

Specific Authority 403.862(1)(f), 381.0011(4),(13), 373.309, 381.006, 381.0062(1),(3)(a), 381.0202(3) FS. Law Implemented 381.0012, 381.0061, 381.0067, 373.309(1)(e)6. 381.006(1),(2), 381.0062, 403.862(1)(f), 381.0202(3) FS. History—New 1-1-93, Amended 8-20-96, Formerly 10D-4.029, Amended 1-26-98, 1-24-00,_____.

64E-8.010 Prohibited Acts.

The following are prohibited:

- (1) Failure to conduct required sampling or testing, or falsification of results.
- (2) Intentionally or otherwise introducing a contaminant determined to pose a health hazard into a Limited Use, Multi-family, or Private Water System or its source.
- (3) Failure to meet schedules for compliance or corrective actions.
- (4) Failure to conduct required public notification or corrective action.
- (5) Impersonating a department employee.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0025, 381.0061, 381.0067, 381.006(1)-(2), 381.0062, 403.862(1)(f) FS. History—New 1-1-93, Amended 8-20-96, Formerly 10D-4.033, Amended 1-26-98,_____.

64E-8.011 Services Provided.

(1) Any person who submits to the Department of Health and Rehabilitative Services water, soil, air and other samples for chemical, microbiological, and radiochemical analyses for compliance with federal, state and local regulations shall pay to the department the fee required for such analysis ~~as prescribed by section 64E-8.012 of this rule.~~ Fees shall be paid in advance to the state laboratory(ies).

(2) No change.

Specific Authority 381.0011(13), 381.0202, 403.862 FS. Law Implemented 381.0202, 403.862 FS. History—New 1-1-95, Formerly 10D-4.100, Amended _____.

64E-8.013 Cross-Connection Control.

(1) Cross-connections as defined in 64E-8.001(5) are prohibited.

(2) Any cross-connection involving a limited use, multi-family, or private water system shall be corrected using the methods established within "Recommended Practice for Backflow Prevention and Cross-Connection Control", American Water Works Association Manual M14, Second Edition, 1990, American Water Works Association, 6666 West Quincy Avenue, hereby incorporated by reference.

Specific Authority 381.0011(4),(13), 381.006, 381.0062(1),(3)(a), 403.862(1)(f) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1)-(2), 381.0062(1)-(3), 403.862(1)(f) FS. History—New 1-26-98, Amended _____.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

RULE NO.:

Adoption of Uniform Packaging and

Labeling Regulation

5F-3.001

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2000 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUMMARY: Updates Chapter 5F-3.001 to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the "Uniform Packaging and Labeling Regulation" in the 2000 edition of National Institute of Standards and Technology Handbook 130. 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: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(13), 531.47, 531.49 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, May 31, 2000

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2000 1999 Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2000 1999 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4) FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices RULE NO.: 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend 5F-5.001 to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2000 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida’s requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: 5F-5.001 adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 2000 edition of National Institute of Standards and Technology Handbook 44.

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: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, May 31, 2000

PLACE: Division of Standards’ Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2000 1999 Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2000 1999 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale
 RULE NO.: 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 2000 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national model methods of sale of commodities being sold by weight, measure or count, as published in National Institute of Standards and Technology Handbook 130 to provide for interstate commerce, facilitate value comparison and provide adequate quantity information for consumers and purchasers.

SUMMARY OF STATEMENT 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: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 2:00 p.m., Wednesday, May 31, 2000

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2000 ~~1999~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2000 ~~1999~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800. Copies of this uniform regulation are available

from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History--New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish
 RULE CHAPTER NO.: 5L-1

Control Code	5L-1
RULE TITLES:	RULE NOS.:
Purpose and Intent	5L-1.001
Definitions	5L-1.002
Shellfish Harvesting Area Standards	5L-1.003
Production and Market Standards	5L-1.004
Shellfish Processing Plant Certification	5L-1.005
Suspension or Revocation of Shellfish Processing Plant Certification License, Routine or Emergency Action	5L-1.006
Container Identification, Terminal Sale Date; Prohibitions	5L-1.007
Shellfish Handling	5L-1.008
Shellfish Relaying	5L-1.009
Buildings and Facilities	5L-1.010
Equipment for Shellfish Processing	5L-1.011
Sanitary Operations	5L-1.012
Plant Operation	5L-1.013
Heat Shock Method	5L-1.014
Depuration – Plant Operations	5L-1.015
Depuration – Process Water Sampling Procedures and Standards	5L-1.017
Laboratory Procedures and Sample Testing	5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the South Volusia and the Apalachicola Bay System shellfish harvesting areas in Volusia and Franklin Counties and update the four-digit area codes and maps which identify the locations of where shellfish are harvested. The proposed amendments will update the Department name, address, forms, and rule citations; amend, add, and delete definitions; update documents adopted by reference; make editorial clarifications and update rule language to be consistent with provisions of

the National Shellfish Sanitation Program; define labeling requirements for thawed shellfish; require mechanical refrigeration as part of certification; define the number of key item deficiencies needed for written notification of violation; clarify that the harvester tag is required for commercial harvest; define official sunrise and sunset times; allow shellfish relaying for marine biotoxins; allow alternative processing for hard clams; allow approval of alternative heat shock methods.

SUMMARY: These rule amendments propose reclassification of the South Volusia and Apalachicola Bay System shellfish harvesting areas in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources; changing the Department name, address, and forms as a result of the legislative transfer that took effect July 1, 1999; updating rule language to allow for better compliance and enforcement; and implementing the following two industry-requested activities: alternative processing for hard clams, and relaying for biotoxin contamination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 370.021(1), 370.071(1) FS.

LAW IMPLEMENTED: 370.071 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., Tuesday, May 30, 2000

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management at (850)921-6262 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

5L-1.001 Purpose and Intent.

(1) through (4) No change.

(5) Adoption of Federal Regulations and Standards – The following are hereby adopted as rules under the shellfish processors; regulation, Section 370.071, F.S. Interested persons may obtain copies of the pertinent sections of the Codes of Federal Regulations referenced in paragraph (a) below and by contacting the Superintendent of Documents,

U.S. Government Printing Office, Washington, D.C. 20402. Copies of the pertinent sections of the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration referenced in paragraph (b) below may be obtained from the department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. Copies of all referenced documents are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301. The National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (1997) published by the U.S. Department of Health and Human Services, is hereby incorporated by reference and available for inspection at the Department's offices located at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

(a) Those regulations, definitions, standards of sanitation, identity, quantity and fill of container, tolerances and exemptions from tolerances, and general regulations in the following.

1. Code of Federal Regulations, Title 21, part 7 – Enforcement Policy;

2. Code of Federal Regulations, Title 21, Part 101 – Food Labeling;

3. Code of Federal Regulations, Title 21, Part 109 – Unavoidable Contaminants in Food for Human Consumption and Food – Packaging Material;

4. Code of Federal Regulations, Title 21, Part 110 – Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food;

5. Code of Federal Regulations, Title 21, Part 123 – Fish and Fishery Products;

6. Code of Federal Regulations, Title 21, Part 161 – Fish and Shellfish;

7. Code of Federal Regulations, Title 21, Part 509 – Unavoidable Contaminants in Animal Food and Food Packaging Material.

(b) National Shellfish Sanitation Program, Guide for the Control of Molluscan Shellfish, provisions adopted:

1. The Purpose, the Definitions, and Chapters 1 through 13, and 15 of the "Model Ordinance 1997" published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration 1997, are hereby adopted by reference as a rule under section 370.071, F.S., except for the following provisions:

a. Definition number (14)(d) Reshipper;

b. Definition number (81) Reshipper; and

c. Chapter XIV Reshipping.

All provisions in the "Model Ordinance 1997" that are adopted herein by reference shall apply to all certified shellfish establishments regulated by the Florida Department of Agriculture and Consumer Services. Interested parties may obtain copies of this publication by contacting the U.S. Government Printing Office. Copies are available for

examination at the Florida Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 11-5-92, Formerly 16R-7.001, Amended 7-3-95, 2-6-97, 6-23-99, Formerly 62R-7.001, Amended.

5L-1.002 Definitions.

(1) Adulterated – any shellfish harvested from closed waters; any shellfish shucked, packed, or otherwise processed in a plant which has not been certified and licensed by the Department in accordance with the requirements of these rules; any shellfish contaminated as determined by bacteriological or other analysis; any shellfish consisting in whole or in part of any filthy, putrid or decomposed substance, or otherwise unfit for food; any shellfish prepared, packed, or held under unsanitary conditions where it may have become contaminated with filth, or whereby it may have been rendered injurious to health.;

(2) Alternative Processing – any processing done to shellfish which does not follow the time-temperature matrix as stated in 5L-1.008(5).

~~(3)(2)~~ Approved area – an area in which it is indicated by a sanitary survey or other monitoring program data that fecal material, pathogenic microorganisms, radionuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations.

~~(3)~~ Assistant plant supervisor – ~~an individual, so designated in writing to the Department, who supervises all activities associated with the operation of the shellfish depuration plant in the absence of the plant supervisor.~~

(4) Certified dealer – a shellstock shipper, shucker-packer, repacker, or depuration processor who possesses shellfish processing plant certification license from the Department.

(5) Clam relaying – the transferring of clams from a restricted or conditionally restricted area or an area otherwise closed for the harvesting of clams to an authorized growing area or a certified depuration plant.

~~(5)(6)~~ Closed area (closed waters) – a growing area where the harvesting of shellfish is not permitted. Closed areas include prohibited and unclassified areas as well as temporarily closed approved, conditionally approved, restricted, and conditionally restricted areas.

~~(6)(7)~~ Code – the Comprehensive Shellfish Control Code, Chapter 5L-1, F.A.C.

(7) Commercial harvester – a person that harvests with the intent to sell.

(8) through (10) No change.

(11) Critical limit – the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(12) through (13) No change.

(14) Depuration processor (depuration plant; controlled purification plant) (DP) – a person who obtains shellstock from approved, conditionally approved, restricted or conditionally restricted growing area(s) and submits such shellstock to an approved controlled purification process. The treatment process is designed to purge shellfish of bacterial and viral contamination to the extent that such shellfish are rendered safe for human consumption.

(15) No change.

(16) Food – any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(17) Food contact surface – a surface of equipment or utensil which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into food or onto a surface normally in contact with food.

(18) Food packaging materials – any material or container which food normally comes into contact.

~~(19)(16)~~ Food safety hazard – any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.

(20) Free liquor – that liquid portion of a container that passes through a porous straining device when the contents (oyster meats) of the container are drained.

~~(21)(17)~~ Growing area – an area in which market or seed shellfish are growing either naturally or artificially.

~~(22)(18)~~ HACCP – Hazard Analysis and Critical Control Points – A system of inspection, control, and monitoring measures initiated by a certified dealer to identify and control microbiological, chemical, or physical food safety hazards which are likely to occur in shellfish products produced by the firm.

~~(23)(20)~~ Harvester – a person engaged in the harvesting of shellfish.

~~(24)(19)~~ Health authority – the Department or its authorized representative.

(25) Heat shock – the process of subjecting molluscan shellstock to any form of heat treatment prior to shucking, including steam, hot water or dry heat, to facilitate removal of the meat from the shell without substantially altering the physical or organoleptic characteristics of the molluscan shellfish.

~~(26)(24)~~ High density aquaculture lease areas – legally-defined parcels that are surveyed and properly marked, describing and indicating corners and boundaries, that have been subdivided into individual aquaculture leases issued pursuant to Section 253.68, F.S., and Rule 18-21.004(2)(1), F.A.C.

~~(27)(22)~~ ICWW – Intracoastal Waterway.

~~(28)(23)~~ Key deficiency – a condition or practice which may result in adulterated, or misbranded product.

~~(29)~~ Lot of shellstock – a single type of bulk shellstock or container of shellstock of no more than one day's harvest from a single harvest area gathered by one or more harvesters.

~~(30)~~ Lot of shucked shellfish – a collection of containers of no more than one day's shucked product from a single harvest area produced under conditions as nearly uniform as possible, and designated by a common container code or marking.

~~(31)(24)~~ Lot wet storage/depuration – all shellfish from a single depuration or wet storage tank or series of tanks serviced by a common treatment system.

~~(32)(25)~~ Misbranded – any shellfish product whose labeling is false or misleading; any shellfish product in package form unless it bears labeling including (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and (3) meets labeling requirements of the Department within this Chapter.

~~(33)~~ Mechanical refrigeration provided by an electric compressor in a system where temperature can be adjusted with a thermostat and the unit will maintain a temperature of 45 degrees F or less.

~~(34)(26)~~ NSSP Model Ordinance Manual – the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, Manual of Operations, Parts I and II, published by the U.S. Department of Health and Human Services, which is hereby incorporated herein by reference except for Section 5L-1.001(5)(b)(1).

~~(35)(27)~~ Other deficiency – a condition or practice that is not in accordance with rule requirements but is not a key or critical deficiency.

~~(28)~~ Oyster relaying – the transfer of oysters from one water bottom to another water bottom which activity would otherwise be prohibited; or the transfer of oysters from a restricted or conditionally restricted area or an area otherwise closed for the harvesting of oysters to a certified depuration plant.

~~(36)~~ Pest – refers to any objectionable animals or insects, including, but not limited to, birds, rodents, flies, and larvae.

~~(37)(29)~~ Plant supervisor – An individual, so designated in writing to the Department, who supervises all activities associated with the operation of the shellfish depuration plant. Responsibilities include, but are not limited to, overseeing the

proper handling of shellfish, maintenance of the treatment plant, assuring compliance with sampling schedules and resultant bacteriological and water quality standards, and the maintenance of accurate records. The plant supervisor shall be held accountable for compliance with all laws, rules, and permits applicable to business operation.

~~(38)~~ Processing – is the handling, unloading, storing, shucking, freezing, preparing, changing into different market form, manufacturing, preserving, packing, or labeling of shellfish or shellfish products.

~~(39)(30)~~ Prohibited area – an area from which the taking of shellfish is not permitted.

~~(40)(31)~~ Retail sale – sale to the ultimate consumer or to a person who will not resell the product.

~~(41)(32)~~ Repacker (RP) – a person, other than the original certified shucker-packer, who repacks shucked shellfish into other containers for distribution or sale. A repacker may also repack and ship shellstock. A repacker shall not shuck shellfish.

~~(42)(33)~~ Restricted area – an area in which it is indicated by a sanitary survey or other monitoring program data that fecal material, pathogenic microorganisms, radionuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations such that shellfish harvested from such an area and subjected to a suitable and effective purification process are safe for human consumption.

~~(43)(34)~~ Sanitize – the effective bactericidal treatment of clean food contact surfaces of equipment and utensils by a process using only those safe sanitizing agents that have an available field test for strength and/or sanitizing agents that have an available field test for strength and/or effectiveness, and is effective to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance in destroying vegetative cells of pathogenic bacteria and in substantially reducing other microorganisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

~~(44)(35)~~ Scheduled Depuration Process (SDP) – a process which places shellfish harvested from restricted or approved waters into a controlled aquatic environment selected by the processor as adequate to effectively reduce the level of bacteria and viruses in live shellfish.

~~(45)(36)~~ Scheduled Heat Shock Process (SHSP) – the process selected by the processor to heat shock a shellfish species in order to facilitate shucking without adversely affecting the microbial quality or altering the organoleptic characteristics of the species.

~~(46)(37)~~ Scheduled Wet Storage Process (SWSP) – a process which places shellfish harvested from approved waters in containers or floats in natural bodies of water or in tanks containing natural or synthetic seawater for product enhancement.

~~(47)~~~~(38)~~ Shellfish – all edible species of oysters, clams and mussels, either shucked or in the shell, fresh, or ~~fresh~~ frozen.

~~(48)~~ Shellfish Relaying – the transfer of shellfish from one water bottom to another water bottom which activity would otherwise be prohibited; or the transfer of shellfish from a restricted or conditionally restricted area or an area otherwise closed for the harvesting of shellfish to a certified depuration plant.

~~(49)~~~~(39)~~ Shellstock – shellfish which remain in their shells.

~~(50)~~~~(41)~~ Shellstock plant – any establishment or place where shellstock are washed and packed or otherwise prepared for sale or shipment.

~~(51)~~~~(40)~~ Shellstock shipper (SS) – a person who grows, harvests, buys, or repacks and sells shellstock. A shellstock shipper is not authorized to act as a shucker-packer or repacker.

~~(52)~~~~(42)~~ Shuck date – the date shucked shellfish are initially removed from their shells.

~~(53)~~~~(43)~~ Shucked shellfish – shellfish or parts thereof which have been removed from their shells.

~~(54)~~~~(44)~~ Shucker-packer – a person who shucks and packs shellfish and who may act as a shellstock shipper and/or repacker.

~~(55)~~ Swing deficiency – a deficiency that could either be a "critical" or a "key" deficiency depending on the location, severity and circumstances.

~~(56)~~~~(45)~~ Terminal sale date – the last day freshly packed shellfish ~~shall may~~ be offered for sale; that being no more than 14 calendar days subsequent to the date the product was shucked, or for oyster shellstock harvested from the Gulf of Mexico, no more than 14 days subsequent to the date shellstock was harvested.

~~(57)~~~~(46)~~ Time of Harvest – is defined as that time when shellfish are first removed from growing waters and placed on or in a manmade conveyance or other means of transport.

~~(58)~~~~(47)~~ Time of Refrigeration – is defined as the time when shellfish are first placed within an ambient environment of 45 degrees F or less.

~~(59)~~~~(48)~~ Unclassified area – an area for which no recent sanitary survey exists.

~~(60)~~~~(49)~~ UV – Ultraviolet.

~~(61)~~~~(50)~~ Wet storage – the temporary storage of shellfish received from permitted or approved sources and intended for marketing, on privately-owned or leased bottom, in tanks containing seawater, or on floating facilities in natural bodies of water.

~~(62)~~~~(51)~~ Wholesale sale – any sale to any person other than the ultimate consumer.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History–New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 11-5-92, 5-20-93, Formerly 16R-7.003, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.003, Amended _____.

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV Section C of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I. Copies of the document Shellfish Harvesting Area Classification Maps individual shellfish harvesting area maps, revised _____ April 14, 1999, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised _____ April 14, 1999, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 ~~3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida 32399.~~

(2) Approved areas – Growing areas shall be classified as approved when a sanitary survey, conducted in accordance with Chapter IV Section C of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I, indicates that pathogenic microorganisms, radionuclides, and/or harmful industrial wastes do not reach the area in dangerous concentrations and this is verified by laboratory findings whenever the sanitary survey indicates the need. Shellfish may be harvested ~~taken~~ from such areas for direct marketing. This classification is based on the following criteria:

(a) through (b) No change.

(3) Conditionally approved areas – A growing area shall be classified as conditionally approved when a sanitary survey, conducted in accordance with Chapter IV Section C of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I, indicates that the area is subjected to intermittent microbiological pollution. The suitability of such an area for harvesting shellfish for direct marketing may be dependent upon attainment of established performance standards by wastewater treatment facilities discharging effluent directly or indirectly into the area. In other instances, the sanitary quality of the area may be affected by seasonal populations, climatic and/or hydrographic conditions, non-point source pollution, or sporadic use of a dock, marina, or harbor facility. Such areas shall be managed by an operating procedure that will assure that shellfish from the area are not harvested from waters not meeting approved area criteria. In order to develop effective operating procedures, these

intermittent pollution events shall be predictable. Harvest from temporarily closed conditionally approved areas shall be unlawful.

(4) Restricted areas – A growing area shall be classified as restricted when a sanitary survey, conducted in accordance with Chapter IV Section C of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I, indicates that fecal material, pathogenic microorganisms, radionuclides, harmful chemicals, and marine biotoxins are not present in dangerous concentrations after shellfish from such an area are subjected to a suitable and effective purification process. The bacteriological quality of every sampling station in those portions of the area most probably exposed to fecal contamination shall meet the following standard: The median or geometric mean fecal coliform Most Probable Number (MPN) of water shall not exceed 88 per 100 ml. and not more than 10 percent of the samples shall exceed a fecal coliform MPN of 260 per 100 ml. (per 5-tube, 3-dilution test) in those portions of the area most probably exposed to fecal contamination during the most unfavorable meteorological, hydrographic, seasonal, and point source pollution conditions. Harvest is permitted according to permit conditions specified in Rule 5L-1.009, F.A.C. Harvest from temporarily closed restricted areas shall be unlawful.

(5) Conditionally restricted area – A growing area shall be classified as conditionally restricted when a sanitary survey or other monitoring program data, conducted in accordance with Chapter IV Section C of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I, indicates that the area is subjected to intermittent microbiological pollution. The suitability of such an area for harvest of shellfish for relaying or depuration activities is dependent upon the attainment of established performance standards by wastewater treatment facilities discharging effluent, directly or indirectly, into the area. In other instances, the sanitary quality of such an area may be affected by seasonal population, non-point sources of pollution, or sporadic use of a dock, marina, or harbor facility, and these intermittent pollution events are predictable. Such areas shall be managed by an operating procedure that will assure that shellfish from the area are not harvested from waters not meeting restricted area criteria. Harvest is permitted according to permit conditions specified in Rule 5L-1.009, F.A.C. Harvest from temporarily closed conditionally restricted areas shall be unlawful.

(6) Prohibited area – A growing area shall be classified as prohibited if a sanitary survey indicates that the area does not meet the approved, conditionally approved, restricted, or conditionally restricted classifications shellfish from the area are not sanitariously safe for use as food. Harvest of shellfish from such areas shall be unlawful. The waters of all man-made canals and marinas are classified prohibited regardless of their location.

(7) No change.

(8) Approved, ~~or~~ conditionally approved, restricted, or conditionally restricted waters shall be temporarily closed to the harvesting of shellfish when counts of the red tide organism *Gymnodinium breve* exceed 5000 cells per liter in bays, estuaries, passes or inlets adjacent to shellfish harvesting areas. Areas closed to harvesting because of presence of the red tide organism shall not be reopened until counts are less than or equal to below 5000 cells per liter inshore and offshore of the affected shellfish harvesting area, and shellfish meats have been shown to be free of toxin by laboratory analysis.

(9) through (10) No change.

Specific Authority 570.021(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended.

5L-1.004 Production and Market Standards.

(1) through (3) No change.

(4) No frozen shellfish products shall may be thawed to be processed or sold as fresh shellfish products. Thawed frozen shellfish shall be labeled as "previously frozen" in accordance with section 5L-1.007.

(5) Shellfish having undergone a depuration process shall not be released for sale prior to laboratory analysis and approval by the plant supervisor or representative assistant plant supervisor. Shellfish shall not be released if the geometric mean of three samples exceeds a fecal coliform MPN of 45 per 100 grams of sample, or if any sample's fecal coliform MPN exceeds 100 per 100 grams of sample.

(6) through (7) No change.

(8) Shellfish or shellfish products determined to be adulterated, or misbranded shall be subject to recall by the certified dealer responsible for distribution of the products. For a first offense in a certification license year, the department will apply mitigation measures if applicable. Mitigation measures include on-the-spot correction and reconditioning. For repeat violations, and where mitigation measures are not available, the department shall issue an order to stop the sale or to condemn, and destroy, shellfish or shellfish containers found to be adulterated, misbranded, or found to be held in non-compliance with any of the provisions of this Chapter. Reconditioning shall be a mitigation option only if the products will meet the safety standards of Rule 5L-1.004, F.A.C., and the labeling standards of Rule 5L-1.007~~6~~, F.A.C. Stop sale, condemnation, or reconditioning of products or containers shall be based on individual conditions found during inspections and shall be conducted using a Stop Sale Notice, DACS DEP Form 15001 34-013, revision 1/2000 2/96. This form is herein incorporated by reference, and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station # 205, Tallahassee, Florida 32399.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, Formerly 16R-7.006, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.006, Amended _____.

5L-1.005 Shellfish Processing Plant Certification.

(1) Upon request, the Department shall provide an application form entitled Shellfish Processing Plant Certification License Application, Form Number DACS DEP 15007 34-006 revision 1/2000 6/94, herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station # 205, Tallahassee, Florida 32399, necessary for certification licensing of shellfish establishments. The following information shall be requested: (a) the name and address of the firm, corporation, or establishment; (b) the name and address of the owner and operator; (c) the plant classification; and (d) the type of product to be processed.

(2) A shellfish processing plant certification license number will be assigned by the Department upon receipt of a completed Shellfish Processing Plant Certification License Application. Upon receipt of a completed application, inspection of the physical facility will be conducted within 30 calendar days. Certification Licenses and numbers are not transferable; the establishment, not the operator is certified.

(3) Certification is granted only to firms who meet the following inspection requirements: ~~4~~) no "Critical" item deficiencies; not more than two (2) "Key" item deficiencies; and ~~3~~) not more than three (3) "Other" item deficiencies. Failure of a certification inspection requires reapplication by the applicant. After successful inspection of the facility and the applicant's meeting the requirements of Rule 5L-1.005, F.A.C., a shellfish certification license, DACS DEP Form 15002 34-011 revision 1/2000 3/96, will be issued. This form is herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station # 205, Tallahassee, Florida 32399. After a firm is certified, unannounced inspections using the DACS DEP plant inspection forms 15009 34-001 Revision 1/2000 6/94, and 15012 34-003 Revision 1/2000 6/94, and 34-002 Revision 2/96, if necessary, shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station # 205, Tallahassee, Florida 32399. At the completion of each inspection, a copy of the completed inspection forms shall be issued to the plant supervisor or the plants designated representative a responsible individual at the firm.

(4) Renewal certification – A dealer shall make application for certification renewal annually. The certification shall not be renewed for any dealer until the dealer has: eliminated any critical deficiencies and agreed to a compliance schedule which carries forward into the next certification period no more than 1 key and 2 other deficiencies identified in previous inspections; and addresses any new key or other deficiencies in a new or revised compliance schedule.

(5)(4) In the event that a licensed certified shellfish processing plant changes its name, changes owners, changes location, or changes address ~~When the name of an establishment location, or owner changes~~, a new application, DACS DEP form 15007 34-006, revision 1/2000 must be completed and submitted to the department. The firm will be required to go through the complete certification process and recertification license, DEP form 34-011, shall be required.

(6)(5) Possession of a wholesale license to sell saltwater products issued under provisions of section 370.07, F.S., shall be required for certification licensing under this Chapter.

(7)(6) Possession of satisfactory bacteriological water analysis results, which shall not equal or exceed two cfu (colony forming units) per 100 mls for total coliform bacteria on any consecutive samples, and shall not equal or exceed two cfu per 100 mls for fecal coliform or E. coli bacteria on any samples, shall be required for certification under this Chapter. Analysis shall be from the source water, and an outlet location within the plant, and ice if any is used. If the source is a public water supply, only a sample from an outlet in the plant and ice if used, is required.

(8) Possession of a mechanically cooled non portable storage unit able to maintain an ambient temperature of 45° F or below and be of sufficient size to handle one day's production, shall be required for certification under this chapter.

(9)(7) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis to determine whether there are food safety hazards that are reasonably likely to occur for ~~of the~~ shellfish products produced at the location listed on DACS DEP form 15007 34-006, revision 1/2000 Shellfish Processing Plant Certification License Application. Each certified dealer shall prepare a written HACCP plan. The HACCP plan shall incorporate critical control points that will eliminate, prevent, or control the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes corrective actions. The HACCP plan shall include the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by the owner or corporate officers of

the firm at the time of its implementation, and after any modification. Each establishment shall develop or adopt acceptable sanitation monitoring records to meet the requirements in 5L-1.013(12).

(10)(8) Each owner or corporate officer who is a certified dealer shall verify that the HACCP plan is adequate to control food safety hazards that are reasonably likely to occur, and that the plan is being effectively implemented. Verification shall include at a minimum:

(a) Reassessment of the HACCP plan on an annual basis, or when changes occur that could affect the hazard analysis: and

(b) Ongoing verification including a review of any consumer complaints received by the processor to determine whether they relate to the performance of critical control points or reveal the existence of unidentified critical control points, the calibration of process-monitoring instruments.

(11)(9) All persons who commercially engage in purchasing shellfish from harvesters, shucking, packing, or repacking shellfish are subject to inspection and shall allow inspection by Department representatives during normal operating hours in order to determine compliance with sections of this rule.

(12)(10) It is unlawful for persons to commercially engage in purchasing from harvesters, shucking, packing, or repacking shellfish without having complied with these rules and applied for and obtained a shellfish processing plant certification license from the Department. All certification licenses expire automatically on June 30 following date of issue.

(13)(11) Upon issuance of a processing plant certification license, the Department shall notify the U.S. Food and Drug Administration of those certified dealers ~~wishing to do business in interstate commerce, and request the dealer's business name and certification license number be published in the Interstate Certified Shellfish Shippers List.~~

(14)(12) The shellfish processing plant certification license shall be posted in a conspicuous location on the premises.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.007, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.007, Amended.

5L-1.006 Suspension or Revocation of Shellfish Processing Plant Certification License, Routine or Emergency Action.

(1) The Department shall initiate enforcement action as follows:

(a) When a "Critical" deficiency is detected, operations affected by the critical deficiency will be suspended and the deficiency will be corrected during the inspection or the firm's certification license to operate shall be suspended as an immediate public health threat.

(b) When "Key" item deficiencies, are cited in violation of Chapter 5L-1, F.A.C. detected, the firm will be noticed that the firm's operation is in violation of sections of this Chapter, ~~and~~ The firm's representative will be requested to provide the Department a commitment ~~documentation~~ that the corrections will be have been made. When "Key" item deficiencies are cited, the Department may initiate a warning letter which will ask the firm to write a corrective action plan and list the corrective actions that will be taken or have been taken to ensure correction of the violations. Failure to make satisfactory corrective actions of "Key" item deficiencies within an agreed upon time period as specified in a corrective ~~correction~~ action plan, shall result in the issuance of a letter of intent to suspend the firm's certification license for a minimum period of seven (7) calendar days, and until corrections have been completed.

(c) through (e) No change.

(f) Prior to suspending or revoking any certification license, the Department shall provide at least 21 days notice by certified mail or hand delivery to the certification license holder, and plant operator if different from the certification license holder, of the Department's intended action. The notice shall contain:

1. The specific facts or conduct which are relied upon to establish the violation;

2. The statutory provision or rule alleged to have been violated; and

3. A statement that the certification license holder has 21 days from receipt of the notice in which to file a petition requesting an administrative hearing pursuant to Section 120.57, F.S.

(2) The Department or its agents shall summarily suspend a certification license if it is determined that there is an immediate serious danger to the public health, safety, or welfare requiring such emergency action. The Department shall, at the time the emergency action is taken, initiate proceedings as provided in Section 120.60, F.S.

(3) Upon suspension or revocation of a certification license, the Department shall notify the U.S. Food and Drug Administration so that the dealer's business name and certification license number may be removed from the Interstate Certified Shellfish Shippers List. Upon reinstatement of the license, the Department shall notify the U.S. Food and Drug Administration so that the dealer's business name and certification license number may be reinstated on the Interstate Certified Shellfish Shippers List.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, Formerly 16R-7.009, Amended 7-3-95, 2-6-97, Formerly 62R-7.009, Amended.

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

(1) Shucked shellfish container – The packer's or repacker's shellfish processing plant certification license number preceded by the state abbreviation must be embossed,

imprinted, lithographed, or otherwise permanently and legibly recorded on the external body of containers or on the lid if the lid becomes an integral part of the container during the sealing process (Example: FL-872-SP). Containers shall permanently indicate type of product, quantity, and name and address of packer, repacker, or distributor. Containers of fresh shellfish, with a capacity of less than 64 ounces, shall further clearly and permanently bear the terminal sale date, by the numerical month, day, and last digit of the year. Containers of fresh shellfish with a capacity of 64 ounces or more, bears the actual shucking date by numerical month, day, and last digit of the year, in that order (Example: 01015). Reusable bulk storage containers shall be identified with state of origin, harvest date, and shuck date. Containers of frozen or previously frozen shellfish shall further clearly and permanently bear the date of shucking by numerical month, day, and last digit of the year, in that order (Example: 02097). Previously frozen shucked shellfish shall also have the freeze date and the thaw date following the same format. The terminal sale date for previously frozen shucked shellfish will be calculated by adding the day of shucking plus amount of time under refrigeration if not frozen, and adding the days that the product has been held thawed. Repacked shellfish containers shall also bear an appropriate code identifying the original packer.

(2) Each commercial harvester or ~~and~~ each certified dealer shall affix a durable, waterproof tag of minimal size – 2 5/8 by 5 1/4 inches – to each container of shellstock; for commercial harvesters this shall be done prior to landing unless the harvest has occurred at more than one harvest location, then each container shall be tagged at each the harvest location; for certified dealers this shall be done after final packing prior to shipment. In the case where a certified dealer is also the harvester, that dealer's tag may also be used as the harvester's tag.

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

(a) The harvester's saltwater product license number or aquaculture certificate number as assigned by the Department;

(b) through (d) No change.

(e) The identification of the harvest area using the four digit area number ~~code~~ or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this Chapter, as well as the most precise identification within that area as practicable;

(f) through (g) No change.

(4) Bulk tagging is allowed for those aquaculturists operating with an aquaculture certificate under a Special Activity License issued by the Department. A bulk tag transaction record, containing the information required in (3)(a)-(g), along with the name of the certified dealer which the product is consigned to consignee, shall be completed at each harvest location prior to landing.

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

(a) through (e) No change.

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

(a) through (g) No change.

(h) If shellstock exceeds the time limit for refrigeration found in Chapter 5L-1.008(5)(6), F.A.C. the shellstock dealer tag shall be identified with the language "FOR SHUCKING ONLY BY A CERTIFIED DEALER".

(i) through (j) No change.

(7) through (8) No change.

(9) In addition to the identification and labeling requirements of subsections (1) and (2), containers of fresh, frozen, previously frozen or repacked shellfish or containers of shellstock must indicate the state of origin of the shellfish, e.g., LA, MS, TX.

(10) No change.

(11) It shall be unlawful for any person, firm, corporation, wholesale or retail dealer to sell or offer for sale any fresh, or previously frozen shellfish after the terminal sale date has expired, or sell or offer for sale any fresh, frozen, or previously frozen shellfish not in compliance with any and all requirements of Rule 5L-1, 62R-7 F.A.C.

(12) Whoever knowingly or willfully alters or damages in any manner, or loans or transfers to another person any certification license number or shellfish tags, or any person who uses the certification license or shellfish tags, other than the person to whom they were issued, shall be in violation of this section and shall be subject to certification license suspension or revocation in addition to any other penalty for violation of Rule 5L-1, F.A.C.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended.

5L-1.008 Shellfish Handling.

(1) Wet storage shall be conducted upon execution of an agreement between a person, firm, or corporation possessing a shellfish processing plant certification license and the Department. Each agreement shall include the following provisions:

(a) through (g) No change.

(h) No shellfish shall be removed from a wet storage facility when the shellfish harvesting area in which such shellfish are stored is closed pursuant to Chapter 5L-1.003, F.A.C., or because of emergency conditions as defined by Chapter 5L-1.002, F.A.C.

(i) through (j) No change.

(k) The agreement shall be valid for no more ~~greater~~ than 1 year from the date it is signed by the Department.

(2) Boats and vehicles – Boats and vehicles used in harvesting or transporting shellfish shall be constructed, operated, and maintained so as to protect the shellfish from contamination. Fuel tanks or other sources of contamination shall not be permitted to come into contact with shellfish. All boats used for commercial harvesting and handling shellfish shall be designed in such a way provided with false bottoms and bulkheads fore and aft to prevent shellfish from coming in contact with any bilge water. No dogs or other animals shall be allowed at any time on vessels or vehicles used to harvest or transport shellfish. No bodily wastes shall be discharged overboard from a harvest vessel. Shellstock harvested with commercial intent shall be protected by effective shading on harvest boats and vehicles to protect shellstock from exposure to sun, birds, and other adverse conditions. Shellfish shall be held under conditions which allows air circulation and promotes evaporative cooling.

(3) through (4) No change.

(5) Throughout the year, shellfish shall be harvested between sunrise and sunset as established by the U.S. Weather Service. During the months of November, December, January, February, and March, shellfish shall be refrigerated within the same day as harvest. During the months of April, May, and October, oysters or clams shall be refrigerated within twelve (12) hours of the time of harvest, or within the same day as harvest, ~~whichever is earlier~~. During the months of June, July, August, and September, oysters shall be refrigerated within six (6) hours of the time of harvest, or within the same day as harvest, whichever is earlier. During the months of June, July, August, and September, clams shall be refrigerated within ten (10) hours of the time of harvest, or within the same day as harvest, whichever is earlier. All shellfish shall be delivered directly to a certified dealer possessing a shellfish processing plant certification license.

(6) Once received by a certified dealer, the shellstock lot shall be immediately processed and placed under temperature control and until sale to final consumer, the shellstock shall be maintained at an environmental temperature of 45° F or less and not be permitted to remain outside of temperature control for more than 2 hours at points of transfer such as loading docks or in the plant during processing.

Specific Authority 570.072(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, Formerly 16R-7.011, Amended 7-3-95, 2-6-97, 3-18-99, 6-23-99, Formerly 62R-7.011, Amended

5L-1.009 Shellfish Relaying.

(1) through (2) No change.

(3) Anyone wishing to conduct shellfish relaying operations shall provide the Department, upon application form entitled "Application for A Special Activity License to Relay Shellfish", Form Number DACS DEP 15109 34-110, effective 1/2000 12-30-91, available from the Department of Agriculture and Consumer Services Environmental Protection, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, FL 32399, and herein incorporated by reference, with the following information:

(a) through (j) No change.

(4) The Department, after reviewing the application and finding the plan in compliance with all applicable rules and regulations, and determining that the activity will not degrade, destroy or affect marine resources, shall issue a Special Activity License to Relay Shellfish within the general conditions set forth below.

(a) through (d) No change.

(e) The licensee must notify the local Marine Enforcement Patrol District Office and the Department Division of Marine Resources within twelve (12) hours by telephone and in writing by certified mail or hand delivery, within three days of any changes in ownership or person named as being responsible for the activities conducted under the conditions of the "Special Activity License to Relay Shellfish".

(f) The Licensee shall use only Department of Environmental Protection approved monitors, as specified by subsection 5L-1.009(5), to supervise relay harvesting, relay transport operations, placement on permitted site, and completion of required relay reports.

(g) Approved monitors must have completed the Department of Environmental Protection monitor training course and have a current "Department of Environmental Protection Approved Monitor Identification Card" showing successful completion of the course.

(h) Approved monitors shall have in their possession and available for immediate inspection, a current "Department of Agriculture Approved Monitor Identification Card" and a valid picture identification card during relay operations, available for immediate inspection.

(i) through (n) No change.

1. Any harvester who wishes to engage in a diving operation shall be required to obtain an "Underwater Shellfish Harvester Certificate" from the Florida Marine Enforcement Patrol District Office in which geographic area the harvester works. No certificate shall be issued to any applicant with a conviction of harvesting in a restricted, conditionally restricted, prohibited, or unclassified area within one year prior to application. No certificate shall be issued to any applicant who is not a certified diver.

2. It shall be unlawful for a diver to harvest shellfish on an relay crew without an "Underwater Shellfish Harvester Certificate" issued by the Florida Marine ~~Enforcement Patrol~~ District Office in which geographic area harvesting occurs.

3. through 13. No change.

(o) No change.

(p) If shellfish are relayed to a lease in Approved or Conditionally Approved areas, they shall not be harvested without written permission from the Department. Permission will be granted only after a minimum of 15 days have elapsed to allow the shellfish to cleanse themselves, and this cleansing is verified by laboratory analysis. The fifteen days will commence when the Department receives the licensee's "Special Activity License to Relay Shellfish" for cancellation. The fifteen day period does not include days that shellfish harvesting areas have been temporarily closed to harvest. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current Department certification letter or staff of the Department. Four samples are to be collected from four corners of the lease and one sample collected from approximately the center of the lease. High-density aquaculture lease areas will be treated as a single entity pursuant to subsection 5L-1.009(4)(s)3. and 8., F.A.C. for ~~bacteriological~~ sampling. The laboratory must be certified by the Department State Laboratory Certification Officer pursuant to Guidance document A.11 Appendix E of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I (1990), and the Shellfish Laboratory Evaluation Checklist (1995) (1992), published by the U.S. Food and Drug Administration, which is hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 ~~3900 Commonwealth Boulevard, Tallahassee, Florida 32399~~. Laboratory analysis shall include approved methods for fecal coliform bacteria and standard plate count. The bacteriological quality of the relayed shellfish shall be equal to or better than shellfish of the same species harvested from nearby Approved or Conditionally Approved areas. The holder of the "Special Activity License to Relay Shellfish" must coordinate with the certified laboratory and other persons or agencies that these criteria are met and communicate this information to the Department. Upon verification that the criteria have been met the Department will issue the written permission in the form of a letter. If shellfish are being relayed due to marine biotoxins, laboratory analysis shall include mouse bioassays for toxin.

(q) No change.

(r) Persons engaged in relaying operations shall fly a flag on their vessel, the color of which was applied for and approved by the Department in the "Special Activity License to Relay Shellfish". The flag will be a rigid flag, minimum size of

12 inches high by 18 inches wide. Only one color design will be approved for each license, except as provided in subsection 5L-1.009(4)(s)4.a.-d. The flags will be free standing and identifiable from the air and the water. The vessel which contains the Department of ~~Environmental Protection~~ approved monitor will fly a flag of the same description as before described but differentiated by two, three (3) inch wide strips, of contrasting color to the flag, extending diagonally from corner to corner, forming an X. Individual flags shall be mounted such that the entire flag extends a minimum of 2 feet higher than the highest point on the craft.

(s) Special conditions shall apply to high-density aquaculture lease areas, to relaying and transport operations, ~~laboratory bacteriological~~ sampling, and harvesting when more than one person or licensee participates on a relay crew composed of other persons or licensees from the same high-density aquaculture lease area.

1. through 2. No change.

3. For a high-density aquaculture lease area to be considered as a single entity for ~~laboratory bacteriological~~ sampling and harvesting, all relaying activity must be terminated by the designated expiration date. The number of participating licensees shall be determined by the number of applicants using the same expiration date and the number of participants is limited by the number of individual aquaculture leases located in the high-density aquaculture lease area. When an expiration date has been established for relaying to a high-density aquaculture lease area, all applicants shall terminate relay activities on or before the established expiration date regardless of the effective date of the Special Activity License to Relay Shellfish; except when a single licensee surrenders the Special Activity License to Relay Shellfish for cancellation and harvests shellfish pursuant to subsection 5L-1.009(4)(p).

4. through 7. No change.

8. High-density aquaculture lease areas will be treated as a single entity pursuant to subsection 5L-1.009(4)(s)3. for ~~laboratory bacteriological~~ sampling when all participating licensees have surrendered their Special Activity License to Relay Shellfish pursuant to subsection 5L-1.009(4)(s)6. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current Department certification letter or staff of the Department. Four samples are to be collected from individual aquaculture leases located most proximate to the four corners of the high-density aquaculture lease area and one sample collected from an individual lease located near the center of the high-density aquaculture lease area.

9. No change.

(5) Requirements for Department of ~~Agriculture~~ approved monitors include the following:

(a) Department of Agriculture approved monitors must be current "Certified Law Enforcement Officers" or licensed "Class D Security Guards" working for a licensed "Class B Security Agency", hired by a "Special Activity License to Relay Shellfish" licensee, or staff of the Department. Staff of the Department, who are not "Certified Law Enforcement Officers", shall monitor only relay operations directed and supervised by the Department during cooperative shellfish resource development programs. Staff of the Department shall monitor shellfish relays to licensed leases pursuant to subsections 5L-1.009(4)(g)-(i), 5L-1.009(5), and 5L-1.009(6)(b), F.A.C.

(b) through (c) No change.

(d) Department of Agriculture approved monitor training will consist of a course developed and approved by the Florida Marine Enforcement Patrol and the Division of Aquaculture Marine Resources. The course shall cover the responsibilities of the approved monitor, shellfish laws, shellfish relay license rules, water classifications, health issues and other information deemed necessary by the Department. Training shall be conducted by Department personnel, as follows:

1. through 3. No change.

4. An applicant who completes the course satisfactorily will be issued a "Department of Agriculture Approved Monitor Identification Card" in his or her name. The Identification Card will bear an expiration date that coincides with eligibility requirements established for a Department of Agriculture approved monitor. This identification card will expire on the expiration date printed on the identification card, or in no case longer than one year from the date of issue. The identification card will be renewed only after satisfactory completion of the training course.

(e) A Department of Agriculture approved monitor whose identification card has expired may reapply and will be issued a new identification card with a new expiration date if he or she meets the eligibility requirements established for a Department of Agriculture Protection approved monitor.

(6) Penalty for violation of Rule 5L-1.009, F.A.C.

(a) No change.

(b) An approved monitor's failure to supervise shellfish relay operations, complete required reports, and comply with the requirements of Rule 5L-1.009 and the "Special Activity License to Relay Shellfish", will result in the suspension of his authorization to act as a Department of Agriculture approved monitor.

(c) A diver, who is permitted by the Florida Marine Enforcement Patrol to harvest shellfish on a relay crew, will have his "Underwater Shellfish Harvester Certificate" suspended for any conviction of violating subsection 5L-1.009(4)(n)1.-15. The suspension will be for one year from the date of conviction.

(d) through (g) No change.

Specific Authority 570.07(2) FS. Law Implemented 370.071, 370.16(17) FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 12-23-91, 4-21-93, 5-20-93, 6-9-94, Formerly 16R-7.012, Amended 1-1-98, Formerly 62R-7.012, Amended _____.

5L-1.010 Buildings and Facilities.

(1) Plant construction and design. Plant buildings and structures shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for food manufacturing purposes. The plant and facilities shall:

(a) through (c) No change.

(d) Provide adequate lighting in hand-washing areas, dressing and locker rooms, and toilet rooms and in all areas where food is examined, processed, or stored and where equipment or utensils are cleaned; and provide safety-type light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation or otherwise protect against food contamination in case of glass breakage.

(e) Provide adequate ventilation or control equipment to minimize air borne dust and particulates, odors and vapors in areas where they may contaminate food; and locate and operate fans and other air-blowing equipment in a manner that minimizes the potential for contaminating food, food-packaging materials, and food contact surfaces.

(f) Provide screening or other protection to prevent the entrance of ~~against~~ pests.

(2) No change.

(3) The water supply shall be sufficient for the operations intended. Any water that contacts food or food contact surfaces shall be safe and of sanitary quality. Running water at a suitable temperature of 110° F or above, and under pressure as needed, shall be provided in all areas where required for the processing of food, for the cleaning of equipment, utensils, and food-packaging materials, or for employee sanitary facilities. Sanitary quality shall be maintained by the following steps:

(a) through (b) No change.

(4) No change.

(5) Sewage and all in-plant wastewater shall be discharged into a public sewage treatment system or other approved sewage treatment system in accordance with provisions of Chapter ~~64E-6~~ ~~10D-6~~, Florida Administrative Code.

(6) Each plant shall provide its employees with readily accessible toilet facilities. Compliance with this requirement shall be accomplished by:

(a) through (d) No change.

(e) Providing toilet tissue.

(7) Handwashing facilities shall be furnished and easily accessible, where persons handle food, food packaging materials, or food contact surfaces, and include the following:

(a) through (d) No change.

(e) Readily understandable signs directing employees handling exposed ~~unprotected~~ food, unprotected food-packaging materials, or food-contact surfaces, to wash and sanitize their hands prior to handling these ~~items~~ materials.

These signs ~~shall~~ may be posted in the processing room at all hand wash stations and in all other areas where employees may handle such food, materials, or surfaces.

(8)(~~a~~) Refuse receptacles shall be constructed and maintained in a manner that protects against contamination of food. (~~b~~) Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage or breeding place for pest, and protect against contamination of food, food-contact surfaces, water supplies, and ground surfaces.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, Formerly 16R-7.013, Amended 7-3-95, 2-6-97, Formerly 62R-7.013, Amended.

5L-1.011 Equipment for Shellfish Processing.

(1) through (3) No change.

(4) Three compartment sinks shall be properly installed, maintained and provided with hot and cold running water to all three compartments in establishments required to wash, rinse and sanitize food contact surfaces. Signs shall be posted indicating proper use of the three compartment sink. A three compartment sink shall be used for washing, rinsing and sanitizing food contact surfaces shall not be used for hand washing.

(5)(~~4~~) Each freezer and cold storage compartment used to store and hold shellfish shall be mechanically refrigerated, nonportable and shall be fitted with an indicating thermometer, temperature-measuring device, or temperature-recording device so installed as to show the temperature accurately within the compartment, and should be fitted with an automatic control for regulating temperature or with an automatic alarm system to indicate a significant temperature change ~~in a manual operation~~.

(6)(~~5~~) Compressed air or other gases mechanically introduced into food or used to clean food-contact surfaces or equipment shall be treated in such a way that food is not contaminated.

(7)(~~6~~) Blowers – devices which use compressed air to circulate wash water around and through shucked shellfish shall be properly designed and constructed as to be easily dismantled for cleaning, examination, and repair.

(8)(~~7~~) Blowing time – blowing time shall not exceed 15 minutes.

(9)(~~8~~) Depuration tanks shall be designed to allow for good water circulation and prevent short-circuiting of the seawater. Tanks shall be designed so that scum and sludge, including shellfish feces and pseudo-feces, sand, and grit can be easily removed or flushed out. The bottom shall be sloped longitudinally at least 1/4 to 1/2 inch per foot toward the outlet end.

(10)(~~9~~) To facilitate proper cleaning and sanitation, as well as proper treatment of shellfish, tanks shall be constructed from impervious, non-toxic, and inert materials. Coatings,

when used, may include epoxy resins, powdered polyesters, vinyl bituminous water-tank paint, and paraffin. These coatings are not only for waterproofing but should provide a smooth, hard, non-porous surface to facilitate cleaning.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.014, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.013, Amended.

5L-1.012 Sanitary Operations.

(1) through (2) No change.

(3) Only sanitizing agents found in Title 21, Code of Federal Regulations, Section 178.1010, hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 ~~3900 Commonwealth Boulevard, Tallahassee, Florida 32399~~, will be used at recommended levels in shellfish processing plants.

(4) Toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, used and stored in a manner that protects against contamination of food, food-contact surfaces, or food-packaging materials. Test kits that measure the concentration of sanitizing solutions shall be provided and used for verifying the proper sanitizing solution concentration.

(5) through (10) No change.

(11) Each certified dealer shall monitor the conditions and practices during processing with sufficient frequency to ensure, at a minimum, conformance with those conditions and practices specified in 5L-1.010(a) and (b), 5L-1.010(6) and (7), 5L-1.011(1), 5L-1.012(1) through (10), 5L-1.013(7) and (8), and 5L-1.014(5).

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.015, Amended 7-3-95, Amended 2-6-97, 6-23-99, Formerly 62R-7.015, Amended.

5L-1.013 Plant Operation.

(1) The plant shall operate in accordance with the HACCP plan designed and approved by the owner or corporate officers.

(2) Prior to acceptance of shellstock from a licensed harvester and/or certified aquaculturist, the certified dealer will ensure that shellstock are properly identified as specified in 5L-1.007(5)(~~3~~), are clean, and wholesome, and alive, ~~and are received at an appropriate temperature that will minimize microbial growth and retard decomposition.~~

(3) Upon acceptance of shellstock from a licensed harvester, certified aquaculturist or certified dealer, the receiving certified dealer shall determine the appropriate use of the shellfish through examination of shellfish labeling as follows:

(a) Shellfish which fails to meet the requirements of Chapter 5L-1.008(5)(~~3~~), or is labeled in compliance with Chapter 5L-1.007(6)(h), shall only be used for shucking by a

certified shellfish dealer, or shall undergo an alternative processing method to assure a safety level equivalent to product meeting Chapter 5L-1.008(5)(3).

(b) Tempering, as an alternative process shall consist of those methods which have demonstrated through verification studies that the process renders hard clams which are as safe as hard clams meeting 5L-1.008(5). Prior to initiating tempering a certified dealer shall have written approval from the Department. The certified dealer must provide the following: Compliance with Chapter 5L-1.008(3), F.A.C. shall allow shellfish for use as shellstock or shucked product.

1. A description of all facilities, equipment and methods to be used in the alternative process. This process must be included in the firm's HACCP plan.

2. The source of hard clams and the maximum capacity of hard clams to undergo the process at any one time.

3. The process to be followed shall not exceed 16 hours total time between hard clam harvest and refrigeration at 45 degrees F or less. Product harvest, processing, tempering and food storage at 45 degrees F or less must be scheduled to occur as a continuous procedure.

4. Upon initiation, the tempering process must have temperature control of 68 degrees F or less and be maintained until hard clams are placed into refrigeration of 45 degrees F or less.

5. If facilities, equipment or methods change, the Department must be notified.

(4) Shellfish shall be segregated by the certified dealer in accordance with its intended use as determined in subsection (3)(2)(a) and (b) above and identified per Chapter 5L-1.007(5) or (6).

(5) Unidentified, adulterated, unwholesome, dead, or contaminated shellstock shall be discarded.

(6) Shucking of shellfish – Shellfish shall be shucked in a manner such that they are not subjected to possible contamination. Only live shellfish shall be shucked.

(a) No change.

(b) Shucked meats shall be thoroughly drained, cleaned as necessary, and packed promptly after delivery to the packing room. Packing operations shall be scheduled and conducted so as to chill all meats to an internal temperature of 45° F or less within two hours of delivery to the packing room. Shucked meats which are packed into containers having a capacity of more than one gallon shall be pre-chilled to 45° F or less prior to packing.

(7) No change.

(8) Ice shall be manufactured from potable water in a commercial machine which has been properly installed and maintained without connections to nonpotable water sources.

(9) No change.

(10) Records – Complete, legible, and accurate dated records of purchase and sale of all shellfish shall be kept by all shellfish establishments operating in the state. Records shall indicate:

(a) through (j) No change.

(k) Records covering purchases and sales of frozen or previously frozen shellfish should be retained for at least two years or for a period of time that exceeds the shelf-life of the product.

(l) No change.

(11) Monitoring records of HACCP plan critical control points shall be maintained and reviewed at least weekly as specified in the firm's HACCP plan. Records shall be reviewed to ensure that the records are complete and to verify that they document values that are within the critical limits. The review shall occur within one week of the day that the records are made. The reviewed records shall be signed and dated by an individual who is in a supervisory position in the firm and is knowledgeable of HACCP.

(12) through (13) No change.

(14) Responsibility – It shall be the duty and responsibility of each owner, manager, and operator of a shellfish plant to insure that all regulations pertaining thereto are strictly adhered to and that only safe, wholesome, unadulterated shellfish shall be produced offered for sale to the consuming public. It shall be his or her duty and responsibility to see that the plant is properly supervised at all times and all shellfish can be identified, whether shellstock or shucked shellfish, to insure that they were harvested from approved growing waters and that they have been handled and processed in a sanitary manner.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, Formerly 16R-7.016, Amended 7-3-95, 5-8-96, 2-6-97, 6-23-99, Formerly 62R-7.016, Amended.

5L-1.014 Heat Shock Method.

(1) No change.

(2) Temperature and change of dip water – During the heat shock process the water shall be maintained at a temperature not less than 145° F or more than 150° F. The water shall be completely drained or removed from the heat shock tank when it becomes dirty or at the end of each working day. An accurate indicating or recording thermometer shall be used during the heat shock process for temperature measurements.

(3) Time interval of immersion – Shellstock subjected to the heat shock process shall not be immersed in the heat shock water for periods longer than 5 minutes. An accurate timing device shall be available and used to control the time of immersion. Only containers of 2 bushels or less capacity shall be used in the heat shock process.

(4) through (5) No change.

(6) Refrigeration of heat shocked shellfish – Shucked meat from all shellstock which has been subjected to the heat shock process shall be cooled to an internal temperature of 45° F or

less within 2 hours after the heat shocking process. Shucked meats shall be immediately cooled by placing ice in shucking containers prior to and during the shucking process.

(7) No change.

(8) Shucker-packers may submit, for department review and written approval, a written processing schedule together with all validation and supporting documents for their alternative heat shock operation. The written processing schedule must address these factors:

(a) No changes in the physical and organoleptic properties of the species shall occur;

(b) Process shall not kill the shellfish;

(c) No increase in microbial deterioration of the shucked shellfish shall occur;

(d) Type and size of shellfish;

(e) Time and temperature of exposure;

(f) Type of process;

(g) Size of tank, tunnel or retort;

(h) Water to shellfish ratios in tanks; and

(i) Temperature and pressure monitoring devices.

(9)(8) The written heat shock process shall be on display in the processing area. All responsible persons involved with the heat shock process must be aware of the requirements.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.017, Amended 7-3-95, 2-6-97, Formerly 62R-7.017, Amended _____.

5L-1.015 Depuration Plant Operations.

(1) Source of shellfish – Shellfish shall be accepted for treatment at a shellfish treatment plant only from areas specified by the Department pursuant to Rule 5L-1.009, F.A.C. The plant supervisor or representative assistant plant supervisor shall inspect all containers of untreated shellfish upon arrival at the plant to verify that they contain the species and quantity stated on the monitor's reports.

(2) No change.

(3) Culling – All untreated shellfish, prior to, or upon arrival at the plant, shall be thoroughly inspected and culled by personnel under the supervision of the plant supervisor or representative assistant plant supervisor. All dead shellfish or shellfish in broken or cracked shells shall be destroyed. The plant supervisor or representative assistant plant supervisor shall be responsible for the culling and the removal and disposal of dead shellfish or shellfish with broken or cracked shells both before and after depuration.

(4) through (7) No change.

Specific Authority 570.07(2), 370.071(1) FS. Law Implemented 370.071, 381.061(7) FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.021, Amended 7-3-95, Formerly 62R-7.021, Amended _____.

5L-1.017 Depuration – Process Water Treatment Sampling Procedures and Standards.

(1) through (3) No change.

(4) Bacteriological – All water to be used in shellfish treatment tanks shall be subjected to UV light treatment. The water discharged from the UV unit shall be of bacterial quality equal to or better than the quality of water required in the U. S. P. H. S. Drinking Water Standards, as stated in the NSSP Model Ordinance Manual, Part I.

(5) through (12) No change.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.024, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.024, Amended _____.

5L-1.019 Laboratory Procedures and Sample Testing.

(1) Samples of shellfish, processing water, or ice, may be taken at any reasonable time or place by the Department and examined for compliance with sections of this Chapter. Samples of shellfish shall be furnished by processors of such shellfish upon request of the Department. Samples will be collected and appropriate sample collection and receipt forms will be used by Department staff to document sample collections. Forms include DACS DEP 15005 34-008, Collection/Analysis Water Report, Revision 1/2000 6/94, DACS 15004 34-009, Shellfish Sample Collection Report, Revision 1/2000 6/94, and DACS DEP 15013 34-014, Receipt for Samples, Revision 1/2000 2/94. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station # 205, Tallahassee, Florida 32399.

(2) Bacterial examinations of shellfish and seawater shall be conducted in accordance with *The Recommended Procedures for Bacterial Examination of Seawater and Shellfish* published by the American Public Health Association which is hereby incorporated herein by reference and is available for inspection at the Department's office, located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

(3) No change.

(4) The laboratory must be certified by the Department in accordance with Appendix L of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I.

Specific Authority 570.07(2) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.030, Amended 7-3-95, 5-8-96, 2-6-97, Formerly 62R-7.030, Amended _____.

TABLE 2: FOUR DIGIT AREA NUMBERS CODES AND NAMES OF HARVEST AREAS

AREA NUMBER CODE	HARVEST AREA NAME
0222	Pensacola Bay; Conditionally Approved (Escambia Bay; Winter; <u>Nov – Mar</u> November 1 through March 30)

0232	Pensacola Bay: Conditionally Approved (East Bay; Winter; Nov – Feb November 1 through March 30)	1631	Apalachicola Bay: Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 (Summer <u>Jul – Sep</u>)
0242	Pensacola Bay: Conditionally Approved (Escambia Bay, Spring/Fall, Apr – Jun, Oct April 1 through June 30 and October 1 through October 31)	1612	Apalachicola Bay: Conditionally Approved West 1 (Winter <u>Jan – Jun, Oct – Dec</u>)
0252	Pensacola Bay: Conditionally Approved (East Bay; Spring/Fall; Mar – Jun, Oct April 1 through June 30 and October 1 through October 31)	1622	Apalachicola Bay: Conditionally Approved West 2 (Winter <u>Jan – Jun, Oct – Dec</u>)
0215	Pensacola Bay: Restricted (Escambia Bay Spring/Fall; Apr – Jun, Oct April 1 through June 30 and October 1 through October 31)	1632	Apalachicola Bay: Conditionally Approved West 3 (Winter <u>Jan – Jun, Oct – Dec</u>)
0216	Pensacola Bay: Conditionally Restricted (Escambia Bay Winter; Nov – Mar November 1 through March 30)	1642	Apalachicola Bay: Conditionally Approved East (Winter <u>Jan – Jun, Oct – Dec</u>) or Apalachicola Bay Approved East Hole (Summer <u>Jul – Sep</u>)
0226	Pensacola Bay: Conditionally Restricted (East Bay; Winter; Nov – Feb November 1 through March 30)	1652	Apalachicola Bay: Conditionally Approved North (Summer <u>Jul – Sep</u>)
0622	Choctawhatchee Bay: Conditionally Approved (Central)	1662	Apalachicola Bay: Conditionally Approved South (Summer <u>Jul – Sep</u>)
0632	Choctawhatchee Bay: Conditionally Approved (Eastern)	1606	Apalachicola Bay: Conditionally Restricted
0806	West Bay: Conditionally Restricted (Spring/Fall, Apr – Jun, Oct – Nov April 1 through June 30 and October 1 through November 30)	2002	Ochlockonee Bay: Conditionally Approved
0812	West Bay: Conditionally Approved (Winter; Dec – Mar December 1 through March 31)	2006	Ochlockonee Bay: Conditionally Restricted
0822	West Bay: Conditionally Approved (Spring/Fall; Apr – Jun, Oct – Nov April 1 through June 30 and October 1 through November 30)	2206	Wakulla County: Conditionally Restricted
1012	North Bay: Conditionally Approved (Western)	2212	Wakulla County: Conditionally Approved (Zone 1)
1022	North Bay: Conditionally Approved (Eastern)	2222	Wakulla County: Conditionally Approved (Zone 2)
1206	East Bay: Conditionally Restricted	2501	Horseshoe Beach: Approved (Summer)
1212	East Bay: Conditionally Approved (Section 1)	2502	Horseshoe Beach: Conditionally Approved (Winter)
1222	East Bay: Conditionally Approved (Section 2)	2506	Horseshoe Beach: Conditionally Restricted (Winter)
1401	St. Joe Bay: Approved	2802	Suwannee Sound: Conditionally Approved
1506	Indian Lagoon: Conditionally Restricted	2806	Suwannee Sound: Conditionally Restricted
1512	Indian Lagoon: Conditionally Approved Zone X (Spring/Fall; Apr – Jun, Oct – Dec April 1 – June 30 & October 1 – December 31)	3012	Cedar Key: Conditionally Approved (Zone A)
1522	Indian Lagoon: Conditionally Approved Zone Y (Spring/Fall; Apr – Jun, Oct – Dec April 1 – June 30 & October 1 – December 31)	3022	Cedar Key: Conditionally Approved (Zone B)
1523	Indian Lagoon: Conditionally Approved Zone Z (Spring/Fall Apr – Jun, Oct – Dec April 1 – June 30 & October 1 – December 31)	3006	Cedar Key: Conditionally Restricted
1542	Indian Lagoon: Conditionally Approved Zone A (Winter; Jan – Mar January 1 – March 31)	3202	Waccasassa Bay: Conditionally Approved
1552	Indian Lagoon: Conditionally Approved Zone B (Winter; Jan – Mar January 1 – March 31)	3206	Waccasassa Bay: Conditionally Restricted
1611	Apalachicola Bay: Approved (Winter <u>Jan – Jun, Oct – Dec</u>)	3402	Withlacoochee Bay: Conditionally Approved
1621	Apalachicola Bay: Approved (Summer <u>Jul – Sep</u>)	3406	Withlacoochee Bay: Conditionally Restricted
		3702	Citrus County: Conditionally Approved
		3706	Citrus County: Conditionally Restricted
		4202	Boca Ciega Bay: Conditionally Approved
		4802	Lower Tampa Bay: Conditionally Approved
		4806	Lower Tampa Bay: Conditionally Restricted
		5402	Sarasota Bay: Conditionally Approved
		5406	Sarasota Bay: Conditionally Restricted
		5602	Lemon Bay: Conditionally Approved
		5802	Gasparilla Sound: Conditionally Approved
		6002	Myakka River: Conditionally Approved
		6006	Myakka River: Conditionally Restricted
		6202	Pine Island Sound: Conditionally Approved
		<u>6212</u>	<u>Pine Island Sound Conditionally Approved Western Section</u>
		<u>6222</u>	<u>Pine Island Sound Conditionally Approved Eastern Section</u>

6602	Ten Thousand Islands: Conditionally Approved	7726	Body C: Conditionally Restricted (Spring/Summer/Fall Mar – Nov March 1 through November 30)
7001	Indian River/St. Lucie: Approved	7802	Body B: Conditionally Approved
7006	Indian River/St. Lucie: Restricted	7805	Body B: Restricted
7202	North Indian River: Conditionally Approved	7902	South Banana River: Conditionally Approved
7206	North Indian River: Conditionally Restricted	7906	South Banana River: Conditionally Restricted
7412	Body F: Conditionally Approved (Zone 1)	8001	Body A: Approved
7422	Body F: Conditionally Approved (Zone 2)	8005	Body A: Restricted
7416	Body F: Conditionally Restricted (Zone 3)	8201	<u>South</u> Volusia: Approved
7426	Body F: Conditionally Restricted (Zone 4)	8212	<u>South</u> Volusia: Conditionally Approved (Zone 1)
7506	Body E: Conditionally Restricted	8222	<u>South</u> Volusia: Conditionally Approved (Zone 2)
7602	Body D: Conditionally Approved	8206	<u>South</u> Volusia: Conditionally Restricted
7606	Body D: Conditionally Restricted	8802	St. Johns South: Conditionally Approved
7712	Body C: Conditionally Approved (Zone 1; Spring/Summer/Fall Mar – Nov March 1 through November 30)	8806	St. Johns South: Conditionally Restricted
7722	Body C: Conditionally Approved (Zone 2; Spring/Summer/Fall Mar – Nov March 1 through November 30)	9202	St. Johns North: Conditionally Approved
7732	Body C: Conditionally Approved (Winter Dec – Feb December 1 through February 28 (or February 29 during a leap year))	9206	St. Johns North: Conditionally Restricted
7716	Body C: Conditionally Restricted (Winter Dec – Feb December 1 through February 28 (or February 29 during a leap year))		

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised _____ April 14, 1999

Shellfish Harvesting Area

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Body B	78	78	February 7, 1996 April 15, 1997
Body C	77	77A, 77B	January 1, 1994 April 15, 1997
Body D	76	76	August 1, 1996 April 15, 1997
Body E	75	75	January 1, 1994 April 15, 1997
Body F	74	74	April 15, 1997
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North Indian River	72	72	June 18, 1997 April 15, 1997
North St. Johns	92	92	January 1, 1995 April 15, 1997
Ochlockonee Bay	20	20	November 3, 1998 August 26, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996 April 15, 1997
Pine Island Sound	62	62	December 28, 1998 October 28, 1998
Sarasota Bay	54	54	May 6, 1993 April 15, 1997
South Banana River	79	79	July 22, 1997 May 21, 1997
South St. Johns	88	88	December 16, 1997 April 15, 1997
South Volusia	82	82A, 82B	December 10, 1997
St. Joseph Bay	14	14	November 1986 April 15, 1997
Suwannee Sound	28	28	February 25, 1998 December 17, 1997
Ten Thousand Islands	66	66	June 18, 1997 April 15, 1997
Waccasassa Bay	32	32	November 5, 1992 April 15, 1997
Wakulla County	22	22	January 1, 1995 April 15, 1997
West Bay	08	08A, 08B	December 28, 1998 October 28, 1998
Withlacoochee Bay	34	34	November 5, 1992 April 15, 1997

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION BOUNDARIES AND MANAGEMENT PLANS
Revised April 14, 1999

Shellfish Harvesting Area

Name	Area Number	Map Number(s)	Revised date
Apalachicola Bay System	16	16	April 14, 1999
Boca Ciega Bay	42	42	April 15, 1997
Body A	80	80	October 10, 1997
Body B	78	78	April 15, 1997
Body C	77	77A, 77B	April 15, 1997
Body D	76	76	April 15, 1997
Body E	75	75	April 15, 1997
Body F	74	74	April 15, 1997
Cedar Key	30	30	April 15, 1997
Choctawhatchee Bay	06	06	April 15, 1997
Citrus County	37	37	April 15, 1997
Duval County	96	96	April 15, 1997
East Bay	12	12	April 15, 1997
Gasparilla Sound	58	58	April 15, 1997
Horseshoe Beach	25	25A, 25B	January 6, 1999
Indian Lagoon	15	15A, 15B	April 15, 1997
Indian River/St.			
Lucie Counties	70	70	April 15, 1997
Lemon Bay	56	56	May 20, 1998
Lower Tampa Bay	48	48	April 15, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	April 15, 1997
North Indian River	72	72	April 15, 1997
North St. Johns	92	92	April 15, 1997
Ochlockonee Bay	20	20	August 26, 1998
Pensacola Bay System	02	02A, 02B	April 15, 1997
Pine Island Sound	62	62	October 28, 1998
Sarasota Bay	54	54	April 15, 1997
South Banana River	79	79	May 21, 1997
South St. Johns	88	88	April 15, 1997
South Volusia	82	82A, 82B	December 10, 1997
St. Joseph Bay	14	14	April 15, 1997
Suwannee Sound	28	28	December 17, 1997
Ten Thousand Islands	66	66	April 15, 1997
Waccasassa Bay	32	32	April 15, 1997
Wakulla County	22	22	April 15, 1997
West Bay	08	08A, 08B	October 28, 1998
Withlacoochee Bay	34	34	April 15, 1997

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bobby Bickley
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula
RULE NO.: 19-8.028
PURPOSE AND EFFECT: This rule implements the 2000-2001 contract year for the Florida Hurricane Catastrophe Fund, pursuant to Section 215.555, Florida Statutes.
SUMMARY: Proposed amended rule 19-8.028 provides definitions and adopts the 2000-2001 reimbursement premium formula and the rates.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.
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: 215.555(3) FS.
LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.
REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m. – Noon, Wednesday, May 31, 2000
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, Tel. (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 ~~1999~~ Reimbursement Premium Formula.

(1) The purpose of this rule is to adopt the Premium Formula ~~for the 1999-2000 contract year~~ to determine the actuarially indicated reimbursement premium to be paid to the FHCF, as required by Section 215.555(5)(b), Florida Statutes.

(2) Definitions.

(a) Actuarially Indicated Premium

This term refers to premiums which are derived according to or consistent with accepted actuarial standards of practice. Actuarially indicated means an amount determined according

to principles of actuarial science to be adequate, but not excessive, in the aggregate, to pay current and future obligations and expenses of the fund, and determined according to principles of actuarial science to reflect each insurer's relative exposure to hurricane losses.

(b) Independent Consultant

This term means the independent individual, firm, or organization with which the SBA contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(c) Excess Insurance

This term means any direct insurance policy written by an authorized insurer or a Joint Underwriting Association for a Covered Policy which provides coverage above the policy limits of an underlying policy covering the same property.

(d) Formula or the Premium Formula

This term means the formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula and are the result of the approach or methodology employed.

(e) High Deductible

This term means any direct insurance policy written by an authorized insurer or a Joint Underwriting Association for a Covered Policy which provides coverage with a deductible or self-insured retention of \$50,000 or greater.

(f) New Companies

The term means all Companies which write Covered Policies and which are granted a certificate of authority by the Department of Insurance after the beginning of the FHCF's Contract Year on June 1; or which already have a certificate of authority but begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year. A Company is writing new business if it writes Covered Policies after the beginning of the FHCF's Contract Year on June 1 and did not do so prior to the beginning of the Contract Year, or if it removes exposure from the RPCJUA pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1.

(g) Premium

This term means the same as Reimbursement Premium, which is the premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with subsection (5)(b) of the Statute, by the rate as derived from the Premium Formula.

(h) Section I as described in the Data Call

This term means policies other than Excess Insurance or High Deductible policies, as those policies are defined herein.

(i) Section II as described in the Data Call

This term means Excess Insurance or High Deductible policies, as those terms are defined herein.

(3) The 1999 Premium Formula.

(a) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, Florida Statutes, the ~~1999~~ Premium Formula is adopted in this subsection (3), below, adopts the basic Formula and also addresses and special circumstances are addressed in subsection (4), below. The ~~1999~~ Formula for determining the actuarially indicated premium to be paid to the Fund, as required by Section 215.555(5)(b), is the rate times the exposure per \$1,000 of insured value and this equals the premium to be paid in dollars. The rates adopted ~~in paragraph (b), below;~~ were determined by taking into account four factors: geographic location by zip code; construction type; policy deductible; and type of insurance. The Formula is developed by an independent ~~actuarial~~ consultant selected by the Board, as required by Section 215.555(5)(b).

(b) For the 1999-2000 contract year, (The Formula developed by the Board's independent actuarial consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999," both of which are hereby adopted and incorporated by reference. (b) The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 5/11/99, are hereby adopted and incorporated by reference in Form FHCF-Rates 1999, "Florida Hurricane Catastrophe Fund/1999-2000 Rates," rev. 8/99.

(c) For the 2000-2001 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 2000 Ratemaking Formula Report to the Florida State Board of Administration, March 2, 2000," and the addendum thereto, "Florida Hurricane Catastrophe Fund: Addendum to the March 2, 2000 Ratemaking Report, April 6, 2000," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 4/25/00, are hereby adopted and incorporated by reference in Form FHCF-Rates 2000, "Florida Hurricane Catastrophe Fund/2000-2001 Rates," rev. 5/00.

(4)(a)(e) Special Circumstances. † The premium formula for Section II exposure will be based on the use of computer modeling for each individual company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is generally not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is not practical to develop separate rates for all the potential combinations of per policy excess/high deductible exposures.

Therefore, the Independent Actuarial Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the ~~1999/2000~~ FHCF rates, the Independent Actuarial Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This methodology will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. The calculated thresholds will be included in the ~~1999-2000~~ Data Call, as adopted and incorporated by reference in Rule 19-8.029. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section I using Section I reporting specifications.

(b)1.2.a. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the contract year shall have their premiums determined in accordance with subsection (3) paragraphs (a) and (b), above. Special recognition is not given to insurers which do not have exposure for covered policies for an entire contract year, except for new companies as described in paragraph (c) of this subsection (4) subparagraph 3 of this rule.

2.b. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Insurance effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

(c)1.3.a. For purposes of this rule, the term "new companies" refers to:

- i. all companies which write covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, and
- ii. which are granted a certificate of authority by the Department of Insurance on or after the beginning of the Fund's contract year on June 1; or which already have a certificate of authority but begin writing covered policies on or after the beginning of the Fund's contract year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year.

b. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure

from the RPCJUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

c. All new companies shall enter into a reimbursement contract with the Fund.

d. All new companies shall pay a reimbursement premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the reimbursement contract adopted in rule 19-8.010.

e. This sub-subparagraph applies to companies writing new business after June 1 but prior to December 1 of the contract year.

i. All new companies writing new business during the period specified above shall pay a provisional premium of \$1,000 to provide consideration for the contract.

ii. On or before March 1 of the contract year, the company shall report its actual exposure as of December 31 of the contract year to the Administrator on Forms ~~FHCF-D1B, "Florida Hurricane Catastrophe Fund 1999 Data Call for Newly Licensed Companies," rev. 5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and in accordance with the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its instructions identified in the immediately preceding sentence, which~~ are hereby adopted and incorporated by reference in Rule 19-8.029. ~~The forms and the software are available from the Administrator as described in subsection (5), below defined in Rule 19-8.027. All new companies engaging in JUA take-outs on an assumption basis as described in subparagraph 4 of this paragraph shall comply with the reporting requirements of that subparagraph, except for the reporting due dates. The reporting requirements for assuming insurers are set out in Form FHCF-D1B adopted immediately above. The Administrator shall calculate the company's actual reimbursement premium for the period specified in sub-subparagraph b. based on its actual exposure. To recognize that new companies have limited exposure during this period, the actual premium as determined by processing the company's exposure data shall then be divided in half, the provisional premium shall be credited, and the resulting amount shall be the total premium due for the company for the remainder of the contract year. However, if that amount is less than \$1,000.00, then the insurer shall pay \$1,000.00. The premium payment is due no later than May 1 of the contract year. The company's retention and coverage will be determined based on the total premium due which is the premium calculated based on the company's 12/31 exposure and divided in half as described in this sub-subparagraph.~~

f. This sub-subparagraph applies to companies writing new business on or after December 1 but up to and including May 31. All new companies writing new business during this

period shall pay a premium of \$1,000 to provide consideration for the contract. The company shall pay no other premium for the remainder of the contract year. The company shall not report its exposure data for this period to the Board. The premium shall be paid upon signing the reimbursement contract.

g. For purposes of this subparagraph, the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, and if the due date's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

~~4.a. Treatment of Assumed Exposure for Purposes of Calculating Reimbursement Premium. So as not to impair the financial incentives for insurers engaging in RPCJUA take-outs pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, the Board has determined that for purposes of reporting exposure, calculating reimbursement premiums, determining retentions, and paying loss reimbursements, the Board shall treat all exposure removed from the RPCJUA pursuant to an assumption agreement as the exposure of the assuming insurer. This policy is effective December 1, 1996.~~

~~b. RPCJUA Reporting Requirement after Each Assumption. The RPCJUA, after entering into an agreement for a take-out pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, which has the effect of transferring covered policies on an assumption basis to an authorized insurer, shall report the transaction to the Board within 10 days of the date of the transaction. The RPCJUA shall report each assumption separately. If an assuming insurer enters into more than one assumption agreement, then the RPCJUA shall report each assumption transaction for that insurer separately. The report shall include a copy of the agreement between the RPCJUA and the authorized insurer effecting the take-out pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, along with a summary of the number of covered (wind) policies assumed; and the total wind exposure assumed by type of business and by line of business. In support of the summary report, the RPCJUA shall submit a detailed report to the Board which includes the following for each assumed policy: the insured's name, policy number, policy period, date assumed, zip code, deductible, construction code, total insured~~

value – building, total insured value – appurtenant structures, and total insured value – contents. The detailed report shall be sorted by type and line of business and shall reconcile to the summary report.

~~e. RPCJUA Reporting Requirements for the Exposure Report as of 6/30. The RPCJUA shall report its wind exposure as of 6/30 of the contract year pursuant to the requirements of Rule 19-8.029. Pursuant to the provisions of subparagraph i of this subparagraph e, the RPCJUA shall not report wind exposure removed from the RPCJUA pursuant to an assumption agreement pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes. However, in order to facilitate audits of policies removed from the RPCJUA under assumption agreements and pursuant to the requirements of Rule 19-8.029, the RPCJUA shall also report, in addition to, but separate from, the 6/30 data call, all exposure removed from the RPCJUA which, as of 6/30, had not been renewed onto the assuming insurer's policy forms. The report shall be in the same format as prescribed by the data call adopted and incorporated by reference in Rule 19-8.029. The report shall report the exposure separately for each assuming company subject to an assumption agreement and reported to the FHCF pursuant to sub-subparagraph e.i., above.~~

~~d. Assuming Company Reporting Requirements for the Exposure Report as of 6/30. Those authorized insurers to which subparagraph e.i. applies shall report their exposure as of 6/30 of the contract year pursuant to the requirements of Rule 19-8.029 and shall include in that exposure all direct business of the insurer and all RPCJUA exposure removed from the RPCJUA pursuant to an assumption agreement pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, which exposure has been renewed onto such authorized insurer's policy forms. Pursuant to the requirements of Rule 19-8.029, such authorized insurer shall also report, in a separate file, all wind exposure removed from the RPCJUA which has not been renewed onto such authorized insurer's policy forms as of 6/30 in the same format as prescribed by the data call adopted and incorporated by reference in Rule 19-8.029.~~

~~e. Records Retention Requirements for the RPCJUA and the Assuming Insurers. For purposes of compliance with the records retention requirements of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, both the RPCJUA and the assuming insurers shall maintain auditable records, in policy level detail, as of 6/30 of the contract year, of the exposure which was the subject of the assumption agreement. Neither the RPCJUA nor any of its servicing agents, contractors, or carriers, nor any authorized insurer engaging in a take-out on an assumption basis shall delete, remove, or otherwise eliminate any information required by the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010 or any other rules~~

relating to the Board's audit requirements for 5 years or until the Fund has completed either an exposure audit or a loss reimbursement audit or both, whichever is later.

~~f. Calculation of Final Premium Installment Due on December 1 for the RPCJUA. The RPCJUA shall pay the full premium on the wind exposure determined in accordance with this rule and Rule 19-8.029. Payments shall be made in accordance with the premium installment payment schedule in the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010.~~

~~g. Calculation of Final Premium Installment Due on December 1 for the Assuming Insurers. The assuming insurers shall pay the full premium on the wind exposure determined in accordance with this rule and Rule 19-8.029. Payments shall be made in accordance with the premium installment payment schedule in the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010.~~

~~h. Retention Calculation and Loss Reporting. The Board shall calculate the reimbursement premium and determine the retentions of the authorized insurers removing covered policies from the RPCJUA on an assumption basis and of the RPCJUA as if all the exposure for covered policies included in the assumption agreement is the exposure of the authorized insurer as of 6/30 of the contract year. The authorized insurer removing covered policies from the RPCJUA on an assumption basis shall report its losses for those covered policies to the Board and the Board shall reimburse those authorized insurers for losses for those covered policies directly to such authorized insurer.~~

~~5. Since the calculation of the actuarially indicated rates assumes that the companies will pay their reimbursement premiums timely, interest charges will accrue under certain circumstances. If a company chooses to estimate its own premium installments, then an interest charge will accrue on any premium which is underestimated. No interest will accrue regarding any provisional premium, if paid as billed by the Fund's Administrator. However, if the premium payment is not received from a company when it is due, an interest charge will accrue on a daily basis until the payment is received. An interest credit will be applied for any premium which is overpaid as either an estimate or as a provisional premium. Interest shall not be credited past December 1 of any contract year. The applicable interest rate for interest credits will be the projected average rate earned by the Board for the Fund for the first six months of the Contract Year. The applicable interest rate for interest charges will accrue at this rate plus 3%.~~

~~(5)(4) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.~~

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History–New 9-20-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jack Nicholson, Chief Operating Officer, Florida Hurricane
 Catastrophe Fund, State Board of Administration
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Trustees of the State Board of
 Administration
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 25, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 14, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO. 980643-EI

RULE TITLES:	RULE NOS.:
Annual Reports	25-6.135
Cost Allocation and Affiliate Transactions	25-6.1351
Depreciation	25-6.0436

PURPOSE AND EFFECT: The purpose of the amendments is to prescribe procedures utilities must follow when allocating costs between utilities and affiliates. The intent is to ensure that ratepayers do not subsidize nonregulated operations.

SUMMARY: The amendments to Rule 25-6.1351 prescribe the procedures utilities must follow when accounting for affiliate transactions and utility nonregulated activities. The amendments to Rule 25-6.1351 require utilities to file an updated annual report form on an annual basis. The amendments to Rule 25-6.0436 concern the treatment of depreciation reserve accounts associated with transfers of property between affiliates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: All five of Florida's investor-owned electric utilities would be affected by the proposed amendments. There should be no impact on the Commission or local government entities other than the Commission's rulemaking costs. Ratepayers, including small businesses, small cities, and small counties, should benefit if they do not subsidize utility affiliates. Several utilities expressed concerns that the rule amendments are unnecessary and the costs prohibitive. Florida Power & Light Company stated that it could not estimate the costs of complying with the rule because the rule applies to future transactions. Florida Power Corporation stated that the cost of compliance would be negligible. Tampa Electric Company estimated a start-up cost of \$35 million and ongoing O&M costs of \$2 million per year. Gulf Power Company stated that it would cost \$50,000 to \$100,000 to administer the rule on an annual basis, and that the start-up costs would be greater than the annual cost. Florida Public Utilities Company stated that it would cost \$2,600 initially, and \$500 annually to comply with the rule.

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

LAW IMPLEMENTED: 350.115, 366.04(2)(a),(f), 366.05(1),(2),(9), 366.093(1), 366.04(2)(f), 366.05(1),(2)(a) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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.

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

TIME AND DATE: 9:30 a.m., June 22, 2000

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 RULES IS:

25-6.135 Annual Reports.

(1) Each investor-owned electric utility shall file annual reports with the Commission on Commission Form PSC/AFA 19 (~~xx/xx 12/94~~) which is incorporated by reference into this rule. Form PSC/AFA 19__, entitled "Annual Report of Major Electric Utilities", may be obtained from the Commission's Division of Auditing and Financial Analysis. These reports shall be verified by a responsible accounting officer of the utility making the report and shall be due on or before April 30 for the preceding calendar year. A utility may file a written request for an extension of time with the Division of Auditing and Financial Analysis no later than April 30. One extension of 31 days will be granted upon request. A request for a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed.

(2) No change.

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(f), 366.05(1),(2)(a) FS. History--New 12-27-94. Amended

25-6.1351 Cost Allocation and Affiliate Transactions Diversification Reports.

(1) Purpose. The purpose of this rule is to establish cost allocation requirements to ensure proper accounting for affiliate transactions and utility nonregulated activities so that these transactions and activities are not subsidized by utility ratepayers. This rule is not applicable to affiliate transactions

for purchase of fuel and related transportation services that are subject to Commission review and approval in cost recovery proceedings.

~~(1) Each investor-owned electric utility shall file information on its affiliates and affiliated transactions on Commission Form PSC/AFA 16 (12/94) which is incorporated into this rule by reference. Form PSC/AFA 16, entitled "Analysis of Diversification Activities", may be obtained from the Commission's Division of Auditing and Financial Analysis.~~

(2) Definitions

(a) Affiliate – Any entity that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with a the utility. As used herein, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contracts or any other direct or indirect means. Ownership of five 5 percent or more of the voting securities of an entity shall be conclusively deemed to constitute the control thereof.

(b) Affiliated Transaction – Any transaction in which both a utility and an affiliate thereof are each participants, except other than transactions related solely to the filing of consolidated tax returns.

(c) Cost Allocation Manual (CAM) – The manual that sets out a utility's cost allocation policies and related procedures.

(d) Direct Costs – Costs that can be specifically identified with a particular service or product.

(e) Fully Allocated Costs – The sum of direct costs plus a fair and reasonable share of indirect costs.

(f) Indirect Costs, including all overheads, that cannot be identified with a particular service or product.

(g) Nonregulated – Refers to services or products that are not subject to price regulation by the Commission or not included for ratemaking purposes and not reported in surveillance.

(h) Prevailing Price Valuation – Refers to the price an affiliate charges a regulated utility for products and services, which equates to that charged by the affiliate to third parties. To qualify for this treatment, sales of a particular asset or service to third parties must encompass more than 50 percent of the total quantity of the product or service sold by the entity. The 50 percent threshold is applied on an asset-by-asset and service-by-service basis, rather than on a product line or service line basis.

(i) Regulated – Refers to services or products that are subject to price regulation by the Commission or included for ratemaking purposes and reported in surveillance.

(3) Non-Tariffed Affiliate Transactions

(a) The purpose of subsection (3) is to establish requirements for non-tariffed affiliate transactions impacting regulated activities.

(b) A utility must charge an affiliate the higher of fully allocated costs or market price for all non-tariffed services and products purchased by the affiliate from the utility. Except, a utility may charge an affiliate less than fully allocated costs if the charge is above incremental cost. If a utility charges less than fully allocated costs, the utility must maintain documentation to support and justify how doing so benefits regulated operations. If a utility charges less than market price, the utility must notify the Division of Auditing and Financial Analysis within 30 days of the transaction.

(c) When a utility purchases services and products from an affiliate and applies the cost to regulated operations, the utility shall apportion to regulated operations the lesser of fully allocated costs or market price. Except, a utility may apportion to regulated operations more than fully allocated costs if the charge is less than or equal to the market price. If a utility apportions to regulated operations more than fully allocated costs, the utility must maintain documentation to support and justify how doing so benefits regulated operations and would be based on prevailing price valuation.

(d) When an asset used in regulated operations is transferred from a utility to a nonregulated affiliate, the utility must charge the affiliate the greater of market price or net book value. Except, a utility may charge the affiliate either the market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. When an asset to be used in regulated operations is transferred from a nonregulated affiliate to a utility, the utility must record the asset at the lower of market price or net book value. Except, a utility may record the asset at either market price or net book value if the utility maintains documentation to support and justify that such a transaction benefits regulated operations. An independent appraiser must verify the market value of a transferred asset with a net book value greater than \$1,000,000. If a utility charges less than market price, the utility must notify the Division of Auditing and Financial Analysis within 30 days of the transaction.

(e) Each affiliate involved in affiliate transactions must maintain all underlying data concerning the affiliate transaction for at least three years after the affiliate transaction is complete. This paragraph does not relieve a regulated affiliate from maintaining records under otherwise applicable record retention requirements.

(4) Cost Allocation Principles.

(a) Utility accounting records must show whether each transaction involves a product or service that is regulated or nonregulated. A utility that identifies these transactions by the use of subaccounts meets the requirements of this paragraph.

(b) Direct costs shall be assigned to each non-tariffed service and product provided by the utility.

(c) Indirect costs shall be distributed to each non-tariffed service and product provided by the utility on a fully allocated cost basis. Except, a utility may distribute indirect costs on an incremental or market basis if the utility can demonstrate that its ratepayers will benefit. If a utility distributes indirect costs on less than a fully allocated basis, the utility must maintain documentation to support doing so.

(d) Each utility must maintain a listing of revenues and expenses for all non-tariffed products and services.

(5) Reporting Requirements. Each utility shall file information concerning its affiliates, affiliate transactions, and nonregulated activities on Form PSC/AFA 19 (xx/xx) which is incorporated by reference into this rule. Form PSC/AFA 19, entitled "Annual Report of Major Electric Utilities," may be obtained from the Commission's Division of Auditing and Financial Analysis.

(6) Cost Allocation Manual. Each utility involved in affiliate transactions or in nonregulated activities must maintain a Cost Allocation Manual (CAM). The CAM must be organized and indexed so that the information contained therein can be easily accessed.

~~(3) Within 45 days of coming under the jurisdiction of the Commission, each investor-owned electric utility shall file Schedules 1, 7, and 8 of Form PSC/AFA 16 with the Division of Auditing and Financial Analysis.~~

~~(4) Each investor-owned electric utility shall file Schedules 1-6 of Form PSC/AFA 16 as an attachment to its annual report.~~

~~(5) Each investor-owned electric utility shall keep a detailed backup report of the summary report to facilitate auditing and analysis. Each investor-owned electric utility shall maintain a clear audit trail from the summary report through the general ledger to the source documents supporting the transaction.~~

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 350.115, 366.04(2)(a)(f), 366.041(1), 366.05(1)(2)(9), 366.06(1), 366.093(1) FS. History—New 12-27-94, Amended.

25-6.0436 Depreciation.

(1) For the purposes of this part, the following definitions shall apply:

(a) through (c)4. No change.

(d) Net Book Value – The book cost of an asset or group of assets minus the accumulated depreciation or amortization reserve associated with those assets.

~~(e) (4)~~ Remaining Life Method – The method of calculating a depreciation rate based on the unrecovered plant balance, less average future net salvage and the average remaining life. The formula for calculating a Remaining Life Rate (RLR) is:

$$RLR = \frac{100\% - Reserve \% - Average Future Net Salvage \%}{Average Remaining Life in Years}$$

(f) Reserve (Accumulated Depreciation) – The amount of depreciation/amortization expense, salvage, cost of removal, adjustments, transfers, and reclassifications accumulated to date.

(e) through (k) renumbered (g) through (m) No change.

(2)(a) No utility shall ~~may~~ change any existing depreciation rate or initiate any new depreciation rate without prior Commission approval.

(b) No utility shall ~~may~~ reallocate accumulated depreciation reserves among any primary accounts and sub-accounts without prior Commission approval.

(c) When plant investment is booked as a transfer from a regulated utility depreciable account to another or from a regulated company to an affiliate, an appropriate reserve amount shall also be booked as a transfer. When plant investment is sold from one regulated utility to an affiliate, an appropriate associated reserve amount shall also be determined to calculate the net book value of the utility investment being sold. Appropriate methods for determining the appropriate reserve amount associated with plant transferred or sold are as follows:

1. Where vintage reserves are not maintained, synthesization using the currently prescribed curve shape may be required. The same reserve percent associated with the original placement vintage of the related investment shall then be used in determining the appropriate amount of reserve to transfer.

2. Where the original placement vintage of the investment being transferred is unknown, the reserve percent applicable to the account in which the investment being transferred resides may be assumed as appropriate for determining the reserve amount to transfer.

3. Where the age of the investment being transferred is known and a history of the prescribed depreciation rates is known, a reserve can be determined by multiplying the age times the investment times the applicable depreciation rate(s).

4. The Commission shall consider any additional methods submitted by the utilities for determining the appropriate reserve amounts to transfer.

(3)(a) through (4) No change.

(5) Upon Commission approval by order establishing an effective date, the utility shall ~~may~~ reflect on its books and records the implementation of the proposed rates, subject to adjustment when final depreciation rates are approved.

(6) through (9) No change.

(10) For any category where current conditions indicate a need for revision of depreciation rates, amortization or capital recovery schedules and no revision is sought, the report shall explain why no revision is requested.

(10)(a) Prior to the date of retirement of major installations, the Commission shall ~~may~~ approve capital recovery schedules to correct associated calculated deficiencies where a utility demonstrates that (1) replacement of an installation or group of installations is prudent and (2) the associated investment will not be recovered by the time of retirement through the normal depreciation process.

(b) The Commission shall ~~may~~ approve a special capital recovery schedule when an installation is designed for a specific purpose or for a limited duration.

(c) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 350.115, 366.04(2)(f), 366.06(1) FS. History—New 11-11-82, 1-6-85, Formerly 25-6.436, Amended 4-27-88, 12-12-91,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jay Revell, 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: April 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 28, July 16, 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, (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).

PUBLIC SERVICE COMMISSION

DOCKET NO. 991651-PU

RULE TITLE: Customer Complaints
RULE NO.: 25-22.032

PURPOSE AND EFFECT: To establish procedures that are designed to expedite processing of customer complaints without extensive Commission participation. It also provides an informal dispute resolution process for the customer and the company if they cannot resolve the complaint without Commission intervention.

SUMMARY: It is the Commission’s intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes customer complaint procedures that are designed to accomplish this intent. It includes an expedited telephone warm transfer and three day resolution process for complaints

that can be resolved quickly by the customer and the company without extensive Commission participation. It also includes a process for informal Commission resolution of the complaint if the company and the customer cannot resolve the complaint themselves.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared for this rule.

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

SPECIFIC AUTHORITY: 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS.

LAW IMPLEMENTED: 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 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:

(Substantial rewording of Rule 25-22.032 follows. See Florida Administrative Code for present text.)

25-22.032 Customer Complaints.

(1) Intent: Application and Scope.

It is the Commission’s intent that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. This rule establishes informal customer complaint procedures that are designed to accomplish that intent. This rule applies to all companies regulated by the Commission. It provides for expedited processes for customer complaints that can be resolved quickly by the customer and the company without extensive Commission participation. It also provides a process for informal Commission resolution of complaints that cannot be resolved by the company and the customer.

(2) Any customer of a Commission regulated company may file a complaint with the Division of Consumer Affairs whenever the customer has an unresolved dispute with the company regarding electric, gas, telephone, water, or wastewater service. The complaint may be communicated

orally or in writing. The complaint shall include the name of the company against which the complaint is made, the name of the customer of record, and the customer's service address. Upon receipt of the complaint, a staff member will determine if the customer has contacted the company and, if the customer agrees, will put the customer in contact with the company for resolution of the complaint using the transfer-connect system described in subsection (3), or by other appropriate means if the company does not subscribe to the transfer-connect system. If the customer does not agree to be put in contact with the company, for those companies subscribing to the transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the three-day complaint resolution process set forth in subsection (4). For those companies not subscribing to the transfer-connect system, the staff member will submit the complaint to the company for resolution in accordance with the provisions of subsection (5).

(3) Transfer-connect system.

(a) Each company subject to regulation by the Commission may provide a transfer-connect (warm transfer) telephone number by which the Commission may directly transfer a customer to that company's customer service personnel. When the transfer is complete, any further charges for the call shall be the responsibility of the company and not the Commission or the customer. Each company that subscribes to the transfer connect system must provide customer service personnel to handle transferred calls during the company's normal business hours and at a minimum from Monday through Friday, 9:00 a.m. to 4:00 p.m., Eastern time, excluding all holidays observed by the company.

(4) Complaints resolved within three (3) days.

Companies that subscribe to the transfer-connect system may resolve customer complaints within three days in the following manner:

(a) The Commission staff member handling the complaint will forward a description of the complaint to the company for response and resolution. The three day period will begin at 5:00 p.m. on the day the information is sent to the company and end at 5:00 p.m. on the third day, excluding weekends and holidays. If the company satisfactorily resolves the complaint, the company shall notify the staff member of the resolution.

(b) The Commission will contact the customer to confirm that the complaint has been resolved. If the customer confirms that the complaint has been resolved, the complaint will not be reported in the total number of complaints shown for that company in the Commission Consumer Complaint Activity Report. However, the Commission will retain the information for use in enforcement proceedings, or for any other purpose necessary to perform its regulatory obligations.

(c) If the customer informs the Commission staff member that the complaint has not been resolved, the Commission will notify the company and require a full report as prescribed in subsection (5).

(d) For purposes of this subsection a complaint will be considered "resolved" if the company and the customer indicate that the problem has been corrected, or the company and the customer indicate that they have agreed to a plan to correct the problem.

(5) Complaints not resolved within three days.

If the customer does not agree to contact the company directly, if the customer is not satisfied with the company's proposed resolution of the complaint, or if the company does not subscribe to the transfer-connect system, a Commission staff member will investigate the complaint and attempt to resolve the dispute in the following manner:

(a) The staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) working days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint.

(b) The staff member investigating the complaint may request copies of bills, billing statements, field reports, written documents, or other information in the participants' possession that may be necessary to resolve the dispute. The staff member may perform, or request the company to perform, any tests, on-site inspections, and reviews of company records necessary to aid in the resolution of the dispute.

(6) During the complaint process, a company shall not discontinue service to a customer because of any unpaid disputed bill. However, the company may require the customer to pay that part of a bill which is not in dispute. If the company and the customer cannot agree on the amount in dispute, the staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the company may discontinue the customer's service pursuant to Commission rules.

(7) The staff member will propose a resolution of the complaint based on the information provided by all participants to the complaint and applicable statutes and regulations. The proposed resolution may be either oral or written. Upon request, either participant shall be entitled to a written copy of the proposed resolution.

(8) Informal Conference. If a participant objects to the proposed resolution the participant may request an informal conference on the complaint.

(a) The request for an informal conference shall be in writing and filed with the Division of Consumer Affairs within 30 days after the proposed resolution is sent to the participants.

(b) When the request for an informal conference is received, the Director of the Division of Consumer Affairs will assign a Commission staff member to process the request for an informal conference. The staff member will advise the participants to complete Form X (PSC/CAF Form X), incorporated by reference herein, and return the form to the Commission within fifteen (15) days. A copy of Form X may be obtained from the Division of Consumer Affairs. At a minimum, the participants shall provide the following information on the form:

1. A statement describing the facts that give rise to the complaint;

2. A statement of the issues to be resolved; and

3. A statement of the relief requested.

The informal conference shall be limited to the complaint and the statement of facts and issues identified by the participants in the form. The Commission staff will notify the requesting participant that the request for an informal conference will be denied if the requesting participant's form is not received within the 15 days.

(c) The Director of the Division will review the statements and either appoint a staff member to conduct the informal conference, or make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis upon which relief may be granted.

(d) If a conference is granted, the staff member appointed to conduct the conference shall not have participated in the investigation or proposed resolution of the complaint.

(e) After consulting with the participants, the staff member will send a written notice to the participants setting forth the unresolved issues, the procedures to be followed at the informal conference, the dates by which written materials are to be filed, and the time and place for the conference. The conference may be held by telephone conference, video teleconference, or in person, no sooner than ten days following the notice.

(f) At the conference, the participants shall have the opportunity to present information, orally or in writing, in support of their positions. During the conference, the staff member may encourage the parties to resolve the dispute. The Commission will be responsible for tape-recording, but not transcribing, the informal conference. A participant may arrange for transcription at his own expense.

(g) The staff member may permit any participant to file additional information, documentation, or arguments. The opposing participant shall have an opportunity to respond.

(h) If a settlement is not reached within 20 days following the informal conference or the last post-conference filing, whichever is later, the staff member shall submit a recommendation to the Commission for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(i) If the Director denies the request for an informal conference, the participants shall be notified in writing. Within 20 days of giving notice, the staff shall submit a recommendation for consideration at the next available Agenda Conference. Copies of the recommendation shall be sent to the participants.

(j) The Commission will address the matter by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes.

(9) At any point during the complaint proceedings, a participant has the right to be represented by an attorney or other representative. For purposes of this rule a representative may be any person the party chooses, unless the Commission sets the matter for hearing. If the Commission sets the matter for hearing, the participants may be represented by an attorney or a qualified representative as prescribed in Rule 28-106.106, Florida Administrative Code, or may represent themselves. Each participant shall be responsible for his own expenses in the handling of the complaint.

(10) At any time the participants may agree to settle their dispute. If a settlement is reached, the participants or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on both participants, and that the participants waive any right to further review or action by the Commission. If the complaint has been docketed, the Division of Consumer Affairs shall submit the settlement to the Commission for approval. If the complaint has not been docketed, the Division will acknowledge the statement of settlement by letter to the participants.

(11) Record retention and auditing.

(a) All companies shall retain notes or documentation relating to each Commission complaint for two years, beginning when the complaint was first received.

(b) All companies shall file with the Commission, beginning 60 days after the effective date of this rule and monthly thereafter, a report that summarizes the following information for the preceding calendar month:

1. The total number of calls handled via transfer connect, including the customer's name, a brief description of the complaint, and whether or not the complaint was addressed;

2. The number of complaints handled under the three day complaint resolution procedure; and whether the complaint was resolved.

(c) The Commission shall have access to all such records for audit purposes.

Specific Authority 350.127(2), 364.19, 364.0252, 366.05, 367.121 FS. Law Implemented 364.01, 364.0252, 364.03(1), 364.183, 364.185, 364.15, 364.19, 364.337(5), 366.03, 366.04, 366.05, 367.011, 367.111, 367.121, 120.54, 120.569, 120.57, 120.573 FS. History—New 1-3-89, Amended 10-28-93,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pamela Johnson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 2, January 14, 2000

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, (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).

COMMISSION ON ETHICS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Review, Investigation and Hearing of Complaints	34-5
RULE TITLES:	RULE NOS.:
Investigation of Facts and Parties Materially Related to Complaint	34-5.0043
Action on Recommended Public Report or Recommended Order by the Full Commission	34-5.024
Award of Attorney's Fees in Complaints Filed Before January 1, 1995	34-5.029
Award of Attorney's Fees	34-5.0291

PURPOSE AND EFFECT: The Commission is amending or repealing rules in this chapter to make them consistent with the law and the Commission's current practices.

SUMMARY: The Commission's procedures for notifying a party materially related to a complaint are amended; procedures for Commission member participation after serving as a hearing officer are amended; obsolete attorney's fee petition provisions are repealed and current attorney's fee petition procedures are amended.

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 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: 112.322(10) FS.
 LAW IMPLEMENTED: Art. II, Sec. 8(f),(h), Fla. Const., 112.312, 112.317(8), 112.322, 112.324 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2000
 PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-5.0043 Investigation of Facts and Parties Materially Related to Complaint.

The Commission has the duty to investigate all facts and parties materially related to the complaint at issue.

(1) through (3) No change.

(4) Whenever the investigation of the complaint at issue indicates the existence of a party materially related to the complaint, the Executive Director shall order an investigation of that party. The investigator shall maintain a separate investigatory file and prepare a separate investigative report, neither of which shall be made available to the complainant or to the original respondent. The Advocate may recommend and the Commission may order a public hearing as to those violations of Art. II, Sec. 8, Fla. Const., or the Code of Ethics which are indicated by the investigator's report to have been committed by such a party. Separate proceedings from the original complaint at issue shall be commenced against such a party, who shall be deemed a "respondent," by sending to that person a copy of the Executive Director's order to investigate investigator's report and the Advocate's recommendation not less than 14 days prior to the hearing under Rule 34-5.006. From the date the investigation is ordered that hearing until final disposition of the matter, the charges against such a party (respondent) shall be treated as if they had been included in a complaint filed against such party. A separate public hearing shall be held on the matter unless consolidation with the original complaint is ordered as provided in Rule 34-5.016.

Specific Authority 112.322(10) FS. Law Implemented Art. II, Section 8(f),(h), Fla. Const., 112.322, 112.324 FS. History—New 2-16-95, Amended _____.

34-5.024 Action on Recommended Public Report or Recommended Order by the Full Commission.

(1) through (3) No change.

~~(4) A Commission member who participated in the hearing may participate with the full Commission in the formulation of the final public report.~~

Specific Authority 112.322(10) FS. Law Implemented Art. II, Section 8(f),(h), Fla. Const., 112.322, 112.324 FS. History—New 2-16-95, Amended 7-28-98, _____.

34-5.029 Award of Attorney's Fees in Complaints Filed Before January 1, 1995.

Specific Authority 112.322(10) FS. Law Implemented 112.317(8), 112.322, 112.324 FS. History--New 4-7-77, Amended 7-13-80, 6-10-81, Formerly 34-5.29, Amended 2-19-91, 2-16-95, Amended 7-28-98, Repealed.

~~34-5.0291 Award of Attorney's Fees in Complaints Filed After January 1, 1995.~~

~~This rule is applicable to complaints filed with the Commission after January 1, 1995.~~

(1) If the Commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of the Code of Ethics, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

(2) through (3) No change.

(4) The respondent has the burden of proving the grounds for an award of costs and attorney's fees ~~by a preponderance of the evidence presented at the hearing.~~

(5) through (6) No change.

~~(7) A Commission member who participated in the hearing may participate with the full Commission in the formulation of the final order.~~

Specific Authority 112.322(10) FS. Law Implemented 112.317(8), 112.322, 112.324 FS. History--New 2-16-95, Amended 7-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rules Committee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Filing Full and Public Disclosure of Financial Interests Pursuant to Article II, Section 8, Florida Constitution
RULE CHAPTER NO.: 34-8

RULE TITLES: General Rule for Filing Full and Public Disclosure of Financial Interests
Choosing to File Copy of Income Tax Return
RULE NOS.: 34-8.002
34-8.007

PURPOSE AND EFFECT: The Commission is amending two rules in this chapter to make them consistent with current law and the Commission's practices.

SUMMARY: Reference is made to the form the Commission has promulgated for the filing of full and public disclosure, and the timeframe for filing an amended income tax return is deleted.

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 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: Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.322(10), 120.53(1) FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.3144 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-8.002 General Rule for Filing Full and Public Disclosure of Financial Interests.

Every person who, on or after January 4, 1977, holds an office specified in Rule 34-8.003, F.A.C., must file with the Secretary of State by July 1 of each year during which he or she is in office a sworn statement showing net worth, assets and liabilities on the form prescribed by the Commission which substantially complies with the form prescribed by the Commission in Rule 34-8.004, CE Form 6, adopted by reference in Rule 34-7.010(1)(c), Florida Administrative Code, together with either a copy of the person's most recent federal income tax return, including all attachments, or the completed income disclosure portion of the sworn statements specified in Rule 34-8.005, CE Form 6. A candidate for an elective office specified in Rule 34-8.003 or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

Specific Authority Art. II, Section 8(h) Fla. Const., 112.322(10), 120.53(1) FS. Law Implemented Art. II, Section 8(a),(h) Fla. Const., 112.3144 FS. History--New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, _____.

34-8.007 Choosing to File Copy of Income Tax Return.

(1) No change.

(2) If a reporting official has filed a copy of his or her most recent federal income tax return with the Secretary of State in lieu of disclosing his sources of income pursuant to this chapter and that return is amended voluntarily, adjusted through I.R.S. examination or altered in any other way, the official shall file with the Secretary of State a copy of such amended, adjusted or altered return ~~within 30 days~~ following its filing with the I.R.S.

Specific Authority Art. II, Section 8(f),(h), Fla. Const., 112.322(10), 120.53(1) FS. Law Implemented Art. II, Section 8(a),(h), Fla. Const. History--New 5-17-77, Formerly 34-8.07, Amended 8-7-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Rules Committee

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 31, 2000

COMMISSION ON ETHICS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Review, Investigation and Hearing of Matters Reported by Comptroller 34-11

RULE TITLES: RULE NOS.:

Scope and Applicability of Chapter 34-11.001

Time Periods 34-11.0015

Filing and Serving Documents;

Facsimile Transmissions 34-11.0016

Presiding Officer 34-11.0017

Staff Procedures Upon Receipt of

Report from Comptroller 34-11.002

Delegation of Authority 34-11.0035

Subpoenas During Preliminary Investigation 34-11.004

Investigations 34-11.005

Counsel 34-11.006

Probable Cause Notification 34-11.007

Notification of Manner of Disposition 34-11.008

Procedures for Public Hearings, Generally 34-11.010

Disqualification of Commission Members 34-11.017

Ex Parte Communications 34-11.0171

Stipulations, Settlements, and Consent Orders 34-11.020

Action on Recommended Final Order by

the Full Commission 34-11.024

Transmittal of Final Order 34-11.025

PURPOSE AND EFFECT: The Commission is repealing the rules in this chapter.

SUMMARY: The Commission's authority to promulgate rules for proceedings brought by the Comptroller pursuant to Section 287.175, F.S., has not been established. Therefore, these rules are being repealed.

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 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: 112.322(10) FS.

LAW IMPLEMENTED: 112.317, 112.322, 112.324, 287.175 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-11.001 Scope and Applicability of Chapter.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.01, Repealed _____.

34-11.0015 Time Periods.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 2-16-95, Amended 7-28-98, Repealed _____.

34-11.0016 Filing and Serving Documents; Facsimile Transmissions.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 2-16-95, Amended 7-28-98, Repealed _____.

34-11.0017 Presiding Officer.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 7-28-98, Repealed _____.

34-11.002 Staff Procedures Upon Receipt of Report from Comptroller.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.02, Amended 2-16-95, Repealed _____.

34-11.0035 Delegation of Authority.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 2-16-95, Amended 7-28-98, Repealed _____.

34-11.004 Subpoenas During Preliminary Investigation.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.04, Amended 7-28-98, Repealed _____.

34-11.005 Investigations.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.05, Amended 2-16-95, 7-28-98, Repealed.

34-11.006 Counsel.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.06, Amended 2-16-95, 7-28-98, Repealed.

34-11.007 Probable Cause Determination.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.07, Amended 2-16-95, 7-28-98, Repealed.

34-11.008 Notification of Manner of Disposition.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.08, Repealed.

34-11.010 Procedures for Public Hearings, Generally.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.10, Amended 2-16-95, 7-28-98, Repealed.

34-11.017 Disqualification of Commission Members.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.17, Amended 2-16-95, Repealed.

34-11.0171 Ex Parte Communications.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.171, Amended 2-16-95, Repealed.

34-11.020 Stipulations, Settlements, and Consent Orders.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.20, Amended 2-16-95, 7-28-98, Repealed.

34-11.024 Action on Recommended Final Order by the Full Commission.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 2-16-95, Amended 7-28-98, Repealed.

34-11.025 Transmittal of Final Order.

Specific Authority 112.322(10) FS. Law Implemented 112.317, 112.322, 112.324, 287.175 FS. History--New 8-27-85, Formerly 34-11.25, Amended 7-28-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rules Committee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2000

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Executive Branch Lobbyist Registration
RULE CHAPTER NO.: 34-12

RULE TITLES: Purpose and Scope of Rules
DEFINITIONS: 34-12.010
34-12.020

Agency Officers and Employees as "Lobbyists" 34-12.130
Probable Cause Hearing 34-12.750

PURPOSE AND EFFECT: The Commission is amending rules in this chapter to make them consistent with current law and the Commission's practices.

SUMMARY: References to the Constitution Revision Commission are included as an agency for which lobbyists must register under Section 112.3215, F.S. Additionally, the Commission's current practice for probable cause proceedings and the complainant's participation therein is promulgated in the rule.

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 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: 112.3215, 112.322(10) FS.

LAW IMPLEMENTED: 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-12.010 Purpose and Scope of Rules.

(1) No change.

(2) The rules of this Chapter shall apply to the functions and proceedings of the Commission on Ethics under Section 112.3215, Florida Statutes, including registration of persons who lobby agencies of the Executive Branch or the Constitution Revision Commission, reports which must be filed by such persons and their principals, opinions which may be requested from the Commission concerning the application of Section 112.3215, Florida Statutes, and proceedings involving complaints of a violation of the provisions of Section 112.3215, Florida Statutes. The rules do not apply to any of the other functions of the Commission under Article II, Section 8,

Florida Constitution, under Part III, Chapter 112, Florida Statutes, or under provisions of law other than Section 112.3215, Florida Statutes.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 1-4-94,_____.

34-12.020 Definitions.

As used in this Chapter, unless the context otherwise requires:

(1) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch, or the Constitution Revision Commission.

(2) through (8) No change.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 1-4-94,_____.

34-12.130 Agency Officers and Employees as "Lobbyists".

An agency officer or employee is excluded from being a "lobbyist" when lobbying in behalf of the agency which he serves in the normal course of his duties. ~~However, an agency officer or employee who lobbies the Florida Legislature may be considered a lobbyist for purposes of Section 11.061, F.S., and legislative rules adopted pursuant thereto.~~

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended 1-4-94,_____.

34-12.750 Probable Cause Hearing.

(1) No change.

(2) Scope of Hearing. The probable cause hearing is the conclusion of the preliminary investigation. ~~The Respondent and the Advocate shall be permitted to make brief oral statements in the nature of oral argument to the Commission, based on the investigator's report, before the probable cause determination. The Commission's determination shall be based upon the investigator's report, the Advocate's recommendation, the complaint, and staff recommendations, as well as any written statements submitted by the respondent and any oral statements made at the hearing. No testimony or other evidence will be accepted at the hearing. Complainant shall be entitled to attend the hearing for the sole purpose of permitting them an opportunity to make a statement to the Commission based on the report of investigation before the Commission determines probable cause. The determination shall be based only on the evidence contained in the report of investigation. Neither the Respondent nor the Complainant may call witnesses or present evidence at the probable cause hearing.~~

(3) No change.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS. History—New 10-12-89, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rules Committee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Gifts and Honoraria
RULE CHAPTER NO.: 34-13
RULE TITLES: Specific Examples of What May

Constitute a Gift 34-13.212

Specific Examples of What Does Not Constitute a Gift 34-13.214

"Procurement Employee" Defined 34-13.250

Quarterly Gift Disclosure for Lobbyists and Others 34-13.420

Gift Valuation 34-13.500

PURPOSE AND EFFECT: The Commission is amending rules in this chapter to make them consistent with current law.
SUMMARY: The statutory definitions of what are and are not gifts are included in this rule, as well as statutory valuation principles. Other amendments include correcting the reference to the Department of Business and Professional Regulation, and the reference to the Office of Legislative Services, which replaced the Joint Legislative Management Committee.

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 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: 112.322(10)(b) FS.

LAW IMPLEMENTED: 112.312, 112.3148, 112.3149 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-13.212 Specific Examples of What May Constitute a Gift.

A "gift" may include, but is not limited to, any of the following:

(1) through (6) No change.

(7) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.

(8) Food or beverage, ~~other than that consumed at a single sitting or event.~~

(9) through (14) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended.

34-13.214 Specific Examples of What Does Not Constitute a Gift.

The following are specifically excluded from being a "gift:"

(1) No change.

(2) Contributions or expenditures reported pursuant to the campaign financing law (Chapter 106, F.S.), campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party as long as it is not an indirect gift from a prohibited source.

(3) through (5) No change.

~~(6) Food or beverage consumed at a single sitting or event.~~

~~(6)(7)~~ The use of a public facility or public property, made available by a governmental entity, for a public purpose.

(7) Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

(8) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended.

34-13.250 "Procurement Employee" Defined.

A "procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of State government who participates in the procurement of contractual services or commodities costing more than \$1,000 in any year through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity.

(1) No change.

(2) "Contractual service" means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to: evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services,

such as services rendered by architects, engineers, and other professionals regulated by the Department of Business and Professional Regulation, as well as attorneys regulated by the Supreme Court of Florida. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255, F.S.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended.

34-13.420 Quarterly Gift Disclosure for Lobbyists and Others.

(1) through (4) No change.

(5) The Commission shall promulgate CE Form 30, Donor's Quarterly Gift Disclosure, for use in making the disclosures required under this rule. CE Form 30 shall be filed with the Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the form shall be filed with the Office of Legislative Services Joint Legislative Management Committee.

(6) through (9) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History--New 4-16-92, Amended 2-27-95, _____.

34-13.500 Gift Valuation.

In addition to the provisions contained in Section 112.3148(7), F.S., a donee shall use the following rules to determine the value of a gift received from a donor:

(1) "Actual cost to the donor" as stated in Section 112.3148(7)(a), F.S., means the price paid by the donor which enabled the donor to provide the gift to the donee, excluding taxes and gratuities. Where the donor engages in the business of selling the item or service, other than personal services, that is provided as a gift, the donor's "actual cost" includes the total costs associated with providing the items or services divided by the number of units of goods or services produced.

(2) through (4) No change.

(5) A ticket, entrance fee, or admission fee, such as a golf greens fee, which admits the donee to an event, function, or activity, is valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater consistent with the provisions contained in Section 112.3148(7)(h), F.S., notwithstanding whether food or beverages are served at the event.

(a) through (e) No change.

(6) through (7) No change.

(8) Food and beverages consumed at a single sitting or meal are a single gift and are valued together.

(9) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization benefiting from the contribution.

(10) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 12.3148 FS. History—New 4-16-92, Amended 7-5-92, 2-27-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julia Cobb Costas, Staff Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rules Committee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: Applicability
PURPOSE AND EFFECT: The goal and effect of the proposed rule amendment is to remove all references to Redeterminations.

RULE NO.: 60Y-4.001

SUMMARY: The proposed rule amendment will update the current rule by removing all references to Redeterminations.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 760.06(12), 760.11(14) FS.
LAW IMPLEMENTED: 760.02, 760.03, 760.05, 760.06, 760.07, 760.10, 760.11 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: 10:00 a.m., May 30, 2000
PLACE: Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dana Baird, General Counsel, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)488-7082, Ext. 1035

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-4.001 Applicability.

(1) No change.

(2) This chapter shall not apply to Complaints (Rule 60Y-5.001); Agreements for Referral of Complaints (Rule 60Y-5.002); Investigation of Complaints (Rule 60Y-4.004); Conciliation (Rule 60Y-5.005); Administrative Dismissal (Rule 60Y-5.006); or ~~Redetermination (60Y-5.007)~~; except as provided in subsection (3).

(3) No change.

(4) No change.

Specific Authority 760.06(12), 760.11(14) ~~420.53, 760.06(13)~~ FS. Law Implemented ~~420.53, 760.02, 760.03, 760.05, 760.06, 760.07, 760.10, 760.11~~ FS. History—New 11-2-78, Formerly 9D-8.01, Amended 6-16-83, Formerly 22T-8.01, 22T-8.001, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dana Baird, General Counsel, Florida Commission on Human Relations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ronald McElrath, Executive Director, Florida Commission on Human Relations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Continuing Education as a Condition for Renewal
RULE NO.: 64B6-5.001

PURPOSE AND EFFECT: The Board determined to strike text from the rule because it will give the Department greater flexibility.

SUMMARY: The text setting the binnium period of this rule is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.2124, 455.564(8), 484.044, 484.047(1),(4) FS.

LAW IMPLEMENTED: 484.047(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C09, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.001 Continuing Education as a Condition for Renewal.

(1) As a condition of the biennial renewal of an active license, each hearing aid specialist shall attend and certify attending 20 credit hours (per biennium) of Board approved continuing education which are relevant to, and which enhance, the licensee's ability to dispense hearing aids. The biennium period begins March 1 and ends February 28 of each odd-numbered year. Board-approved means approved by a chairman-appointed committee of one, or as specified by Rule 64B6-5.002(1), F.A.C. Continuing education courses, or portions thereof, which are devoted to content areas other than those identified in Rule 64B6-2.003, or risk management, shall not be approved for continuing education credit. These certified hours shall include two hours per biennium relating to hearing aid laws and rules.

(2) No change.

Specific Authority 455.2124, 455.564(8), 484.044, 484.047(1),(4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.001, Amended 8-5-87, 4-8-90, 8-21-90, 8-19-91, Formerly 21JJ-5.005, Amended 11-20-95, Formerly 61G9-5.005, Amended 9-23-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES:	RULE NOS.:
Application and Examination Fee for Licensure by Examination; Review Fee	64B19-12.002
Application Fee for Licensure by Endorsement	64B19-12.004

PURPOSE AND EFFECT: Rules 64B19-12.002 and 64B19-12.004 are being amended to update the application fees and to accommodate increasing fiscal expenses.

SUMMARY: Adjustment to the application, examination, and licensure fee is being proposed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.564(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 455.564(2), 490.005(1)(a), 490.006(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) The application fee for licensure by examination is \$500.00 ~~\$250.00~~.

(2) In addition to the application fee specified above, each applicant for certification for examination shall simultaneously submit the examination fees. The examination fee for both parts of the examination is \$500.00 ~~\$485.00~~. An applicant who is certified as exempt from the first part of the examination shall be required to pay an examination fee of \$120.00, and the remainder of the full fee submitted will be returned to the applicant.

(3) through (4) No change.

Specific Authority 455.564(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 455.564(2), 490.005(1)(a) FS. History--New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98.

64B19-12.004 Application Fee for Licensure by Endorsement.

The application fee for a psychology license by endorsement is \$500.00 ~~\$250.00~~.

Specific Authority 490.004(4) FS. Law Implemented 490.006(1) FS. History--New 2-22-82, Amended 5-12-82, Formerly 21U-12.04, Amended 8-12-90, Formerly 21U-12.004, Amended 6-14-94, Formerly 61F13-12.004, Amended 1-7-96, Formerly 59AA-12.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2000

