental to the security or preservation of the artifacts, the Museum shall terminate the loan agreement.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History—New.

#### 5H-24.006 Deaccession and Disposal of Department or Museum-owned Artifacts.

All decisions to remove a Department or Museum-owned artifact from the Museum's permanent collections by deaccession and disposal are made in a manner that is in the best interest of the public and the artifact.

(1) From time to time, the Museum initiates recommendations of Department or Museum-owned artifacts that should be deaccessioned and the method by which the deaccession artifacts should be disposed of. A Deaccession and Disposal Worksheet, herein incorporated by reference, is completed to document the deaccession and disposal process.

(2) The criteria listed below are used to determine whether a Department or Museum-owned artifact may be deaccessioned and disposed of:

(a) Deaccessioning and disposing of a Department or Museum-owned artifact may be recommended only if:

1. The artifact is not relevant and useful to the functions and activities of the Museum; and

2. The artifact cannot be properly stored, preserved, or interpreted by the Museum; and

3. The artifact has been in the Museum's permanent collections for at least one year (hazardous or actively decomposing materials excepted).

(b) Examples of situations in which deaccession and disposal of a Department or Museum-owned artifact may be recommended include, but are not limited to, instances in which an artifact:

1. Has no further use or value for the research, exhibit, or interpretive programs of the Museums; or

2. Will receive appropriate interpretation, maintenance, or preservation by another agency, institution, or organization; or

3. Has deteriorated or been damaged beyond usefulness or repair; or

4. Is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons; or

5. Is duplicated by another artifact in the Museum's permanent collections.

(c) Before a recommendation on deaccession and disposal is made, a determination is made as to whether the Museum is free to deaccession and dispose of a Department or Museum-owned artifact by verifying that the Museum legally owns the artifact, and that the Museum is not prohibited from deaccessioning and disposing of the artifact by a legal condition of ownership. Where any such restriction of ownership applies:

1. An opinion is sought from the Office of Legal Affairs of the Florida Department of Agriculture and Consumer Services regarding the intent and force of any restrictions; and

2. A deaccessioned artifact to which precatory restrictions apply is not disposed of until reasonable efforts have been made to comply with the restrictions.

(3) The Museum requests authorization from the museum director to proceed with deaccession and disposal and proceeds only after receiving this authorization.



(4) After receiving authorization to proceed with deaccession and disposal, the Museum determines an appropriate method of disposal.

(a) The Museum ensures that:

1. Preference shall be given to retaining within Florida those materials that are part of the state's historical, architectural, archaeological, or folk cultural heritage; and

2. Ownership shall not be given to any Museum employee or board, council, or committee member, or to a spouse or relative of an employee or board, council, or committee member, unless that person was the original donor of the artifact.

(b) The appropriate method of disposal is chosen from among the following:

1. If a Department or Museum-owned artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons, the Florida Department of Environmental Regulation shall be contacted to determine appropriate procedures for handling, transporting, and disposing of the artifact.

2. If a Department or Museum-owned artifact has deteriorated or been damaged beyond usefulness or repair, it may be properly discarded or destroyed.

3. If the Department or Museum-owned artifact meets the conditions set out in Rule 5H-24.006(2)(b)5., it may be exchanged for an artifact owned either by a not-for-profit or a for-profit agency, institution, or organization or by an individual, provided each of the following conditions is met:

a. Artifacts received are of value approximately equal to or greater than that of the Department or Museum-owned artifacts granted in exchange, as determined by an independent appraisal; and

b. The exchange results in the Museum receiving artifacts not well represented in its permanent collections.

4. In all other cases, when determining the appropriate method of disposal, every reasonable effort shall be made to ensure that ownership of the artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization. To accomplish this end, the following options shall be investigated:

a. Selling the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

b. Exchanging the deaccessioned artifact for a Florida-related artifact owned by another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

c. Donating the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

d. Transferring the deaccessioned artifact to one of the Museum's non-permanent collections to be used for research or in interpretive exhibits or other educational programs which promote knowledge and appreciation of Florida history and culture.

e. Only after all reasonable efforts have been made to ensure that ownership of a deaccessioned artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization may the following alternatives be investigated, in order, for disposing of the artifact:

I. All reasonable efforts are made to locate the original donor and offer the deaccessioned artifact to him or her;

II. If the original donor cannot be located, or does not wish to have custody of the deaccessioned artifact, the artifact may be sold or donated to or exchanged with an individual; a private, for-profit, organization; or a not-for-profit agency, institution; or a not-for-profit agency, institution, or organization other than one of the types of not-for-profit entities named in Rule 5H-24.006(4); or the artifact may be disposed of by any other legal means.

(5) After determining an appropriate method of disposal, the Museum staff seeks final approval from the Museum director for deaccessioning and disposing of a Department or Museum-owned artifact. If approval is received, the staff carries out deaccession and disposal in the manner recommended.

(a) The following steps are taken to complete the process:

1. A staff member ensures that collections records contain the following:

a. A photograph or photocopy of the artifact;

b. A physical description of the artifact; and

c. Information about the provenance of the artifact, if available;

2. The Museum's accession number is removed from the artifact unless, by doing so, the integrity of the artifact would be damaged; and

3. It is noted on all relevant Museum collections records that the artifact has been deaccessioned.

(b) If ownership is being given to another agency, institution, organization, or individual, the new owner:

1. Signs a Receipt for Deaccessioned Artifacts, herein incorporated by reference; and

2. Removes the artifact from the Museum's premises.

(c) If the artifacts made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other Department or Museum-owned artifacts or the health and safety of Museum employees or other persons, recommendations of the Florida Department of Environmental Regulation for handling, transporting, and disposing of the artifact are complied with.

(d) In the sale of deaccessioned artifacts, it is ensured that:

1. Deaccessioned artifacts are not offered for sale in any retail establishment operated by the Museum or where Department or Museum-owned artifacts are on loan from the Museum, and

2. Any income received from the sale of deaccessioned artifacts is deposited in the Museum's operating account.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New \_\_\_\_\_.

#### 5H-24.007 Use of Museum Records.

##### (1) Availability of records:

(a) Records in the custody of the Florida's are available for reference in the Search Room only.

(b) Original records will not normally be made available when microfilm or other copies are available.

(c) Persons seeking information that is published and readily available will normally be referred the Florida State Library.

(d) Records will not be furnished to a researcher under the age of 16 years unless he is accompanied by an adult researcher, or unless prior arrangements have been made with the Archivist.

##### (2) Location of records and hours of opening:

(a) A prospective researcher should first ascertain the location and availability of records by contacting the museum staff by mail or telephone.

(b) Except for holidays and at other such times as specified in writing by the Director and posted materials are available for use from 9:00 a.m. to 4:00 p.m., Monday through Friday. Records may be made available at other times as authorized by the Museum Director.

(3) Application procedures: Applicants shall apply in person at the Florida Agricultural Museum and shall submit, on a form provided for the purpose, information necessary for registration and for determining which records will be made available. Applicants shall furnish proper identification, and, if applying for access to large quantities of records or to records that are especially fragile or valuable, shall furnish upon request a letter of reference or introduction.

(4) Restrictions: The use of archives is subject to any restrictions specified by law. Records may be temporarily withdrawn from use while in process of restoration, repair, or rearrangement.

##### (5) Research room rules:

(a) Researchers shall register each day they enter the research room, furnishing the researcher's name permanent address, local address, occupation, residence phone, local phone and field of interest.

(b) Researchers responsibility for records – The research room attendant may limit the quantity of records to be delivered at one time to a researcher. When requested, researchers shall acknowledge receipt of records by signature. A researcher is responsible for all delivered records until the

records are returned. When a researcher has completed using the records, the researcher shall return them to the research room attendant. When requested, researchers shall return records as much as 10 minutes before closing time. Before leaving the research room, even for a short period of time, a researcher shall notify the research room attendant and place all records in their proper containers.

(c) Prevention of damage to records – The researcher shall exercise all possible care to prevent damage to records. Records shall not be used at a desk where there is a container of liquid or where a fountain pen is being used. Records shall not be leaned on, written on, folded anew, traced, fastened with paper clips or rubber bands, or handled in any way likely to cause damage. The use of records of exceptional value or in fragile condition shall be subject to any conditions specified by the research room attendant.

(d) Removal or mutilation of records – Researchers shall not remove records from the research room. The unlawful removal or mutilation of records is punishable by law. When so requested, researchers shall check parcels and luggage before entering the research room and upon leaving, a researcher shall, if requested, present for examination any briefcase, notebook, package, envelope, book, or other article that could contain records.

(e) Conduct – Eating in the research room is prohibited. Smoking is prohibited. Loud talking and other activities likely to disturb other researchers are also prohibited. Persons desiring to use typewriters shall work in areas designated by the research room attendant.

(f) Keep Records in order – A researcher must keep unbound records in the order in which they are delivered. Records appearing to be in disorder should not be rearranged by a researcher, but should be referred to the research room attendant. Normally, a researcher will not be allowed to remove records from more than one container at a time.

(g) Copying of records will normally be done by personnel of the Florida Agricultural Museum with equipment belonging to the agency. With the permission of librarian the researchers may use their own copying equipment. Permission will be based on the librarian's determination that such use will not harm the records or disrupt reference activities. Equipment will be used under the supervision of agency personnel.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New \_\_\_\_\_.

#### 5H-24.008 Forms and Instructions.

The following forms are used in the implementation of this Chapter and are herein incorporated by reference:

(1) Evaluation Log (FAM001)

(2) Examination Receipt (FAM002)

(3) Deed of Gift (FAM003)

(4) Informant Depositor Agreement (FAM004)

(5) Missing Artifact Report (FAM005)

- (6) Facilities Report (FAM006)
- (7) Loan Agreement (FAM007)
- (8) Deaccession and Disposal Worksheet (FAM008)
- (9) Receipt for Deaccessioned Artifacts (FAM009)

Necessary forms may be obtained from: The Florida Agricultural Museum, 1850 Princess Place Road, Palm Coast, Florida 32137, (904)446-7630, The Florida Department of Agriculture and Consumer Services, The Capitol, LL29, Tallahassee, Florida 32399, (850)488-3022.

Specific Authority 570.903(8) FS. Law Implemented 570.903(8) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bruce Piatek, Florida Agricultural Museum, Florida Department of Agriculture and Consumer Service, 1850 Princess Place Road, Palm Coast, Florida 32137 (904)446-7630

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Lower Level 28, The Capitol, Tallahassee, Florida 32399-0800

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 1999

**PUBLIC SERVICE COMMISSION**

DOCKET NO.: 990707-EI

RULE TITLE: Uniform Retirement Units for Electric Utilities      RULE NO.: 25-6.0142

PURPOSE AND EFFECT: The purpose of proposed amendments is to add a definition for average inventory cost, to raise the capitalization threshold from \$500 to \$1,000, to clarify costs associated with the retirement and replacement of retirement units, to codify the acceptable accounting practice related to the reuse of retired plant materials, to strike the mandatory \$10,000 capitalization requirement for the Structures and Improvement accounts, and to update the List of Retirement Units. These changes will give the utilities more flexibility in capitalization and expensing procedures as well as reduce administrative time spent tracking items of small value.

SUMMARY: Amendments are proposed to make the language of the rule clearer. In addition, amendments are proposed to the following subsections:

Subsection (2): A definition for Average Inventory Cost is added to define it as a means for determining an estimate of the original material cost of a group of items subject to reuse where the items are of relatively large number or small cost.

Subsection (3): An updated List of Retirement Units (List) is incorporated into the rule. This new version provides for the amortization of portions of general plant accounts that are currently being depreciated. In addition, the capitalization threshold is raised from \$500 to \$1,000.

Subsection (4): Paragraph (4)(d) is added to codify the procedure set out in Staff Advisory Bulletin (SAB) 22 concerning the procedure for retiring a unit when a new unit is installed.

Subsection (6): This subsection is added to codify acceptable procedures concerning the reuse of retired plant materials that were in SAB 22.

Subsection (10): This subsection, which established a \$10,000 capitalization criteria, is repealed.

Subsection (11): This subsection is amended to increase the capitalization threshold from \$500 to \$1,000 for certain categories in the List.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC was prepared.

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

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(f), 366.041, 366.06(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0142 Uniform Retirement Units for Electric Utilities.

(1) No change.

(2) For the purpose of this Rule, the following definitions shall apply:

(a) Average Inventory Cost – An estimate of original material cost for a group of items having similar characteristics. The group and cost may relate to a vintage or group of vintages. For example, the average cost of a property item may vary depending on the original vintage falling in the 1985-1990 period, as compared to the same item having the original vintage in the 1991-1995 period.

(b) Book Cost – The amount at which an item of property is included in a plant account, including the costs of all labor, material, and associated installation.

(c) Cost of Removal – The cost of demolishing, dismantling, removing, tearing down, or otherwise disposing of electric plant, including the cost of transporting and handling.

(d)(a) Cradle-To-Grave Accounting – An accounting method which treats a unit of plant as being in service from the time it is first purchased until it is finally junked or is finally disposed of in another manner. Any time spent The period in shop for refurbishing, or in stock/inventory awaiting reinstallation is treated as being in service.

(e)(b) Item – A single identifiable unit of utility plant. Capitalization criteria shall apply to the single item and not to a block or group of such items purchased on one order.

(f)(e) Minor Item – Any part or element of plant which is not designated as a retirement unit, but is a component part of the retirement unit.

(g)(d) Retirement – The removal, sale, abandonment, destruction, or other removal A retirement unit or unreplaced minor item which has been removed, sold, abandoned, destroyed, or otherwise removed from service of a retirement unit or unreplaced minor item, except where that removal is of a "cradle-to-grave" item.

(e) Book Cost – The amount at which an item of property is included in a plant account, including the costs of all labor, material, and associated installation.

(f) Cost of removal – The cost of demolishing, dismantling, removing, tearing down or otherwise disposing of electric plant, including the cost of transporting and handling.

(3) All utility plants shall be considered as consisting of retirement units and minor items of property. Each utility will implement a list of retirement units in conformity with the Commission's "List of Retirement Units (Electrical Plant) as of January 1, 2000 ~~March 30, 1997~~" (hereinafter referred to as "List"), which is published by the Commission and is incorporated herein by reference. A copy of the List may be obtained from the Director of the Division of Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The List must be implemented by each utility as of the beginning of the next fiscal year following the date the List was last updated ~~adoption of this rule~~. A utility may further subdivide retirement units in order to achieve a list more reflective of common, major replacement items providing that the cost of the additional subdivided unit is \$1,000 ~~\$500~~ or more. The Director of the Division of Auditing and Financial Analysis, Florida Public Service Commission, shall be notified annually of additions and subdivisions to the utility's retirement unit List with explanations of the nature and justification.

(4) The addition and retirement of retirement units as set forth in the List ~~incorporated in this rule~~ shall be accounted for as follows:

(a) through (b) No change.

(c) When a retirement unit is replaced, the cost of the replacement should be accounted for in the same manner as in paragraph(4)(a) if the cost meets the criterion criteria set forth in subsection ~~(10) or~~ (11). Otherwise, the charge should be made to the appropriate expense account.

(d) When a retirement unit is retired and removed from service in conjunction with the installation of a replacing unit, the cost of removal of the retiring unit shall be separated from the installation cost of the new replacing unit. Cost of removal shall be debited to the appropriate reserve account as set forth in paragraph (4)(b).

(5) The addition and retirement of minor items of depreciable property shall be accounted for as follows:

(a) When a minor item which did not previously exist as a part of a retirement unit at a given location is added, the cost shall be accounted for in the same manner as for the addition of a retirement unit if the intent of such addition is to render the affected retirement unit more useful, of greater capacity, or increased efficiency. Otherwise, the charge shall be made to the appropriate maintenance expense account.

(b) through (c) No change.

(6)(a) When a retirement unit is retired and it has a prospect for reuse, the original or estimated original cost of the material subject for reuse shall be credited to the account reserve of the retiring unit as gross salvage with a debit in the same amount to Account 154, Plant Materials and Operating Supplies. When the retirement unit is reused, the original or estimated original material cost shall be credited to Account 154 with a debit to the appropriate plant account. The plant account shall also be debited with costs for new installation and labor.

(b) When it is impractical to determine the original cost for each unit subject to reuse due to the relatively large number or small cost of such units, an appropriate average inventory cost that allows for any difference in size or character shall be used. The cost of repairing such items shall be charged to the maintenance account appropriate for the previous use.

(c) Reusable materials consisting of relatively small minor items, the identity of which cannot be determined without an undue refinement in accounting shall be included in Account 154, Plant and Materials Operating Supplies, at average inventory cost for such new items. The cost of repairing such items shall be charged to the appropriate expense account as indicated by previous use.

(6) through (7) renumbered (7) through (8) No change.

(9)(8) All maintenance costs, whether the work is done by the utility or under contract, shall be expensed. Unusual or extraordinary expenses can be amortized over a reasonable period of time as determined by the Commission. The costs of

keeping equipment and plant in good condition shall be accounted for as maintenance expenses. Included in this classification are the costs of material and labor associated with the upkeep of plant such as:

(a) through (c) No change.

(d) The cost of performing work to prevent failure, restore serviceability, or maintain or realize the life expectancy of the plant.

(e) No change.

(f) The cost of restoring the condition of plant damaged by attrition, acts of nature, fire, or other casualties (other than the cost of replacing retirement units).

(g) through (i) No change.

~~(10)(9)~~ Engineering unclassified time shall be expensed.

~~(10) The replacement or removal of an item which constitutes a portion of a given retirement unit for the Structures and Improvements Account, as set forth in the List, shall be accounted for in the same manner as for the replacement of a retirement unit whenever that item has a book cost of \$10,000 or more. Otherwise, the replacement is charged to the appropriate expense account with no retirement recorded.~~

(11) A minimum capitalization criterion ~~criteria~~ of \$1,000 ~~\$500~~ is imposed for each retirement unit as set forth in the List for the Office Furniture and Equipment, Stores Equipment, Tools, Shop and Garage Equipment, Laboratory Equipment, Power Operated Equipment, Communication Equipment, and Miscellaneous Equipment Accounts.

~~(12) The "List of Retirement Units (Electrical Plant), Effective March 30, 1997" published by the Florida Public Service Commission is incorporated herein by reference. A copy of the List may be obtained from the Director of the Division Auditing and Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, ~~366.04(2)(f)~~, 366.041, 366.06(1) FS. History--New 9-6-87, Amended 3-19-92, 3-18-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pat Lee, Division of Auditing and Financial Analysis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 8, February 26, 1999

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record,

including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: General and Procedural  
RULE CHAPTER NO.: 40E-1

RULE TITLE: Permit Application Processing Fees  
RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the District's existing permit application processing fee structure at the direction of the South Florida Water Management District Governing Board. Specifically, these fees are assessed in order to defray the cost of processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Additionally, the right of way fee provisions found in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC.

SUMMARY: This rule proposes to increase the permit application processing fees for Water Use, Water Well Construction, Environmental Resource, Surface Water Management, Wetland Resource (dredge and fill), Proprietary Authorizations under Ch. 253 and 258, F.S., and Formal Determinations of Wetlands and other Surface Waters. The right of way fee provisions currently in Rule 40E-1.607(6), FAC are being transferred to Chapter 40E-6, FAC and are therefore being deleted from this Rule. Chapter 40E-6, FAC will not be addressed at this time, this section is being addressed under a separate Notice of Rulemaking published May 28, 1999.

The rule continues the current differentiation between individual and general permits. The fees represent 100% cost recovery with the exception of smaller projects that will pay a reduced fee or experience no increase from the current amount. Provisions of the rule designed to reduce the impact on small businesses, cities and counties are discussed in the summary of the SERC.

The proposed fees do not exceed the cost to the District for processing, monitoring, and inspecting for compliance with the permit (Section 373.109, F.S.).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The SERC concludes that most applicants for surface water management, environmental resource and consumptive use permits (new, modification or

renewal) will be affected by the proposed changes. The estimated costs to be borne by specific entities are set forth in tables. Transactional costs associated with this rule are in the form of permit fees. An estimate of the number of individuals and entities likely to be impacted by the rule is approximately 3700 (permit applicants annually). The estimated cost to the SFWMD is zero and instead will result in an estimated increase in District revenues of \$1.98 million annually. The estimated cost and impact to revenues of state and local governments is approximately \$297,000 annually. The fees represent 100% cost recovery with the exception of smaller projects that will pay a reduced fee, or no increase in fee from the current amount.

Analysis of the Impact on Small Business, Small Counties and Small Cities: The SERC states that there are four small counties and a number of small cities within the jurisdiction of the SFWMD. The impacts of the rule on small businesses, small cities and counties are similar to impacts on all other affected parties. However, the impact on small businesses, cities and counties is expected to be reduced by the following:

- A continuation of typically lower fees for general permits, as compared to individual permits.
- A tiered permit application fee schedule, based on project acreage, for environmental resource permits.
- A tiered permit application fee schedule, based on maximum day usage, for various types of water use permits.

- A provision for the waiver of permit application fees for counties and cities which have populations below certain thresholds and which meet specified fiscal hardships criteria.
- A reduced permit application fee for agricultural applicants as opposed to comparable non-agricultural applicants.

This is consistent with the mandate to tier rules to reduce the disproportionate impacts on small businesses, counties and cities and should reduce the impact of this rule on these entities.

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., September 9, 1999

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail: ckugler@sfwmd.gov); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: jjenniso@sfwmd.gov). Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 40E-1.607 follows. See Florida Administrative Code for present text).

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein is grounds for the denial of

an application. Activities that do not require a permit and are exempt pursuant to Rules 40E-2.051, F.A.C. or 40E-3.051, F.A.C. are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) Water Use Permit Application processing fees are in the following table:

TABLE 40E-1.607(1)  
PERMIT APPLICATION PROCESSING FEES FOR  
WATER USE PERMIT APPLICATIONS  
REVIEWED PURSUANT TO CHAPTERS 40E-2  
AND 40E-20, F.A.C.

Fee amounts shall apply to applications for new permits,  
permit modifications, and permit renewals, except as noted.

<u>Category</u>	<u>Amount</u>
<u>Individual Public Water Supply</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 million gallons per day (mgd)</u>	
<u>through 1 mgd</u>	<u>\$2700</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$5500</u>
<u>Greater than 10 mgd</u>	<u>\$7000</u>
<hr/>	
<u>Individual Agriculture Irrigation renewal with a duration less than 20 years</u>	<u>\$1000</u>
<hr/>	
<u>Individual Irrigation; except Individual Agriculture Irrigation renewal with a duration less than 20 years</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1000</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2500</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>Individual Mining (Dewatering)</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0 mgd through 1 mgd</u>	<u>\$1800</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$3250</u>
<u>Greater than 10 mgd</u>	<u>\$4000</u>
<u>Individual Industrial</u>	
<u>Maximum daily allocation</u>	
<u>Greater than 0.1 mgd through 1 mgd</u>	<u>\$1400</u>
<u>Greater than 1 mgd through 10 mgd</u>	<u>\$2750</u>
<u>Greater than 10 mgd</u>	<u>\$3500</u>
<hr/>	
<u>General</u>	<u>\$350</u>
<hr/>	
<u>Short-term Dewatering</u>	<u>\$500</u>
<hr/>	
<u>Permit Transfer to Another Entity Pursuant to Rules 40E-1.611 and 40E-2.351, F.A.C.</u>	<u>\$450</u>
<hr/>	
<u>Letter Modification to Individual Permit</u>	<u>no fee</u>
<hr/>	
<u>Letter Modification to General Permit</u>	<u>no fee</u>



(2) Water Well Construction Permit Application processing fees are in the following table:

TABLE 40E-1.607(2)

PERMIT APPLICATION PROCESSING FEES FOR WATER WELL CONSTRUCTION PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTER 40E-3, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Water Well Construction</u>	<u>\$100</u>
<u>Water Well Abandonment</u>	<u>no fee</u>

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.



Category	Amount
<u>New Individual Permit, except Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	
<u>Agriculture</u>	\$3050
<u>All others</u>	\$5000
<u>Project area 100 acres to less than 640 acres</u>	
<u>Agriculture</u>	\$4000
<u>All others</u>	\$7500
<u>Project area 640 acres or more</u>	
<u>Agriculture</u>	\$5000
<u>All others</u>	\$10,000
<hr/>	
<u>New Individual Permit, Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	\$5000
<u>Project area 100 acres to less than 640 acres</u>	\$7500
<u>Project area 640 acres or more</u>	\$10,000
<hr/>	
<u>Individual Permit Modification, except Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	
<u>Agriculture</u>	\$2050
<u>All others</u>	\$3500
<u>Project area 100 acres to less than 640 acres</u>	
<u>Agriculture</u>	\$2500
<u>All others</u>	\$5000
<u>Project area 640 acres or more</u>	
<u>Agriculture</u>	\$3500
<u>All others</u>	\$7500
<hr/>	
<u>Individual Permit, Modification, Mitigation Bank</u>	
<u>Project area less than 100 acres</u>	\$3500
<u>Project area 100 acres to less than 640 acres</u>	\$5000
<u>Project area 640 acres or more</u>	\$7500
<hr/>	
<u>New Standard General Permit (excluding incidental site activities) pursuant to Section 40E-40.042, F.A.C.</u>	
<u>Agriculture</u>	\$650
<u>All others</u>	\$2000
<hr/>	
<u>Standard General Permit Modification including application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2), F.A.C.</u>	
<u>Agriculture</u>	\$500
<u>All others</u>	\$1000
<hr/>	
<u>Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture</u>	
	\$100
<hr/>	
<u>Single family residential homesite consisting of 10 acres or less in total land area</u>	
	\$100
<hr/>	
<u>Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.</u>	
	\$500
<hr/>	
<u>Transfer of permit (including Mitigation Bank) to another entity pursuant to sections 40E-1.6107 and 40E-4.351, F.A.C.</u>	
	\$450
<hr/>	
<u>Variance associated with an environmental resource permit application</u>	
<u>From Rule 40E-4.301(1)(e), F.A.C.</u>	\$100
<u>From other permitting standards, permit conditions, or water quality standards</u>	\$500
<hr/>	
<u>New Individual Operation Permit</u>	
	\$3500
<hr/>	
<u>Letter Modification</u>	
	\$100

1. When used in Table 40E-1.607(3)(a), "Agriculture" shall be defined as set forth in Section 570.02, F.S.

2. For permit applications which involve a combination of fee categories, the highest fee that applies shall be charged.

3. Any individual permit application submitted concurrently with a conceptual approval application – where the individual permit application represents a phase of the conceptual approval application – is exempt from the above environmental resource permit fees.

4. For projects grandfathered pursuant to Section 373.414, F.S., the letter modification, conceptual approval, individual or general surface water management permit application fee shall be the same as listed in Table 40E-1.607(3)(a).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S. wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)  
PERMIT APPLICATION PROCESSING FEES FOR  
PROJECTS GRANDFATHERED PURSUANT TO  
SECTION 373.414, F.S.

WETLAND RESOURCE (DREDGE AND FILL)  
PERMIT APPLICATIONS  
REVIEWED PURSUANT TO CHAPTERS  
40E-4, 40E-40 AND 40E-400, F.A.C.

<u>Category</u>	<u>Amount</u>
<u>Construction projects up to and including 5 years</u>	
<u>Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$4000</u>
<u>Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to Rule 62-312.070(2), F.A.C. (1993)</u>	<u>\$500</u>
<u>Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to Section 62-312.070(2), F.A.C. (1993) that provide:</u>	
<u>0-2 new boat slips</u>	<u>\$300</u>
<u>3-9 new boat slips</u>	<u>\$500</u>
<hr/>	
<u>Dredge and fill construction permits in excess of 5 years</u>	
<u>Short form permits from 6 years up to and including 10 years</u>	<u>\$3000</u>
<u>Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000</u>	
<hr/>	
<u>Variance associated with a wetland resource permit application</u>	
<u>From the prohibition Rule 62-312.080(7), F.A.C.</u>	<u>\$100</u>
<u>From other permitting standards, permit conditions, or water quality standards</u>	<u>\$500</u>
<hr/>	
<u>General Permits</u>	<u>\$100</u>
<hr/>	
<u>Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with Rules 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:</u>	
<u>Transfer of permits or time extensions</u>	<u>\$50</u>
<u>Minor technical changes</u>	
<u>Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.</u>	<u>\$50</u>
<u>Existing permit fee is equal to or more than \$300</u>	<u>\$250</u>

1. For the purposes of determining the fee for wetland resource management permits, the term of duration for the permit shall be reduced by the period of time (in yearly increments) during which no dredging or filling activity occurs or no reclamation, restoration, or mitigation occurs and only minor monitoring and maintenance activities are required. The fee for the full term shall be submitted with the application. After the District determines the period of time that the term of the permit can be reduced, the excess fee shall be returned.

2. For permit applications which involve a combination of the project fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Section 62-312.070, F.A.C., shall be charged.

3. A single additional fee of \$500 shall be required for projects in which monitoring and evaluation to determine the success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(4) Application for proprietary authorization under Chapters 253 and 258, F.S., except consent of use authorizations, processing fees are in the following table:

Category	Amount
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$250

(6) Permit Processing Fee Waiver for Certain Local Governments. Notwithstanding the provisions set forth above in this rule, the District shall waive permit processing fees for permit applications submitted by the governing body of a county with a population of less than 50,000, a municipality with a population of less than 25,000, a county or municipality not included within a metropolitan statistical area, or a third party under contract with such a county or municipality, provided:

(a) The project for which the fee waiver is sought serves a public purpose; and

TABLE 40E-1.607(4)  
PERMIT APPLICATION PROCESSING FEES FOR PROPRIETARY AUTHORIZATIONS UNDER CHAPTERS 253 AND 258, F.S. EXCEPT CONSENT OF USE AUTHORIZATIONS

Category	Amount
Application	\$200

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)  
DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S. the fees shall be the same as formal determinations listed in Table 40E-1.607(5).

(b) The governing body submits Form No. 889 certifying that the fee reduction is necessary due to an environmental need for a particular project or activity; or

(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:

1. Per capita taxable value is less than the statewide average for the current fiscal year;

2. Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;

3. Any condition specified in Section 218.503, F.S., that determines a state of financial emergency;

4. Ad valorem operating millage rate for the current year is greater than 8 mills; or

5. A financial condition is documented in annual statements at the end of the current fiscal year which indicates an inability to pay the permit processing fee during that fiscal year.

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b) FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Terrie Bates, Director, Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Water Wells  
RULE CHAPTER NO.: 40E-3

RULE TITLE: Content of Application  
RULE NO.: 40E-3.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to make a cross-reference to rule 40E-1.607, where the subject fees will be located through separate rulemaking.

SUMMARY: This rule proposes to make a cross-reference to Rule 40E-1.607, where the subject fees will be located through concurrent rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.308, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., September 9, 1999

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail [ckugler@sfwmd.gov](mailto:ckugler@sfwmd.gov)); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: [jjenniso@sfwmd.gov](mailto:jjenniso@sfwmd.gov)). Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.101 Content of Application.

(1) through (3) No change.

(4) The required fee pursuant to Rule 40E-1.607(2) section 40E-3.201 shall be submitted with the permit application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Terrie Bates, Director, Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Water Wells  
RULE CHAPTER NO.: 40E-3

RULE TITLE: Permit Application Fees  
RULE NO.: 40E-3.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate the listing of specific application fees for water well construction and repair in Rule 40E-3.201, FAC. This section is being repealed as these fees will be listed in Rule 40E-1.607, FAC, through concurrent rulemaking.

SUMMARY: This rule proposes to repeal Rule 40E-3.201, FAC since this rule will be superseded by Rule 40E-1.607, FAC.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.108, 373.309, 373.313 FS.

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

TIME AND DATE: 9:00 a.m., September 9, 1999

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical questions, Claudia Kugler, Director, Business Operations, Regulation Department, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, telephone 1(800)432-2045, extension 6850 or (561)682-6850 (e-mail [ckugler@sfwmd.gov](mailto:ckugler@sfwmd.gov)); or for legal/administrative questions, Julie Jennison, Sr. Legal Research Assistant, 1(800)432-2045, extension 6294 or (561)682-6294 (e-mail: [jjenniso@sfwmd.gov](mailto:jjenniso@sfwmd.gov)). Although Governing board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.201 Permit Application Fees.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.308, 373.309, 373.313 FS. History--New 1-1-85, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Definition of Poker RULE NO.: 61D-11.026

PURPOSE AND EFFECT: In St. Petersburg Kennel Club v. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, 23 F.L.W. D2046, 719 So. 2d 1210 (Fla. 2nd DCA, September 2, 1998), the Court found Rule 61D-11.026, which defined the word "poker," to be an improper exercise of delegated legislative authority under Section 120.536, Florida Statutes. This rule is being repealed to comply with the ruling of the Court.

SUMMARY: Elimination of rule 61D-11.026.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4)(a), 849.086(12) FS.

LAW IMPLEMENTED: 849.085(2)(a), 849.086(2)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 4:00 p.m., August 19, 1999

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 100, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.026 Definition of Poker.

Specific Authority 550.0251(12), 849.086(4)(a), 849.086(12) FS. Law Implemented 849.085(2)(a), 849.086(2)(a) FS. History--New 10-21-97, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah R. Miller, Director, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035



NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 1999

**DEPARTMENT OF HEALTH**  
**Division of Environmental Health**

RULE TITLES: RULE NOS.:  
 Fees 64E-3.001  
 Continuing Education Requirements 64E-3.008

PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to collect from radiologic technologist applicants the actual cost of the examination from the testing organization and to establish certificate expiration dates corresponding to the last day of the certificateholder's birth month.

SUMMARY: These proposed rules allow the department to collect the actual cost of examination from radiologic technologist certification applicants and to establish radiologic technologist certificate expiration dates that correspond to the last day of the certificateholder's birth month.

SPECIFIC AUTHORITY: 468.303, 468.3065, 468.309(1),(2),(3) FS.

LAW IMPLEMENTED: 468.304, 468.306, 468.3065, 468.309, 468.3095 FS.

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

TIME AND DATE: 9:00 a.m., August 10, 1999

PLACE: Room 290, Oakland Building, 2009 Apalachee Parkway, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William A. Passetti, Chief, Bureau of Radiation Control, (850)487-1004

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-3.001 Fees.

The following fees are prescribed by the Department:

(1) The fee fFor initial application and a study guide for certification by examination as provided in Section 468.304, Florida Statutes, is 75 90 dollars plus the actual charge by the testing organization for the examination.

(2) The fee fFor initial application without a study guide for certification by examination as provided in Section 468.304 468.3065, Florida Statutes, is 50 65 dollars plus the actual charge by the testing organization for the examination.

(3) The fee fFor initial application for certification by endorsement as provided in Section 468.3065, Florida Statutes, is 45 dollars.

(4) The fee fFor subsequent examinations as provided in Section 468.306(4), Florida Statutes, is 35 50 dollars plus the actual charge by the testing organization for the examination.

(5) The fee fFor renewal of one certificate as provided in Section 468.309(1), Florida Statutes, is 55 dollars for one certification category and 40 dollars fFor each additional certification category renewal certificate, 40 dollars. The department will prorate the renewal fee for certificates expiring December 31, 1999 and December 31, 2000 to establish certificate expiration dates coinciding with the last day of the birth month of the certificateholder.

(6) The fee fFor application for change from active to inactive status as provided in Section 468.3095, Florida Statutes, is 40 dollars.

(7) The fee fFor late renewal fee as provided in Section 468.3095 468.31(2), Florida Statutes, is 100 dollars in addition to the renewal fee specified in (5), above.

(8) The fee fFor a duplicate certificate as provided in Section 119.07, Florida Statutes, is 10 dollars.

(9) The fee fFor listings and mailing labels of radiologic technologists; is \$0.05 for each name and \$55.00 for each setup.

Specific Authority ~~468.303, 468.304, 468.306(4), 468.3065, 468.309(1), 468.3095, 468.31(2)~~ FS. Law Implemented ~~468.303, 468.304, 468.306, 468.3065, 468.308, 468.309, 468.3095 468.31~~ FS. History—New 10-1-84, Amended 3-21-88, 9-17-92, 11-6-94, Formerly 10D-74.040, Amended \_\_\_\_\_.

64E-3.008 Continuing Education Requirements.

(1) Twelve contact hours of continuing education shall be required for renewal during each biennium for persons holding one or more certificates issued pursuant to Part IV Chapter 468, Florida Statutes. Credit will not be approved for repeating a course during a biennium. The department will establish certificate expiration dates corresponding to the last day of the birth month of the certificateholder and will prorate the number of continuing education hours required for those certificateholders who pay the prorated renewal fee specified in 64E-3.001(5), Florida Administrative Code.

Specific Authority 468.303, 468.309(1),(2),(3) FS. Law Implemented ~~468.303, 468.309(1), 468.309(2), 468.309(3), 468.309(4), 468.3095(2), 468.3095(2)~~ FS. History—New 4-10-85, Amended 3-21-88, 9-17-92, 5-7-96, Formerly 10D-74.051, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: William A. Passetti

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Heber, M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 1999

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

#### DEPARTMENT OF THE LOTTERY

RULE NO.: 53-16.005  
RULE TITLE: Holidays and Other Authorized  
Activities

#### NOTICE OF CHANGE

Notice of Change is hereby given that the following changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 19 of the May 14, 1999 issue of the Florida Administrative Weekly. When changed, 53-16.005(4)(f) will read as follows:

(f) If an employee is called back to work on a holiday, the employee shall be compensated in accordance with this subsection, and the two hour minimum credit set forth in 53-16.003(1)(f), F.A.C., shall not apply.

~~(f) Employees who receive compensation under these provisions for working on a holiday, are not eligible for call back pay for working on the holiday.~~

Specific Authority 24.105(10)(j), 24.105(2)(a) FS. Law Implemented 24.105(20)(d), ~~24.105(21)(d)~~ FS.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Health Facility and Agency Licensing

RULE NO.: 59A-4.133  
RULE TITLE: Plans Submission and Review and  
Construction Standards

#### NOTICE OF CHANGE

Proposed amendments to the above referenced rule are being changed to address comments from staff of the Joint Administrative Procedures Committee (JAPC) and comments received during a Public Hearing on June 18, 1999. The proposed amendments were originally published in Vol. 25, No. 21, Florida Administrative Weekly, May 14, 1999.

The JAPC has indicated that reference to "chapter" 59A-4.133(11) should be changed to section 553.73, F.S., and that the reference to "chapter 59A-4.133(1) through Chapter 59A-4.133(17)" should be clarified to refer to subsections (1) through (17) of this rule. Additional comments indicated that applicable standards of the Federal Emergency Management Agency; code section 7-95 of the American Society of Civil Engineers; section 2315 of the South Florida Building Code, Dade edition, 1994; and code sections 10 and 13 of the National Fire Protection Association (NFPA) should be incorporated by reference into the amended rule. It was also suggested that criteria of the Office of Plans and Construction governing approval of fire watch plans as referenced in (b)10a. (II), and criteria governing pre-approval of other methods of External Emergency Communications Standards

referred to in (b)11. should be set forth in the rule. Accordingly these sections have been changed. Other underlined language includes those portions which were discussed and agreed upon at the public hearing.

#### THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.133 Plans Submission and Review and Construction Standards.

(18) Physical Plant Requirements for Disaster Preparedness of New Nursing Home Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-4.133(18):

1. "New facility" means a nursing home, or an addition of a wing or floor to an existing nursing home, which ~~is not in operation or~~ has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-4, F.A.C., prior to the effective date of this rule. Interior renovation, refurbishing, modifications or conversions inside of an existing structure licensed as a nursing home, shall not have to meet the standards contained in this paragraph.

2. "Net square footage" means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. "During and immediately following" means a period of 72 hours following the loss of normal support utilities to the facility;

4. "Occupied resident area(s)" means the ~~protected~~ location of residents inside of the new facility or in the addition of a wing or floor to an existing facility during and immediately following a disaster;

5. "~~Applicable B~~building code" means the building codes as described in section 553.73, F.S. the building code enforced by the building official with local jurisdictional authority.

6. "Resident support area(s)" means the ~~those~~ area(s) required to ensure the health, and safety and well-being of residents during and immediately following a disaster, such as a nursing station, clean and soiled utility areas, food preparation area, and other areas as determined by the facility.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in subsections (1) through (11) of Chapter 59A-4.133 ~~(1) through Chapter 59A-4.133(17)~~, F.A.C. These minimum standards are intended to increase the ability of the new facility to be structurally capable of serving as a shelter for residents, staff and the family of residents and staff and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, as estimated by the facility, each new facility shall provide a minimum of 30 net square feet per resident served in the occupied resident area(s).